



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
FIRST SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 64

Tuesday
23rd March, 2004

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Corrections of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, by telephone and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 23rd March, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings of Tuesday 16th March, 2004 is before the House. I have gone through them and to the best of my knowledge they are correct. However, I need hon. Members' comments.

Mr D. A. Anih (Enugu South): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of Tuesday, 16th March, 2004, and have found them to be very correct. I, therefore, move a Motion for the adoption of the Votes and Proceedings. Thank you, Sir.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I stand to second the Motion for the adoption of the Votes and Proceedings of Tuesday, March 16th 2004. Thank you, Sir.

Question put and agreed to.

Votes and Proceedings of Tuesday, 16th March, 2004, accordingly adopted.

ORDER OF THE DAY

PRESENTATION OF BILL

LOCAL GOVERNMENT LAW
AMENDMENT NO. 5, BILL
NO. 6, 2004

A Bill for a Law to Amend the Local Government Law 2000, presented by the Leader of the House (*Mr Ehenyi*) and read the First time.

Mr Speaker: Honourable Colleagues, the Local Government Law Amendment No. 5, Bill No. 6, 2004 has now being read for the First time.

Leader: Mr Speaker, Sir, now that the Bill has been presented to the House, may I now move that the Bill be read the Second time. Thank you, Sir.

Deputy (Mr Anikwe): Thank you, Mr Speaker, Sir. I rise to Second the Motion for the Second reading of the Bill as moved by the Leader of the House (*Mr Ehenyi*). Thank you.

Leader: Mr Speaker, Sir, hon. Colleagues, the Bill before this honourable House, is the Local Government Law amendment No. 5, Bill No. 6, 2004. This is a Bill that seeks to amend sub-section 3 of Section 17 of the Local Government Law by reducing the tenure of office of the Local Government Chairmen and Councilors to two years. Mr Speaker, hon. Colleagues, before now the tenure of office of local government Chairmen

and Councilors was three years. If this Bill is passed by the House, it will reduce their tenure to two years.

We are all aware of what happened during last year's election, 2003. The whole elections were held in the same year, that of the President, the Governors and those of the state and national Assemblies. This led to lots of struggles by the contestants to hold their positions. Everybody, both the local government Chairmen, were all struggling to hold their positions; the Governors, and even the National Assembly Members, plus those of the State House of Assembly were all struggling to hold their positions.

Following these developments, we now want to reduce the number of years to be tenured by local government Chairmen and Councillors, instead of three years, we now have two years. If this is passed into law, it now means that after the present election, in 2006 we are going to have another local government elections. This means that local government elections has one year to settle down before the general elections. This will drastically ensure a peaceful and less violent and hitch-free elections in 2007.

Mr Speaker, Sir, you are aware that some States have already reduced the tenure of office of local government Chairmen and Councillors from three years to two years. Our State should not be left behind. We have to join other States in the adjustment, so that

we shall have peaceful general elections come 2007. I, therefore, urge Mr Speaker, and my hon. Colleagues to strongly support the passage of this Bill so that it will sail through. Thank you, Sir.

Deputy Leader: Mr Speaker, Sir, hon Colleagues, we have carefully listened to the points adduced by the hon Leader of the House (*Mr Ehenyi*) on the principal merits of this all important amendment. The intendment of the amendment as sought by the Leader, can only be appreciated when one underscores the importance of stability in our national polity. A critical appraisal of the amendment will show a separation of local government election from the general election. We are also reducing the tenure of the 3rd tier administration in Enugu State to 2 years, and if so, it will guarantee a different year for elections into the Local Government Council, other than the year of the general elections. By this statement, I mean if a functional Council is elected this year, the tenure will expire in year 2006, and this will surely give room for preparation of general elections in 2007.

More so, this 2-year tenure will make the local government administration to be more resourceful and more result oriented. It will also guarantee easy and quicker articulation of programmes and policies at the Local Government level. Mr Speaker, Sir, with this, I most humbly urge my Colleagues to join

hands and see that this Bill is passed. Thank you.

Mr F. Amu (Nsukka East): Mr Speaker, Sir, I rise to align myself with the last speaker, it is really in Nigeria today that unemployment is creating problems. If the tenure of office of local government officials is two years, it will generate employment for few unemployed youths. At the same time, it will eradicate poverty. And I strongly believe that this Bill, if passed, will facilitate the terminal objective of the Government in eradicating poverty. So I strongly support the Bill in its entirety. Thank you.

Mr A. Chigbo (Uzo-Uwani): Mr Speaker, Sir, the summary is that the merits of this amendment outweighs its demerits. I, therefore, move that the Question be put. Thank you, Mr Speaker.

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

Main Question put and agreed to.

Bill accordingly read the Second time.

Mr Speaker: Honourable Colleagues, the Local Government Law Amendment No. 5, Bill No. 6, 2004 has now sailed through the Second reading. I immensely thank hon. Members for their contributions.

Leader: Mr Speaker, Sir, hon Colleagues, I rise to move that the House resolves into a Committee of the Whole House to enable hon Members consider the amendment Bill. Thank you.

Mr Chigbo: Mr Speaker, Sir, I rise to second the Motion moved by the hon Leader of the House (*Mr Ehenyi*) Thank you.

Question put and agreed to.

**LOCAL GOVERNMENT LAW
(AMENDMENT NO. 5) BILL
NO. 6, 2004**

**A Bill for a Law to amend the
Local Government Law 2000.**

(Considered in the Committee of the
Whole House)

The Chairman: Honourable Colleagues, let us suspend the Title, Enactment and Date of Commencement. Let us start with Clause 2.

The amendment is that we should substitute the expression *3 years* with the expression *2 years* after the word *of* in line 3 of the said law.

Clause 2 – *as amended ordered to stand part of the Bill.*

Title – *agreed to*

Enactment – *agreed to*

Citation and
Date of Commencement:

Mr Chairman: This Law is expected to come into force from the 1st of March, 2004.

Citation and Date of
Commencement: - *agreed to*

Mr Speaker resumed the Chair

Leader: Mr Speaker, may I humbly move that the Bill as amended, be now read the Third time.

Bill accordingly read the third time and passed

Mr Speaker: Honourable Colleagues, the Local Government Law (Amendment No. 5), Bill No. 6, 2000, having sailed through the First reading, the Second reading and, of course, the Third reading has now been passed. I humbly wish to express my happiness to every one of us for the various contributions towards the immediate passage of this amendment. More especially, I wish to commend the Clerk of the House and, of course, the other Table Officers because yesterday, when this document came, we tried as much as possible to put them together within a very short period. I thank everyone for their wonderful contributions and those who spoke during the debate. I thank them very much. May God bless everyone of us. To God be the Glory.

ANNOUNCEMENT

Inaugural Meeting

Mr Speaker: The Chairman, House Committee on House Services, is requesting for Members attention to the inauguration of the Committee on House Services on the rising of the House.

Venue: Room 103, the Chairman's office.

Elections

Honourable Colleagues, we are aware that the elections into Local Government Councils will take place on Saturday, 27th day of March, 2004 in the whole federation. I pray that the Almighty God will see us through.

I appeal to everyone of us to go home and ensure that we return our Local Governments. Of course, I believe that we are going to have a very level playing ground during the elections. I am appealing that everybody will try as much as possible to comport himself during the election.

As Law Makers we are expected to live up to expectations. We should not be Law Makers and at the same time Law Breakers. We have to abide by the rules of the game. On this note, I wish everyone of us success on Saturday. God bless all of us.

We are equally aware that one of us is contesting the election. Hon Ezema Fidelis, I hope ... or is he no longer one of us? He was one of us. One time a Member of this House and I believe, I have not declared his seat vacant.

However, he has complied with all the requirements. So I wish him all the best.

ADJOURNMENT

Leader: Mr Speaker, hon Colleagues, in line with the announcement which has just been made with regard to the Local Government Election, I hereby move that his House do now adjourn till Tuesday 30th March, 2004 at 10a.m. to enable Members participate actively in the Local Government Election.

Thanks to GSM Network

Mr A. Chigbo (Uzo-Uwani): Mr Speaker, my respected Colleagues, in seconding the Motion on Adjournment as moved by the hon Leader of this great Parliament, permit me to use this single opportunity to thank the GSM Communication Network.

Mr Speaker, I am grateful to inform you that something that has never happened in my area before I was born is happening today. Mr Speaker, in Uzo-Uwani, right in my bed-room I can tell you that I now talk from Uvuru. Mr Speaker, it is with joyful mood that I ask my Colleagues, more especially,

this great Parliament to help me thank the GSM Communication Network for the job well done in Nsukka Zone. Thank you, very much.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 30th March, 2004, at 10 a.m.

Adjourned accordingly at 12.35 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
FIRST SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 65

Tuesday
30th March, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 30th March, 2004

(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 64 dated Tuesday 23rd March, 2004 are before the House. I have gone through them, and found them to be correct. However, I welcome hon. Members' comments.

Mr J. N. Anichukwu (Nkanu East): Mr Speaker, I have equally gone through the Votes and Proceedings and found them to be correct. I therefore, move for its adoption. Thank you.

Mr E. C. Maduabu (Awgu South): Mr Speaker, I have risen to second the Motion as moved by the hon. Member for Nkanu East (*Mr Anichukwu*).

Question put and agreed to.

Votes and Proceedings of Tuesday, 23rd March, 2004 accordingly adopted.

ANNOUNCEMENT

Inauguration

Mr Speaker: The House Committee on Public Accounts and Anti-Corruption will have its inauguration. Date: Tuesday, 30th March, 2004. Venue: Chairman's Office, room 219. Signed: Mr Anichukwu, John Nwankwo.

There will be an inaugural meeting of the House Committee on Commerce and Industry on Tuesday, 30th March, 2004 on the rising of the House at room 09. All Members are expected to attend and on time.

Please, we meet in my office on the rising of the House. It will not take up to five minutes. It will not last longer than that, please.

Congratulations

I wish to say congratulations to everyone of us on our gallant efforts during the last weekend elections that is, Local Government Elections. I say thank you and congratulations to everyone of us, at least, for the first judgement which took place a while ago between His Excellency, the Governor and Ugochukwu Agballa. The Tribunal upheld the election of Dr. Chimaroke Nnamani as the Governor of Enugu State. I say, congratulations to everyone.

ADJOURNMENT

Deputy Leader: Mr Speaker, I have risen to move that this honourable House do now adjourn until Thursday, 1st April, 2004 at 10 a.m. Thank you.

Mr C. Ugwu (Nkanu East II): I have risen to second the Motion as moved by the Deputy Leader of the House. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn until Thursday, 1st April, 2004 at 10 a.m.

Adjourned accordingly at 4.10 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
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ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 66

Thursday
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Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 1st April, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before us are Votes and Proceedings No. 65 of Tuesday, 30th March, 2004. I have gone through them and found them to be correct. However, I need hon. Members' comments.

Mr E. C. Maduabu (Awgu South): Mr Speaker, Sir, I have as well gone through the Votes and Proceedings of our last sitting and found them to be correct, as the true reflection of what we discussed that day. I, therefore, move for the adoption.

Mr J.N. Anichukwu (Nkanu East): Mr Speaker, Sir, I have risen to second the Motion. Thank you.

Question put and agreed to:

Votes and Proceedings of Tuesday, 30th March, 2004 accordingly adopted.

ANNOUNCEMENT

Mr Speaker: I humbly wish to appeal to every one of us, if we watch our Order Paper, these few days, they appear to be very empty. I urge Members to try as much as possible to make us start having rich Order Paper. I am aware there are some Bills in various stages or yet to be published. Please hon. Members can go to the Clerk to sort out all the necessary requirements so that the Bills can be published. So we can handle such Bills.

Congratulations

Honourable Members will meet in my office for a short meeting. More importantly, on the tribunal on the petition filed by Dr Fidel Ayogu against Dr Chimaroke Nnamani and also another petition by APGA candidate for Enugu West was dismissed yesterday. I say congratulations to everyone of us. This has proved that the Judiciary is the last hope of the common man. I thank God for everyone and I say to God be the glory.

Inaugural Meetings

The House Committee on Petroleum and Environmental Management will be having inauguration today on the rising of the House, Room 214, Chairman's Office.

House Committee on Land, Housing, Works and Transport will be inaugurated today on the rising of the House, Chairman's office, Room 119.

ADJOURNMENT

Deputy Leader (*Mr Anikwe*): Mr Speaker, Sir, may I move that the House do now adjourn till Tuesday, 6th April, 2004 at 10a.m.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, I have risen to second the Motion.

Question put and agreed to:

Resolved: That the House do adjourn till Tuesday, 6th April, 2004 at 10a.m.

Adjourned accordingly at 12.05 p.m.



ENUGU STATE OF NIGERIA
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ENUGU STATE HOUSE OF ASSEMBLY

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No. 67

Tuesday
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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday 6th April, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, before us are our Votes and Proceedings No. 66 dated Thursday 1st April, 2004. I have gone through them and found them to be correct. However, I need your comments.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, the Votes and Proceedings of Thursday 1st April, 2004 have been before us, I have gone through them and found them to be correct. On that note, Mr Speaker, I move for their adoption.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, I rise to second that Motion as moved by the hon. Member for Nsukka West (*Mr Onah*).

Question put and agreed to.

Votes and Proceedings of Thursday, 1st April, 2004 accordingly adopted.

ANNOUNCEMENT

Mr Speaker: Honourable Colleagues, I have a letter before me. This letter is from the former Chief

Whip of this honourable House, hon. Fidelis U. Ezema. It reads:

*Ibagwa Aka,
Igboeze South Local
Government Area,
042 - 454870
24th February, 2004*

*The Hon. Speaker,
Enugu State House of Assembly,
Enugu.*

Mr Speaker, Sir,

*Notice of Resignation as a Member
of Enugu State House of Assembly*

I do hereby convey to you notice of my resignation as an elected member and sworn-in of Enugu State House of Assembly in accordance with Section 309 Sub-section 7 of the Constitution of the Federal Republic of Nigeria, 1999.

I have elected to resign as the Member representing Igbo-Eze South Constituency in this hon. House for some personal reasons, with effect from 24th of February, 2004.

Sir, may I use this medium to convey my gratitude to the good people of Igboeze South constituency for the honour done to me by re-electing me to represent them in this Legislative House.

My special thanks shall also go to all the Principal Officers and Members of this honourable House for re-electing me as the Chief Whip, and for all their support and friendship.

It is my fervent hope that you sustain the reign of peace in the House and uphold the high level of integrity which the House has established.

Thank you, and may God bless you.

Yours faithfully,

*Hon. Fidelis U. Ezema
Chief Whip
Enugu State House of
Assembly.*

Deputy Speaker (Mr Atigwe): Mr Speaker, you said Section 309?

Mr M. O. Onyeze (Igbo-Eze North I): Mr Speaker, Section 309 is Citizenship (*Laughter*).

Mr Speaker: I am surprised. I am looking for it there, but it is not there (*Laughter*).

Deputy Leader (Mr Anikwe): Mr Speaker can go ahead!

Mr Onyeze: Mr Speaker, what Section of the Constitution is the correct one?

Mr Speaker: It is Section 109.

Honourable Colleagues, that was the letter from the Chief Whip (*Mr Ezema*).

Mr Speaker: Honourable Colleagues, I will go to Section 109 of the Constitution of the Federal Republic of Nigeria, 1999, as applicable to the

issue before the House Section 109 of the Constitution reads:

(1) *A member of a House of Assembly shall vacate his seat in the House if:*

- a) he becomes a member of another legislative house;*
- b) any other circumstances arise that, if he were not a member of that House, would cause him to be disqualified for election as such a member;*
- c) he ceases to be a citizen of Nigeria;*
- d) he becomes President, Vice-President, Governor, Deputy Governor or a Minister of the Government of the Federation or a Commissioner of the Government of a State or a Special Adviser;*
- e) save as otherwise prescribed by this Constitution, he becomes a member of a commission or other body established by this Constitution or by any other law;*
- f) without just cause he is absent from meetings of the House of Assembly for a period amounting in the aggregate to more than one-third of the total number of days during which the House meets in any one year;*
- g) being a person whose election to the House of Assembly was sponsored by a political party, he*

becomes a member of another political party before the expiration of the period for which that House was elected; Provided that his membership of the latter political party is not as a result of a division in the political party of which he was previously a member or of a merger of two or more political parties or factions by one of which he was previously sponsored; or

- h) the Speaker of the House of Assembly receives a certificate under the hand of the Chairman of the Independent National Electoral Commission stating that the provisions of Section 110 of this Constitution have been complied with in respect of the recall of the member.*

Honourable Colleagues, in view of Section 109 sub-section I (c), I hereby declare the seat of the hon. Member for Igbo-Eze South / Chief Whip (*Mr Fidelis Ezema*) vacant. In view of this development, I request the Clerk of the House to inform the Independent National Electoral Commission (INEC) officially for them to arrange for a bye-election for his replacement. Thank you.

ANNOUNCEMENT

Inaugural meeting

Mr Speaker: The House Committee on Education, Science and Technology,

will have its inaugural meeting today, 6th April, 2004 in the Office of the Chairman (*Room 216*) on the rising of the House. Signed by Hon (Nze) Onyeze M. Chairman.

The House Committee on Women Affairs and Special Duties will have its inaugural meeting on the rising of the House, today 6th April, 2004. Venue Chairman's Office (*Room 12*). Signed by hon. (Mrs) Chika Eneh, Chairman.

ADJOURNMENT

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, may I move that this honourable House do now adjourn till Tuesday, 20th April, 2004 at 10 a.m. Thank you, Sir.

Mrs C. Eneh (Udi South): Mr Speaker Sir, I rise to Second the Motion for adjournment as moved by the Deputy Leader of the House. Thank you, Sir.

Mr Speaker: Honourable Colleagues, before I put the Question, I wish everyone of you a happy Easter Celebrations. I hope to get back to all of you before Friday. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday 20th April, 2004 at 10 a.m.

Adjourned accordingly at 12.42 p.m.



ENUGU STATE OF NIGERIA
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ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 68

Tuesday
20th April, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 20th April 2004

(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, I have gone through the Votes and Proceedings of Tuesday 6th April, 2004, and found the contents to be a true reflection of what transpired on that very day. However, Members are free to make their comments and observations, if any. Thank you.

Deputy Whip (Mr D. Agbo): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of Tuesday, 6th April, 2004, and found them to be correct. I therefore move for their adoption. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, having gone through the Votes and Proceedings of Tuesday, 6th April, 2004, I rise to second the Motion for the adoption of the Votes and Proceedings. Thank you.

Question put and agreed to.

Votes and Proceedings of Tuesday, 6th April, 2004, accordingly adopted.

ORDER OF THE DAY

Mr E. Odoh (Igboetiti East): Mr Speaker, Sir, may I seek the leave of this honourable House to suspend Order 25 of our Standing

Orders, to enable me move a Motion on the Communiqué of the Conference of the Governors of the South-East Geopolitical zone which met in Enugu on Friday, March 19, 2004. Thank you.

Mr J. N. Anichukwu (Nkanu East): Mr Speaker, Sir, I rise to second this important Motion as moved by the hon. Member for Igboetiti East (*Mr Odo*). Thank you.

Question put and agreed to.

MOTION MATTER OF URGENT
PUBLIC IMPORTANCE

Mr Odoh: Mr Speaker, Sir, this honourable House adopts as resolution the Communiqué of the Conference of the Governors of the South-East Geopolitical Zone, which met in Enugu on Friday, March 19th, 2004, and after full deliberation, reached the following:-

- 1) That the Governors of the South-East Zone restated their earlier position that it is the turn of the South-East Geo-political Zone to produce the next President of the Federal Republic of Nigeria, come 2007. Arising therefrom, the Governors condemned various analyses and permutations associating them with the Vice Presidency position within the same period. They have, therefore, resolved to mobilize their people towards the actualization of this goal.
- 2) The Governors reaffirmed their support for Ohaneze Ndigbo as the umbrella body of all Igbos and Commended the efforts of Ohaneze Leadership.

- 3) The Governors also acknowledged the efforts of the Federal Government to build a second Niger Bridge in Onitsha and are advocating the incorporation of a rail on the bridge.
- 4) The Governors acknowledged the heightened security situation in the country and called on the security Agencies to intensify their vigilance.
- 5) Finally they restated their earlier call for a state Police.

So Mr Speaker, may I seek your leave to stay aside pending when the Motion on the communiqué is seconded. Thank you.

Mr J. N. Anichukwu (Nkanu East): I have risen from my seat to second the Motion as moved by the hon. Member for Igbo Etiti East (*Mr Odo*).

Mr E. Odo (Igbo Etiti East): Mr Speaker, it is a known fact that the South East Geopolitical Zone otherwise known as Ndi-Igbo is an egalitarian society with a democratic and cultural background that stems from the origin of an Igbo man. The South East Geopolitical zone has been practising democracy prior to the advent of democracy in this country. That is why decision making in the clan sectors is being done by the *Umuadas*, that is the female adults that were married out of the clan system and then the *Umunnas*, these are the adult males within the clan system who take decisions on any issue that arise in the family circle.

One can safely say that, just like democracy is founded in Greek world, democracy in Nigeria is founded in the South

East zone. Mr Speaker, you will recall that since Independence, Nigeria has had civilian regime that favoured the Northern Zone of this country as at 1979 to some later part of 1983 and as at 1999 to date, the South West has been a beneficiary of the political system in this country. Mr Speaker, you will recall that we have three major big groups in this country. We talk of Hausa, Igbo and Yoruba. So it will be nice for this House to agree that come 2007, the country will be doing a great service or a great equality to the average Nigerian by zoning the Igbo Presidency to the South East Geopolitical zone.

With the advent of the Peoples' Democratic Party, which appears to be the leading party in this country, the party has its sumptuous support from the South East Geopolitical zone and I have no doubt in my mind that the formation of the PDP was spearheaded by the South East political stalwarts.

Mr Speaker, there are several reasons to believe that Igbo presidency will engender development in this country. To start with, the fact is that an Igbo man is a detribalized Nigerian to the core. That is why, if you go to places like Sokoto, Kano, Lagos, Ibadan or Ajokuta, you will see the Igbo man trying to raise structures, trying to build houses to establish his business empire there. This is quite unlike what happens in the other parts of Nigeria as it relates to Igbo land. Mr Speaker, you could recall that you could find very few Northern citizens building houses in places like Onitsha and Enugu. You could also find out that very few indigenes of the South West develop parts of Igbo land but one can proudly say that in Lagos, Igbos contributed immensely to the development of the area and also in all other States of the Federation.

So, an Igbo presidency will engender development in this country, having developed places they have no particular affiliation with. I think, giving an Igbo man the Presidency will certainly ensure a smooth and faster development of this country.

Mr Speaker, there are crises all over the country. We can witness the Jukuns and Tiv crises, the Ogoni crises are there, the Odii crises are there, the Niger Delta crises or rather agitations are still in progress. The Ife – Modakeke war is still indelible in our minds. It is only in this part of the world that we have not witnessed such crises and persistent wars involving killings of innocent citizens as a result of one trouble or the other. So an Igbo Presidency will certainly endanger peace and mutual cooperation among the citizenry of this country.

Mr Speaker, the Igbo man is known for his versatility or rather wealth of experience in virtually every field of human endeavour. That is in the area of business, movie industry and even academics. So it is time for the Igbos to exploit their talented gifts from God, to clear their faces in the socio-political engineering of this country. Mr Speaker, it is quite erroneous and quite embarrassing to associate Igbo leaders with the permutations and speculations for vying for Vice Presidential ticket. To my mind, I believe, to the mind of this honourable House that an Igbo man is every inch qualified or even over qualified by all indices to become the President of this country come 2007, realizing the fact that if it is by rotation, I think that it is the turn of the Igbos to produce the next president of this country. If it is as a result of hard work, I think history has it that the Igbo man has really tried through his day by day diligent and

dedication to duty, to serving this country the much that we can. So, Mr Speaker, I want to crave the indulgence of my fellow Colleagues to support this resolution that the Igbo Presidency is now ripe come 2007 and on grounds of this, Mr Speaker, I, therefore, pray as follows:

- 1) That the Enugu State House of Assembly aligns with the Communiqué issued by the South East Governors on March 19th 2004 which states follows
- 2) That it is the turn of the South East Geopolitical zone to produce the next President of the Federal Republic of Nigeria come 2007.
- 3) That the House condemns all the various analyses and permutations associated with the Igbo leaders associating them with vying for the Vice-presidential ticket.
- 4) That this honourable House reaffirms the support of the Governors of the south East to the Ohaneze Ndi-Igbo which is an umbrella body of all Igbos and commended its effort accordingly in terms of its leadership role.
- 5) That we equally acknowledge the Governors position on the effort of the Federation Government of Nigeria to build a second Niger Bridge in Onitsha and are also advocating the incorporation of a rail line on the bridge.
- 6) We acknowledged the position of the Governors of the South East Geopolitical zone in the heightened security situation in the country and equally call on the security agencies to intensify their vigilance.

- 7) Finally, Mr Speaker, we restate their position to call for a State Police.

Be it moved and it is hereby moved.

Mr J. N. Anichukwu (Nkanu East): Mr Speaker, I have risen to align myself with the resolutions as a follow-up to the Communiqué issued by the South-East Governors and as contained in the Communiqué, but Mr Speaker, let us look at some factors that will enable us to be convinced that it is high time the South-East should not fail to take the mantle of leadership at presidential level. Mr Speaker, historically, in 1963 those of us who witnessed the Government of that time, between 1963 and 1966 the then right honourable Nnamdi Azikiwe was a ceremonial President from the Eastern Region. He was actually the father of the whole nation while the then Prime Minister was the Chief Executive. Mr Speaker, record had it also that between 1979 and 1983 administration of this country was handled by Alhaji Shehu Shagari, the then President of this country who also came from the North.

Subsequently, in 1999 up to date, I want us to observe the Geopolitical movement from the North down to the East. From 1979 up to date the rulership has remained in the hands of the North. The North has violated the process of democracy of the Federal Republic of Nigeria. So, with this history and in this Order, I am fully convinced that come 2007 the South East deserves the seat of the Presidency of this country; the Federal Republic of Nigeria and this is in keeping with the laws and good policies of the Federal Government through democratic processes. So, Mr Speaker, for anybody

ying for the Vice Presidency, if at all anybody has said it, associating it with the South East, I believe it is not fair. I believe it is the turn of the Igbos, I believe it is the South East. It is time for us to be given the opportunity to lead this country.

Mr Speaker, let me analyse briefly, particularly this time around, I am happy that Ohaneze Ndigbo, the leadership was well chosen and their activities are gearing towards achieving that objective and that is the opportunity we are asking for. But Ohaneze Ndigbo which everyman both men and women are clamouring for their group leader is highly commended in the Communiqué having seen the goals towards realizing the goals of the Igbo nation. So, Mr Speaker, we should be very happy that the Igbo man is ever ready if given the opportunity to move in achievable objectives.

So, Mr Speaker, on the side of security, the South East is more peaceful than any other part of this country. Recently there was a report of insecurity in the whole federation. This time around it is 'A' State next it is 'B' State and the other time it is 'C' State, but not so with the South East. I feel that this honourable House should adopt this Communiqué. So, Mr Speaker, this honourable House should give unanimous support to the resolutions of this Communiqué. Thank you, very much.

Mr J. U. Onoh (Enugu North): Mr Speaker, Sir, I rise in support of the Communiqué issued by the Governors of the South East in respect of the zoning of the Presidency.

Mr Speaker, hon. Colleagues, we all know that the Igbo race has contributed immensely to the development of this country Nigeria,

and by resolving that an Igbo man will make a good President as his achievements over these years are still there for the asking.

In the areas of major infrastructural development of this country, the Igbo race has excelled. When you come in the areas of corporate investment, the Igbos have recorded no mean achievement.

We also know that the Igbo race has actually and immensely contributed so much to the former capital, then Lagos, as we the Igbos have invested so much into this country Nigeria, for the question of our capabilities and the zeal for development. I believe that we are also going to continue to show our zeal for the future enhancement of this country Nigeria, and by actually supporting an Igbo Presidential race of this country, I believe that we here today, we are not deceiving ourselves but are trying to take that which is due to us. I shall not make so much rigorous speech as regards this, as within our heart we know what is right.

But in the rightness of our own righteous heart, let us support the bid that will liberate us not today, but from tomorrow to make Nigeria a proud place that we may raise our heads and say yes that we have contributed, and we have reason to put up our contribution.

Mr Speaker, before I take up my seat, I bid all of us, in all fairness of hearts, to forget all that it will yield today to the realization and actualization of this bid. I am very proud that we will not be disappointed. Thank you, Mr Speaker.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have equally risen from my

seat to add more weight to the well-articulated Motion by the Mover.

The essence of the resolution is, primarily, to give the consciousness and re-awaken the understanding of a man, that until one responds to himself as the community responds to him that such one do not genuinely belong to such a community. We have first of all to respond to thee dare need that we actually belong to the Nigeria community, and the only primary duty to it, is to have these resolutions passed by this honourable House. The resolution is seeking one thing, it is not ambiguous, it is very simple. An analysis or a kind of a resume of what has happened will testify to this since the amalgamation in 1914.

If the first ceremonial President, the Right hon. Dr. Nnamdi Azikiwe, was selfish, he had all the opportunity to write that the President of Nigeria shall be Zik in the Constitution and it shall have been like that or that the President of Nigeria shall ever remain an Igbo man. He had all the opportunity in terms of every other thing, but as a good detribalized Nigerian, he allowed the Northern aspect of the country to take the leadership of the country in terms of being the first Prime Minister under the then parliamentary system. An analysis also of the Nigeria today will come to appreciate the fact that in all aspects of human endeavour, the Igbo race and the South East, in particular, deserves more than any other section of the country, this exalted position of president of Nigeria. If you come in terms of Education, you can always go ahead to mention that the first medical doctor of Nigeria is an Igbo man. The second medical doctor is an Igbo man. You can count them up to the tenth.

Now, my colleague talked of merchandise, if you go to that level an Igbo man is naturally industrious, he must survive. There is no part of this world you can go without getting an Igbo man there. There is no single major development in the North that is not initiated by an Igbo man. The same thing with the West, the same thing with the South South. It is our turn. The Igbo man has it as a culture of, may be, they say, no leadership, it is not true. We are only trying to pray the major parties in the present dispensation to allow the Igbo Presidency to come from their own zoning.

I know that every other party in Nigeria will even like to and if you watch out what happened in the last Presidential election, we had 23 Igbo Presidential candidates out of the 30 political parties. We even had one who was an applicant (*laughter*). I hope you are laughing with me. That is to tell you, the egalitarian nature of Igbo man, that is to tell you the enthusiasm of the Igbo Presidency. That is to tell you the need and consciousness: the desire for this particular thing by the Igbos.

Mr Speaker, Sir, if you go on and on to examine critically, the contributions of the Igbo man to the present day Nigeria, we even go ahead to say that for the next dispensation, for the next decade, the Igbo Presidency shall come to stay and shall be allowed to stay.

If you watch out the democracy so far the Igbo man has never tasted a democratically elected President. We had an appointed ceremonial President from there the North had tasted it twice, the South West is now tasting it twice, leading for the next eight (8) years. It will be a kind of dishonour to now say that after the Yorubas the North will now come again. No, we are not just vying for

the Vice Presidency, we are equally good for the Presidency, the number one citizen of this country.

Mr Speaker, I call on my colleagues that if we are not brothers, we should now come home to be more brothers. If there are things to divide this our all important ambition of the Igbo man, even if it means every other person coming together let us go for it. Happily we have Ohanaeze now more organized and more positioned to get the Igbo demand. We call upon them, based on this resolution, to be more prepared, they should not sleep at all. They should get into the drawing board to now go all out to demand for this position which is due for us. On our own side, even if it means making another law on it, we shall go for it, because it is only when you say here I am, people can say there you are.

So, Mr Speaker, I call on this honourable House to give this all-important resolution due passage. Thank you.

Mr F. C. Onah (Nsukka West): Mr Speaker, Sir, I thank you for this opportunity given to me to talk on this important issue of South East Presidency 2007. Mr Speaker, Sir, I totally align myself to this Communiqué which I am about to speak in favour of. Sony Okosun in his popular music, said it is now or never. I believe in what is good for the geese is good for the gander. Mr Speaker, hon. Colleagues, since Nigeria gained her Independence from the British in 1960, up till now, it was only Dr. Nnamdi Azikiwe that has been at the helm of leadership of this country. This is the country that we all believe in one Nigeria.

This part of the country has witnessed little federal presence in terms of development or involvement in governmental

issues. Honourable Colleagues, we all come from different Constituencies to represent the good people that voted us in. The duty we owe them is to give them qualitative representation. We should be doing our duty, if we unanimously adopt this all-important resolution. Our people have been eager for quite a long time for the Presidency to be zoned to the South East. So year 2007 is the answer.

Let me seize this opportunity to sound a note of warning to some of our selfish politicians, who may because of their selfish and personal gains go against these resolutions. They will be selling the birthrights of their children even those unborn. Let all hands be on deck, with God on our side we shall make this dream come through. Thank you Mr Speaker for giving me time to express the feelings of the good people of Enugu State, and South East in general. Thank you, hon. Colleagues.

Mr M. Onyeze (Igbo Eze North I): Thank you, Mr Speaker Sir, I stand to support the resolutions being proposed by my hon. Colleague, the hon. Member for Igboetiti East (*Mr E. Odo*). The clamour for Igbo Presidency had been with us. In almost all the elections after the civil war our sons and daughters of Igbo race took active part in contesting for the Presidency, and there are reasons for that.

Igbos have been sufficiently deceived by other Nigerians. Mr Speaker, you may recall that at the end of the civil war, the then Head of Military Government in Nigeria, Gen. Yakubu Gowon exposed the principles of reintegrating the Igbos into the main stream of Nigerian politics and economic activities. He promised reconciliation, rehabilitation and reconstruction. Today, 34 years after the

civil war the properties of the Igbo people are still abandoned in some parts of the country as if we are not from this country. Since after this civil war, despite the promises of the General and the Federal Government, it has been difficult to see an Igboman as a Federal Minister of Works, Federal Minister of Defence, Federal Minister of Internal Affairs, the Inspector General of Police, or Controller of Customs or in any other sensitive position you may think of. Where is the integration? There is no integration.

I want to remind us that after the annulment of June 12th elections in 1993, the Yorubas after realizing the deceit by other Nigerians, made up their minds to seek for the Presidency, they did not beg for it and they did not turn themselves into coordinators of other parties. As a matter of fact they made it impossible for the Heads of States who took part in the annulment not to tour any where in the South West. You may recall that the last Military Heads of State never visited Lagos or any other part of the West again. This was because the Yorubas wanted the Presidency because they were deceived by the annulment of June 12th elections.

If we are deceived all these years for almost 40 years why cant we make up our minds to look for our rights. If this country belongs to all of us. I salute the courage of our present leaders – the Governors that have made up their minds to lead us into the main stream of Nigeria politics because we have been in the periphery whether we like it or not. We are only called upon to serve as Ministers of information, Minister for Economic Planning or Economic Advisers, so that they use their brains to give them what they eat at the federal level.

...now taken over and looked after by the Arewa Group. We have Yorubas, they are looked after by Afenifere and we now have our own, the Ohaneze, so that we can fight our way back to the main stream of Nigeria politics. I believe that if somebody is deceived for up to thirty to forty years, even children who were born immediately after the civil war are now adults, they should know that we are not in the main stream of Nigeria politics. Like the Yorubas did when the annulment was made, it is the turn of the Igbos to take their destiny in their hands, instead of turning to be coordinators and agents of the northerners and other people who may bring money for them to run the Presidency for 2007. Once our Governors have made up their minds, I believe we can make it, because they are our current leaders, they have the political machinery that can carry us.

Let us reject inducements. It is the turn of the Igbos to apply their knowledge properly because you cannot look at the minorities. They have been taken care of through derivatives and other things. They now collect billions of Naira every month. They carry all these things across us to them and we are looking unlike other Nigerians and this country was built by an Igboman. So, I align myself completely with the initiative to adopt the resolutions. I also feel that the issue of State police is over due. If you look at what is happening in Anambra State, even though the Governor was denied security by the federal but he mobilized the people he know very well and they are taking care of him.

If Governors are allowed to take care of the States, I bet you even with ordinary vigilante groups in the street, look at the

nobody should pass there, nobody will pass. But we have federal police, you see small boys from the north collecting money here and there from everybody calling themselves federal police. They are not interested in your security; they are only interested in the money that will enter into their pockets. Even if you are carrying human heads, and you give them twenty Naira, you will pass. But if we have the State police we know how to take care of ourselves and I believe that the Governors are capable of doing so. Governor Chris Ngige has done it already in Anambra State, with the boys he knows very well, they have been protecting him. So Mr Speaker Sir, I align myself completely with the initiatives of the resolutions to adopt the Communiqué as issued by the Governors of the South East. Thank you, Mr Speaker.

Mr C.O. Enebe (Awgu North): Mr Speaker, I rise to contribute to this Motion under debate. Most of my Colleagues have dwelt on the need to have an Igbo Presidency in 2007. We have all agreed that for proper reconciliation and integration, that an Igbo man should be made the President of this country. So arising from this is a question of marginalisation.

This results to a situation where since our Independence, we have not produced an Igbo President. This is quite unfortunate. Does it mean that our past Leaders were not able to produce a full fledged educated man to be the President of this country? Dr. Alex Ekwueme who comes after Shehu Shagari should have been made a President because he has enough education and enough talent to rule this country. But because they knew that after Shehu Shagari, it will be the turn of Dr. Ekwueme, that is why they started that

Transition, that is, to make sure that Ekwueme did not come up.

We will do ourselves good if we pursue this matter as a unit and as a family. Most of my Colleagues have been talking about how to unite. I want to move a bit outside in this discussion and talk about the problems. That is what may likely make it impossible for this dream to be a reality. We have a problem! The problem that may likely come up will emanate from the State. For example, if you have been going through the papers, you know there is already war in Abia State, that is on which Zone in the State will produce the next Governor of Abia State. The governed are saying Abia Central, and Ngwa people are saying Abia South. By the time this type of conflict arise, it will be difficult to produce an Igbo President, because no two groups will work together.

So, I am saying that there is need for us to have a political peace in the South East Zone. And to achieve this political peace, we must make sure that the States in the South East Zone produce the President come 2007. This will reduce agitation and back biting, so that if we are moving into a particular party to achieve this aim, everybody will queue from that point. But if we do not achieve this peace, we are talking about, by the time we lose, one or two senatorial zones from a particular State, how do we talk about producing a President?

So, the same equity that we are looking for at the Federal Level is to be produced at the State Level. So we have a very good standpoint, to pursue our goals. It is very very important, because if we do not do it, all of us are losers. This game is simply a game of interest, and unless our interests are well harmonized, if we move to Abuja without

being in harmony, by the time we cross Obollo Afor, some people may be singing on different tune. But if we harmonise ourselves at home, we will move as one family to Abuja and be sure that we are behind our brother or sister.

So, as we are looking at the need to have an Igbo President, we must equally be looking at what are the problems we will be facing. What are these problems? I am of the opinion that the Governors have to meet again. They need to have more meetings. Igbo Presidency yes. If you are saying Igbo Presidency without queuing behind somebody, you are wasting your time. Let us look at the last tenure, the President is from the West, and the Vice President is from the North.

The Senate President was just rotating because he is an Igbo man, if you produce a Senate President between 1999 and 2003 and the same person emerges Senate President from 2003 to 2007, that person is likely to become the President of this country. But where you produce a multiplicity of Senate Presidents, it does not make sense. That is why our brothers who are in the economic side of the riverrine are suffering. Upon all the talk about cow disease, nobody has ever talked about banning cows in this country. But instead, they have been banning the importation of all the important goods that are important in this country, even without notice.

So we have to take our destiny into our hands. And we must tell ourselves the truth. We have to work together. And it is only when we are working together that we can achieve this goal. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I rise to support this Communiqué of the Governors of the South East Geopolitical Zone. Mr Speaker, Sir, it is our turn to produce the next President of the Federal Republic of Nigeria come 2007. Mr Speaker, if this President comes from South East, we are going to benefit more since there will be no more marginalization and our roads shall not be neglected. There will be an organised education programme, rural electrification and pipe borne water. So Mr Speaker, with this, I move that the Question be put. Thank you.

Mr A. Chigbo (Uzo Uwani): Mr Speaker, Sir, my respected Colleagues, in supporting this Communiqué issued by the South Eastern Governors, I have to get this further to give you a brief history of the Leadership of this country – Nigeria. As earlier said by my Colleagues who have spoken before me, between 1960 and 1966 we have the first President of this country, Rt. Hon. Dr. Nnamdi Azikiwe as ceremonial head, as was said by my Colleague, and also Abubakar Tafawa Bellewa as the Chief Executive. Between 1966 and 1975;
Nnamdi Azikiwe (late) – 1960 to 1966;
Gen Yakubu Gowon 1966 to 1975;
Murtala Mohammed (late) 1975 to 1976
Gen Olusegun Obasanjo 1976 to 1979;
Alhaji Shehu Shagari 1979 to 1983;
Gen. Mohammed Buhari 1983 to 1985;
Gen. Ibrahim B. Babangida 1985 to 1993;
Chief Ernest Shonekan 1993 to 1993;
Gen. Sani Abacha (late) 1993 to 1998;
Gen. Abdulsalami Abubakar 1998 to 1999;
and
Chief Olusegun Obasanjo 1999 to date.

Mr Speaker, it is very terrible for this thirty something years or forty something years, because the Army ruled for twenty

eight years and civilian rule is sixteen years. That is forty something years. It is only Nnamdi Azikiwe (late) that has been the ceremonial Head of this country.

The question is ... What has the people of this part of the country done? Is there any crime we committed? The answer is no! our crime is that we are great loyalists, our crime is that we know how to serve, our crime is that we are obedient servants, we obey every Dick and Harry. But Mr Speaker, in supporting the hon. Member for Awgu North (*Mr Enebe*), in our place Igbo, *Anyi nasi na ihe neme anyi si anyi naka*.

If you watch closely the Communiqué as issued by the South Eastern Governors, my thinking is whether it is not yet time, because I expected in issuing the Communiqué to make it clear, because some of us were born before this 1960 that we are talking today. I have studied in this country from primary to secondary. If you watch the Senate Presidentship, it is only Enugu. What stops the Governors of the South Eastern States to make it clear that the issue of Presidentship come 2007 will be in Enugu State. Is there anything that we have done in this particular Enugu State. What stops them? *Onye ka ana'gbalu? Onye ka ana eze?* With the caliber of politicians we have in Enugu State today, we are equal to the task. We are equal to the task. It is the wish of the people of Uzo Uwani local government in Enugu State that come 2007, the President of this country will come from Enugu State.

Mr Speaker: Excuse me! Please, let us not take this simple. We are not joking here.

Mr Chigbo: Mr Speaker, I am not joking.

Mr Speaker: I am coming. We have a Communiqué, and we are talking of South East Geopolitical zone. We don not want sentiments to come in. *(Interruptions)*.

Mr Chigbo: In the South East, we break it down further.

Mr Speaker: We are talking about South East. Now, if we allow sentiments, if Abia House of Assembly is doing it they will say Abia. And Imo when they are doing it, they will say Imo, then Anambra will say Anambra. Then at the end of the day, we end up not making it. Let us emphasise on South East.

Mr Chigbo: Mr Speaker, when the hon. Member for Awgu North *(Mr Enebe)* was talking, he made reference to the headship of this country. I want to align myself totally on what he has just said. Why not allow me please. The issue of Uzo Uwani is not the problem.

Mrs C. Eneh (Udi South): Mr Speaker, I asked you to put the Question.

Mr Chigbo: So, Mr Speaker, I do not know whether I am protected. I am done.

Mr Speaker: Excuse me: Do not get annoyed. There is an issue on the Floor, so in as much as you are trying to support what we are discussing, you should try and confine yourself into the main stream of our discussion. You are digressing.

Mr Chigbo: I said I am done.

Mr C. Enebe (Awgu North): Mr Speaker, what I am saying is please, allow the hon. Member for Uzo Uwani *(Mr Chigbo)* to finish his contribution. Why I am saying this

is that this is 2004. There is still time. Between now and next year, we can be sure. We will get to a point where we will begin to ask for it. Thank you, very much.

Mr Speaker: The hon. Member for Uzo Uwani *(Mr Chigbo)* can continue but I still say he should confine himself to the Communiqué. It is the Communiqué that we want to adopt.

Mr Chigbo: It is not the Communiqué issue only. We have to tell them our interest. We have to tell them what this State wants.

Mr F. Amu (Nsukka East): Mr Speaker, I have risen from my seat to align myself completely with this Communiqué issued by the South East Governors on Igbo Presidency come 2007. The Igbo Presidency is long over due. I urge all Igbos to come together and fight for the Igbo Presidency in 2007. It is 2007 for Igbo presidency or never. I urge my Colleagues who have spoken in favour of the Communiqué and I also urge everybody or others who are still making arguments to come and let us take one decision that Igbo Presidency is for us. We have long been marginalized since the civil war. We have been marginalized, we have not been compensated for the evil done to us during the civil war. This is the time for the compensation.

So I urge my Colleagues to align themselves with this Communiqué. In the absence of any other debate, I now ask that the Question be put.

Mr Speaker: Honourable Colleagues, before I put the Question, I just want to remind ourselves that the issue we are discussing now is a very serious issue. The question is how do we go about it. And I am

saying that the way and manner we are going to go about it is not in the Floor of this House. It is a matter in which the decisions are going to be taken in a closed room or meeting. I sincerely believe that when the chips are down, we will come to a very normal and possible conclusion. And I sincerely believe, like one of us said when he was speaking, for us to achieve this noble objective, we must have to work together. That is the only thing I have to tell you now. Other issues will be discussed off camera.

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

Main Question put and agreed to.

Resolved:

- 1) That the the House align itself with the position of the South East Governors re-affirming their position that it is the turn of the South East Geopolitical Zone of this country to produce the next President of the Federal Republic of Nigeria come 2007.
- 2) That the House condemn with the Governors various analysis and permutations associating them with the Vice Presidency position within the same period.
- 3) That the House agrees with the Governors by re-affirming their support for Ohaneze Ndigbo as the umbrella body of all Igbos and commended the efforts of Ohaneze Leadership
- 4) That the House align herself to the position of the Governorş by acknowledging the efforts of the Federal Government to build a second Niger Bridge in Onitsha

- 5) and advocating the incorporation of rail line on the Bridge.
That the House resolved alongside with the Governors acknowledging the heightened security situation in the country and call on security agents to intensify the vigilance.
- 6) Finally the House re-stated the position of the Governors on their earlier call for a State police.

ANNOUNCEMENT

Mr Speaker: Honourable Colleagues, I sincerely wish to formerly welcome you back from your Easter break and I do hope that having returned back we are going to be more committed to our duties. We are going to put everything in proper position to ensure efficiency. So, I welcome you back from your two weeks break. Like I said earlier, now you have rested at least, for two weeks, I want everyone of us to tighten up his or her belt so that all the assignments that await us will be attended to. I will be very happy if we prepare to generate Motions and Bills. That is what the House of Assembly and National Assembly are known for. We will meet in my office on the rising of the House, that is, all members.

Honourable Colleagues, if you look at the Order no. 28 of this honourable House, you will agree with me that it is stated there as thus:

During the sitting all Members shall be formerly dressed and shall enter or leave the House in decorum.

I want to make it very clear, the proper way of dressing, it is either you put on your suit with tie or you put on your traditional wear with a hat. So, I do not want a situation

where somebody will just walk into the Chambers casually as if he is going into his bedroom.

If we look around today, we will see that many Members came in without being formally dressed. I tell you that if any Member comes in next time with such dress I will ask the person to leave. So, please, we have to dress the way and manner we are supposed to dress.

Committee Meeting

2. The House Committee on Education will have a brief meeting today 20th April, 2004 on the rising of the House. Venue is Room 216, Chairman's office. Signed by Mr Nze M. Onyeze.
3. The House Committee on Public Accounts and Anticorruption will visit the Auditor General of the State on Wednesday 21st April, 2004 at 11 a.m. Take off time is 10.30 a.m. from the House of Assembly Complex. Signed: Mr John N. Anichukwu.

ADJOURNMENT

Deputy Leader (Mr P. Anikwe): Mr Speaker, Sir, I move that this honourable House do now adjourn until 10 a.m. on Thursday 22nd April, 2004. Thank you.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, I have risen to second that Motion.

Mr M. Njeze (Udi North): Thank you, Mr Speaker, I rise to support the Motion for adjournment and in doing so, I wish to thank fellow honourable Members for the way they

supported the Communique by the South East Governors for the Presidency to come to the South East come 2007.

Indeed, I also wish to thank them for supporting that we should have State Police, because it is long over due. If this country will try and have state police crime will reduce. On this issue, I say thank you so much.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, the Communique is a nice one and it is a call for a challenge. It is a call for equity and happiness. Therefore, I am happy that the House has adopted it today. Thank you.

Mr C. O. Nnamani (Nkanu West): Mr Speaker, Sir, thank you for recognizing me. In supporting the Motion for adjournment, I also thank the South East Governors for taking the decision they have taken.

Even though I have not made any statement during the debate because of the way Members rush to make contributions. I am not prepared to make my own contributions in a rush. So, because of this I have to sit down and listen to the contributions. However, one of these days I will start to make my own contributions.

Question put and agreed to.

Resolved: That the House do now adjourn until Thursday 22nd April, 2004 at 10 a.m.

Adjourned accordingly at 1.45 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
FIRST SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 69

Thursday
22nd April, 2004

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Produced by the Publications Department
Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 22nd April, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings of 20th April, 2004 is before the House. I have gone through them and found them to be correct. However, I need your comments. Thank you.

Mr A. O. Chigbo (Uzo Uwani): Mr Speaker, Sir, my respect hon. Colleagues, I have risen from my seat to move that the Votes and Proceedings of our last sitting being Tuesday, 20th April, 2004, is a true reflection of what happened on the Floor of the House that day. I, therefore, move that they be adopted.

Mr F. E. Amu (Nsukka East): Mr Speaker, Sir, I have risen to Second the Motion for the adoption of the Votes and Proceedings of Tuesday, 20th April, 2004. Thank you.

Question put and agreed to.

Votes and Proceedings of Tuesday 20th April, 2004 accordingly adopted.

ANNOUNCEMENT

Mr Speaker: I wish to appeal to all of you to note that as we have returned from our Recess, I expect that everybody should be up and doing. I do not feel comfortable only to come into the Chamber to adopt our previous Votes and Proceedings. I expect that by Tuesday next week, our Order Paper will be loaded. I equally wish to appeal to those that come late to please endeavour to improve. If we adjourn to meet the next day, we are expected to be here at 10 a.m. I know that some of us are still on the way; it is not proper. I am appealing that we take the business of the day serious. People should buckle up and should put aside other issues that distract them. Let us believe that we are here under our people's mandate and we should be prepared to demonstrate that, by making serious contributions, by working very hard.

I want to point something out; last Tuesday during our sitting, the debates were very beautiful, lots of people spoke. I was surprised that the Cameraman did not get the complete picture of those that made serious contributions to the debate. Rather, he picked only one person, when there was an argument. It is not good, such a thing need not be recorded I believe the Cameraman here is our man. If we have an outsider, this is a different thing but not when we have a Cameraman of the House. When I happen to exchange words with another hon. member, it will be very easy for him to video it. It is

very very unfair. I do not want such a thing to occur again.

Lots of hon. members spoke in favour of that resolution, it was only one person that spoke against it. Even though he was supporting it, I was able to call him to order. However, he was trying to defend himself and he was the person you recorded. I will not like to see that kind of thing to happen again.

Briefing

Please, on the rising of the House, I want to see every hon. member in my office, just for two minutes please. I do not like the idea of going to your offices before coming, just march straight to my office so that I give you the briefing and I will go where I am going. Thank you.

Deputy Speaker (Mr Atigwe): Did Mr Speaker say march?

Mr Speaker: Yes! Honourable Members can either march, walk, or run. (*Prolonged laughter*). Once more, I thank those of you that are always punctual. More especially, I want to express my happiness to His Excellency, the Nigerian Ambassador to the kingdom of Spain, the hon. Member for Isi-Uzo (*Mr Ebenyi*), who has been with us today. I welcome him as an Observer. (*Laughter*).

ADJOURNMENT

Leader: Mr Speaker, Sir, I rise to move that the House do now adjourn till Tuesday 27th April, 2004 at 10 a.m. Thank you, Sir.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I rise to second the Motion for adjournment as moved by the Leader of the House. Thank you.

Question put and agreed to.

Resolved: That this House do now adjourn till Tuesday, 27th April, 2004 at 10 a.m.

Adjourned accordingly at 11.15 a.m.



**ENUGU STATE OF NIGERIA
PROCEEDINGS**

**AND DEBATES OF THE
FIRST SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 70

**Tuesday
27th April, 2004**

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HOUSE OF ASSEMBLY
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Tuesday, 27th April, 2004
(*The House met at 10 a.m.*)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings of Thursday 22nd April, 2004 are before us. I have gone through them and to the best of my knowledge they are correct. However, I need hon. Members' comments. Thank you.

Mr F. Amu (Nsukka East): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of Thursday, 22nd April, 2004, and found them to be correct. I, therefore, move for their adoption. Thank you.

Mr J.N. Anichukwu (Nkanu East): Mr Speaker, Sir, having gone through the Votes and Proceedings, I rise to second the Motion on the adoption of Votes and Proceedings of Thursday, 22nd April, 2004. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 22nd April, 2004, accordingly adopted.

ORDER OF THE DAY

NOTICE OF MOTION

**Resolution to the hon. Minister of
Education, and Joint Admissions and
Matriculation Board (JAMB) Abuja, on
the Feeble Performances of (JAMB) in
Enugu**

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, may I move the Motion standing in my name: that the Enugu State House of Assembly conveys a Resolution to the Federal Minister of Education, Prof. F. Osuji, and the Joint Admissions and Matriculation Board (JAMB) through the Registrar, National Headquarters, Bwari Abuja on the feeble performances of the Joint Admissions and Matriculation Board (JAMB) at Enugu.

Mr E. Odoh (Igboetiti East): Mr Speaker, Sir, I rise to second the Motion that was moved by the hon. Member for Igboeze North I (*Mr Onyeze*). Thank you.

Mr M. Onyeze: Mr Speaker, Sir, permit me to draw the attention of this honourable House to yet another underserved frustration and suffering meted to the youths in this part of the country desirous to pursue their various careers in education in our tertiary institutions.

Mr Speaker, Sir, it is a common knowledge that the Joint Admissions and Matriculation Board (JAMB) right from inception has it as a convention or the regulation that candidates applying to sit for the Joint Matriculation Examination (JME) are required to enclose self-addressed and stamped envelopes through which their

results or scores are returned to them after the release of the results.

Mr Speaker, Sir, we are all aware that in the past few years candidates from Enugu State and the environs who are served by the Joint Admissions and Matriculation Board (JAMB) through the Zonal Office at Hill View Street, Independence Layout Enugu, had been subjected to several mental and physical ordeals in their attempts to get their examination results. These ordeals, which are experienced through callous exploitations and exposure to all forms of risks and danger are due to glaring incompetence of the Board and the avarice of some highly placed staff of the Board who seize the slightest opportunity in the system to create wealth for themselves rather than serving the public.

Mr Speaker, Sir, in the current Admission Session (2003/2004) almost all the candidates from this part of the country, after thronging the Joint Admissions and Matriculation Board's (JAMB) Zonal Office at Enugu for weeks to get their results, resorted to purchases of scratch cards at an average cost of three hundred Naira (N300) per candidate. The problems of the students became more compounded when the Universities started rejecting the results printed from the business/computer centers while insisting on original Joint Admissions and Matriculation Board's (JAMB) result slips. At the Zonal Office Enugu, the candidates were made to pay a minimum of Seven hundred and fifty Naira (750.00) for which they were given official receipts of five hundred naira (N500.00). The question is how much time and money do candidates from this part of the country have to spend to obtain their Joint Matriculation Examination (JME) results? Why all the

risks and frustrations? Is it not their right to have their results after paying duly during application?

Mr Speaker, Sir, there is no doubt that corruption and avarice are becoming features in our public offices. I do also believe that while the Federal Government envisages the autonomy of the Universities in the nearest future, the Joint Admissions and Matriculation Board (JAMB) still remains a very important Parastatal that is charged with the responsibility of admissions and entry of our youths for all undergraduate programmes in all the recognized Universities in the country. Here in Enugu State, formal education has been acknowledged as a very veritable weapon of fighting ignorance and poverty hence the huge investment in education. This honourable House has also remained a strong ally of the Executive arm of Government in her efforts to make qualitative education not only affordable but also accessible to all.

Mr Speaker, Sir, what is happening today in our Joint Admissions and Matriculation Board (JAMB) offices especially in Enugu zonal office are obvious stumbling blocks on the ways of our youths to higher education. This honourable House is known for taking the lead in fighting for the rights of the down trodden. It is my hope that my hon. Colleagues will tackle this Motion with the solemnity it deserves so that the ugly monster rearing its head in our educational system could be obliterated before it finds its root.

Mr Speaker, Sir, having laid an emphasis of what I may call a household problem of youths pursuing careers in education in this

part of the country, I urge my colleagues to consider the following prayers/resolutions:

- I) To convey a Resolution, drawing the attention of the Joint Admissions and Matriculation Board (JAMB) through the Registrar at the National Headquarters, Bwari Abuja on the colossal failure of the Admissions/Examination body to conduct, release and deliver Examination Results as and when due to candidates especially those from Enugu and the environs.
- II) That the House urges the Joint Admissions and Matriculation Board (JAMB) to check the excesses of some of their staff in the Zonal offices especially at Enugu as it affects their desire for financial inducements before performing their official duties.
- III) That the House urges the Joint Admissions and Matriculation Board (JAMB) to revitalize, and update their staff and equipment so that they can cope with the increasing number of applicants/candidates now seeking admissions to our Universities.
- IV) That the House urges the Joint Admissions and Matriculation Board (JAMB) to design strategies for restoring the confidence which the public had reposed in them in the past.

The confidence is measured in their transparent conduct of examinations, quick processing of examination papers and delivery of results to all the candidates with dispatch.

- V) That the House urges the Joint Admissions and Matriculation Board (JAMB) Zonal Office Enugu to be upright and fair to the youths of Enugu State and the environs who are unnecessarily exploited and frustrated through excess charges.
- VI) That the House urges the Federal Minister of Education, Prof. F. Osuji to look into the activities of the Joint Admissions and Matriculation Board (JAMB) with a view to nipping some of the vices being perpetrated in the board, especially with regards to the conduct of examinations and the delivery of results in Enugu and the environs.

Be it moved and is hereby moved.

Mr E. Odo (Igbo Etiti East): Mr Speaker, I have risen to second and align myself with this all-important Motion. Mr Speaker, you will recall that JAMB has its Headquarters somewhere in Bwari, Abuja and Zonal offices in places like Sokoto, Kaduna, Ilorin, Port Harcourt, Lagos and few other places in this country, including Enugu State.

But what is happening in Enugu zonal Office is not something one should be proud to associate himself with. To start with, the

journey of our youths in JAMB offices has been a very ugly experience. It starts from collection of JAMB forms. Once there is a little scarcity during the collection of JAMB forms, then the JAMB officials use that opportunity to make money out of the disadvantaged situation. Instead of finding a way of collecting more forms to issue to applicants to take the examinations, they now resort to collecting stipends so as to make it faster for the individual candidates to get their forms. Even while submitting forms, the youths of this very State are being made to suffer some occasional stress in collecting forms that were duly paid for and then the worst of it all is that the JAMB officials have resorted to trading with even direct entry forms. Whereby they pay by themselves the sum of N1,500.00 each, collecting virtually all the direct entry forms in the office, and at the end of the day, when the forms must have been out of circulation, may be after two or three months time, they will now be selling the forms at an exorbitant rate of over 100% increase. You can see a form that was bought for about N1,500.00 being sold for about N3,500.00 or N4,000.00 as the case may be or even N5,000.00 and it is very sad for this type of thing to happen in our own time.

Today, we are being reminded of the misbehaviour of JAMB officials as regards JAMB results slips. Mr Speaker, you can recall that one of the Commission's precedence through which one can apply for JAMB after he must have read through the brochure carefully is for you to enclose 2 stamped, self addressed envelopes. I think in my own estimation, the envelopes should be costing between N10.00 to N15.00 for 2 of them. Then a minimum of N20.00 stamp. About 200,000 people usually apply for the JAMB examinations. The sum of N6

million and those who apply for the Polytechnics which the estimate has been ranging between 40,000 to 50,000 should be about N2 million each time they sit for the examinations.

The issue now is what is the essence of the scratch card. If JAMB really meant that students should be looking for their examination result with scratch cards, then it is a very simple thing. They should include it in their brochure that every applicant to the examination should give his e-mail address through which they can now network the result and even admissions letters. And worst of it all is that even after you must have gotten a scratch, it is not a ticket to know if one actually got admission.

So, Mr Speaker, this is a very serious problem and I would urge the House to really give a serious attention to it. In the first place, the JAMB, through this delay of result slip, apart from the money being wasted and the occasional suffering meted to the youths; have in one way or the other flouted not only the JAMB Act of 1990, but also has indirectly usurped the functions of the Nigerian Postal Services (NIPOST) arbitrarily without really discharging the functions.

Therefore, Mr Speaker, I urge my Colleagues to support this Motion to condemn the ugly exercise of JAMB especially the top ranking officials in JAMB. Unfortunately, the staff of JAMB as is currently constituted in Enugu Zonal Office are not even indigenes of Enugu State nor South East Zone. Because people have found out that because of curiosity and zeal of an average Igbo man to get whatever he wanted, people now use the opportunity to

exploit the Zone as a result of their curiosity to achieve whatever they want to achieve.

Therefore, Mr Speaker, I urge my fellow hon. Members to support this Motion and call the attention of the JAMB coordinator in Enugu State to this very resolution, and as the cosponsor, it is my wish that an amendment be made that the JAMB coordinator in Enugu be called to order specifically by the Registrar JAMB.

Mr Speaker, I have to rest my case here and urge my Colleagues to give their rousing support to this wonderful Motion. Thank you.

Mr J. N. Anichukwu (Nkanu East): Mr Speaker, my fellow Colleagues, may I seek the leave, of this honourable House to suspend Rule 25 of our relevant Rules to enable me make additional Prayer to this Motion on Notice, No. 41 of 2004 as moved by the hon. Member for Igboeze North I (*Mr Onyeze*).

Mr F. Amu (Nsukka East): Mr Speaker, sir, I rise to second that Motion moved by the hon. Member of Nkanu East (*Mr Anichukwu*).

Question proposed.

Mr C. O. Enebe (Awgu North): On point of information! Mr Speaker, I want to give this information before we continue, so that it will be examined properly before it is debated.

I have gone through this Motion and I want to say that it is timely, but we have to look at it properly because the House of Assembly itself is a broadcasting institution. The issue of money changing hands at the

JAMB office and other sundry activities going on their need to be properly investigated. It is not good for us to pass Motion condemning the issue of money exchanging hands without formally taking the matter into consideration. I expected that this Motion, as good as it is, should have been sent to the House Committee on Anti Corruption so that the Committee can go to that office and see who is in charge there and discuss with him and if founded, then the Motion becomes necessary. By the time we come up with our resolution, people will see that we have done a good job.

We equally need to have a kind of fill-out on those who are preparing for JAMB, that is the youths, so that by the time we are mentioning specific money, we should be seen to have gone to the root of the matter. We should not just say we condemn that.

They get directives from Abuja and we are supposed to find out where the directive is from before the issue at the JAMB office here is directed to the Minister ...

Mr Speaker: Honourable Colleagues, somebody prepared this Motion, and I am sure he did all that he is supposed to do. He did not just pick it up from the road and start giving it out to Members, I keep on saying this thing; if there is a Motion on notice that is coming up hon. Members should make observations informally. I believe that most of us got this Motion last week, and from that time up till this moment we are in the Chambers, nobody could raise this matter informally so that we can have a way of wading into it before coming into the Chambers to debate it. I am sure the hon. Member for Awgu North (*Mr Enebe*) got a copy of this Motion last week.

Mr Enebe: Mr Speaker, I did not say that we throw the Motion away.

Mr Speaker: I know, but there are issues that we are not supposed to come and discuss here. If one believes that the monetary aspect of it is not proper, it is not what should have been said in the Chamber; but whether we like it or not, the Motion has been delivered.

What I am saying is that even if we send out a Committee from this House to go to that office, what are they going to do? Are they going to ask the coordinator or whoever; is it true that you people have been collecting money from people? The best way the information could reach this place is through those students/candidates, and I am sure that before this Motion came up, the Mover must have interacted with the people concerned, the students themselves. The issue of going to the JAMB office does not arise.

However, even if we want to fix what he said as additional prayers, that is, *that the House Committee on Anti Corruption should do this and that*, fine, but I think at this point in time, the issue of going to the JAMB office to do further investigation does not arise, because the Mover of the Motion must have done that. This is not a Motion on *urgent public importance*; it is a *Motion on Notice*. He must have done all the underground work. Thank you.

Mr Anichukwu: Mr Speaker, Sir, I am happy with the hon. Member for Awgu North (*Mr Enebe*) who reminded us of the Anti Corruption Committee. So, Mr Speaker, having studied the *Motion on Notice*, I hereby proposed the following additional prayer.

Mr Speaker: Order! Honourable Colleagues, who seconded that Motion for amendment?

Mr Amu: Mr Speaker, I seconded the Motion.

Mr Speaker: Okay, the hon. Member for Nkanu East (*Mr Anichukwu*) may then go on.

Mr Anichukwu: Mr Speaker, the prayer is prayer No. 7.

Mr Enebe: Point of Order. Mr Speaker, seconding the Motion is not enough for the hon. Member for Nkanu East to continue reading out his Motion. You have to present it to the House.

Mr Speaker: Order! Order!!

Question put and agreed to.

Rules 25 of the relevant Rules accordingly suspended.

Mr Anichukwu: I thank Mr Speaker. The additional prayer is that *this honourable House urges the Joint Admission and matriculation Board (JAMB) to stop further sale and use of scratch cards, either through their agents or dealers.*

Several hon. Members: No! No!

Mr Anichukwu: Honourable Colleagues, I think that the basic ingredient of this Motion is based on this scratch card. It is because of the scratch cards that they are reluctant to send the result.

Mr C. O. Enebe (Awgu North): I wish to give further information on JAMB. JAMB is a federal institution. We may not have full powers to give them directives. The issue on the Floor should either be directed to the Senate or House of Representatives to give further directives to JAMB, or send to the Federal Ministry of Education that can perfectly call this institution to order based on their leadership. The best option is to carry this matter to the National Assembly.

Deputy Speaker (*Mr Atigwe*): Mr Speaker, Sir, what have you done with the additional prayers from the hon. Member for Nkanu East (*Mr Anichukwu*)?

Mr Speaker: His amendment was not carried, hon. Members did not like to hear that. Okay!

Deputy Leader: Mr Speaker, Sir, I believe strongly that we can directly convey our resolutions to the Federal Minister. This is the man who is exclusively in charge of education in question. I do not know if we have done wrong by not contacting the National Assembly. National Assembly has her own Education Committee that has the right to handle the matter, just like the hon. Member for Awgu (*Mr Enebe*) said. The House can pass a Resolution direct to the Minister. So, I think this is what the Motion is seeking for in connection with the Minister. I think there is nothing wrong there.

Mr Speaker: I think your contributions are okay. The idea of talking about the National Assembly is okay. We can deal with the Minister. There is nothing wrong with the House dealing direct with the Minister. If we want to add another pray to

it, by saying we are sending it to the National Assembly, fine. What we are moving are prayers, prayers that are not out of place.

Mr J. N. Anichukwu (Nkanu East): Mr Speaker, Sir, I am standing to be recognized. (*Laughter*).

Mr Speaker: What happened was that the hon. Member for Nkanu East (*Mr Anichukwu*) sought the leave of the House and it was accepted and you had your way. When you tried to point out your proposed amendment, they started shouting that it was not wanted. So you can forget about it and go ahead to make your contributions unless you are not ready to contribute again.

Deputy Leader: Thank you Mr Speaker, Sir. I have equally risen to give my own support to this all-important Motion. I think the essence of this Motion is once more to arrest and deliver the opinions of the Mover. The right industry of the Igboman is education and it is an outstanding industry in this part of the world. It will be a clear sense of direction if we draw the attention of the Board in charge not to allow the desire of candidates to get into our Universities to be dampened. I think what that Motion is seeking for primarily is to give more direction to the release of the results and not on the entire conduct of the exams. It is not condemning the entire conduct; it is talking on the release of the results to the candidates directly. That is the primary purpose of this Motion. The Motion is quarrelling with the method of delivering the results entered into by the candidates. Almost all of us here are living witnesses. At least, we had at one time been victims. When someone staying in your house puts the exams you are already involved.

In the past, after sitting for the exams, one will be in one's home and the results will be posted to him in good time. But in a situation where the students or candidates sat for the exams and at the end of the day the result does not get to them, they are kept in the dark. They do not know actually whether they are successful in the exams or not. This is what the Motion is seeking to amend. It is for the immediate arrest of this anomaly. With the prompt release of the JAMB results, the students in this part of the country will be more prepared to go into education, which is the prime factor of human development. As to the question of developing the stupendous potentialities latent in an individual as proposed by the Mover of the Motion, education is the key to all development, otherwise efficiency and effectiveness will be marred by quantitative and qualitative educational attainment.

So this all-important Motion is only seeking the attention of the Minister for Education and that of JAMB to be more organised in releasing the results promptly to the applicants. By the time the results are released late, universities must have closed for admission. This is what the Motion is trying to amend. One can observe that many applicants, these days, waste a lot of time before gaining admission into universities. If you ask them why they have not entered any school, the immediate reply will be that they have not gotten their JAMB results. This Motion is just condemning the entire conduct of JAMB examination. You can see that the system of administration has gone a little bit above and it is nearing perfection. It is only talking in terms of conduct. I disagree entirely with anything about conduct. I am talking in terms of the release

of the result. I am not talking of conduct. *(Interruptions)*.

Mr Speaker: I hope that the Deputy Leader (*Mr Anikwe*) is not quarrelling with it. The issue of conduct is just very clear. *(Laughter)*.

Deputy Leader: Mr Speaker, Sir, the conduct is not the release, rather it is part of the release.

Mr Speaker: The Deputy Leader should not worry, he has thirty minutes to talk, so he can go on.

Deputy Leader: Mr Speaker, Sir, I throw my weight on this Motion and I call on my Colleagues to give their support to this all-important Motion and give it a due passage without delay. Thank you, Sir.

Mr Speaker: Thank you.

Mr Anichukwu: Mr Speaker, Sir, I seek your permission to give me five minutes.

Mr Speaker: This was why I asked you to go ahead and talk earlier when you had the Floor. If I allow you to talk twice it is not proper and it will be against the Rules.

Mr Anichukwu: Mr Speaker, Sir, I will not like you to go against the Rules.

Mr F. E. Amu (Nsukka East): Mr Speaker, Sir, I rise to align myself with this all-important Motion as it concerns the falling of the educational sector in this country. Everybody knows that our educational sector is suffering from many variable factors, like incompetence on the part of the staff, avalanche, dereliction of

duty, total erosion of value at the educational sector.

Every organisation or institution has a rule for establishing it. The Rule says that if a student or applicant applies accordingly for examination, as it used to be before, the person is entitled to his result by the transmission of the result. Based on our eagerness to get-rich-quick, everybody is looking for another way of getting money, thereby, abandoning the rule establishing the Institution. The worst aspect of this is that the perpetrators of this act are doing that at the admiration and knowledge of their superior officers, simply because they make returns at the end. This is one of the problems in the system. Things are no longer working as it is supposed to be. So we are getting into trouble day by day.

Mr Speaker, I am of the opinion that since JAMB has the rule establishing it as regards sending result slips to the students; they should follow the rules accordingly, so that the students will be happy and the confidence they have in the institution will not be eroded. But this type of cutting corners, looking for money, doing things in the wrong way, makes students not to be interested in the system. They have no hope. The academic future of the youths are jeopardized by this process.

I pray strongly that it is high time this situation changes positively, so that we have positive impact on our educational sector. This very sector is suffering negatively. Mr Speaker, Sir, may I stop so far on this Motion and I ask my Colleagues to do justice to it so that our educational sector will not be jeopardized. Thank you, Mr Speaker.

Mr C. Enebe (Awgu North): Mr Speaker, Sir, I have risen to contribute to this important Motion. My submission will be based on information. I want to bare my mind as it affects this Motion. The plight of students who apply for JAMB is pathetic, as we all know. I can tell you that in 1980 I took JAMB. Up till now, I did not see my result, whether I failed or passed. It is not even seen on their Notice Board. We have a JAMB Headquarters at Abuja. The efficiency and impediments of this Headquarters, affect the Nigerian populace. I believe that if the Head is good enough, the body will be strong and healthy. I sincerely believe that condemning the JAMB office in Enugu here will not be the proper thing for us to do. Like the Deputy Leader (*Mr P. Anikwe*) said earlier, if we raise the general issues as it effect JAMB as an organization, we warn that we do need to investigate before dealing with them; we will be doing the right thing. By the time we will go into the issues. ...

Mr Speaker: Excuse me, if the hon. Member for Awgu North (*Mr Enebe*) wants to contribute to the Motion on the Floor of the House, he can go ahead. But if he is coming with the idea of opposing the Motion on Notice, he has to wait, until others have finished their contributions in support of the Motion.

Mr Enebe: Mr Speaker, Sir, do you mean that I should wait?

Mr Speaker: Yes, you should wait.

Deputy Speaker (*Mr D. Atigwe*): Mr Speaker, Sir, I am on my feet to support this all-important Motion. In fact, I am in support of prayers 1 to 6 and the entire Motion. My support stems from the fact that education is

the single largest industry in this part of the world. In this, system differs from society to society, whether formal or informal. I am sincerely in support of this Motion because I have fallen a victim of paying three hundred Naira (N300.00) or five hundred Naira (N500.00), and I am ready to testify it anywhere they call me to do so. *(Laughter)*

An hon. Member: Do you want to enter University?

Deputy Speaker: Mr Speaker, Sir, I paid the money for my children. *(Laughter)*. The Headquarters of JAMB should do something. I am drawing the attention of the Hon. Minister, Prof. Fabian Osuji, to come to the rescue of Enugu State JAMB office. We are not wrong if we draw his attention. What we need is accelerated approval to enable us convey it accordingly to the appropriate quarters for action.

On behalf of my Constituency, we give full support to this important Motion. The Committee did their own work before coming to the Floor of the House. The Members agreed on the Committee level, of which I am a party. So, Mr Speaker, Sir, I beg to take my seat. Thank you. *(Laughter)*.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I rise to give my full support to this very important Motion. Education is the most important asset that we can give to the children of this country. Those who are involved in this point of view are upright and men of honour. A nation without sound educational programme will never progress. Therefore, the JAMB people should sit up to ensure that our youths receive their formal education without tears. With this, Mr Speaker, I want you to put the Question. Thank you.

Mr F. Onah (Nsukka West): Mr Speaker, I want to give my support to this all-important Motion. This Motion is timely and at the right direction. Mr Speaker, the issue of JAMB candidates and non release of results at the supposed time is not a new thing in our educational system. First and foremost, a candidate that is going to enter for the examination normally purchases JAMB forms. After the filling of the forms, he sends the form back to the JAMB with stamped and self addressed envelopes – two self-addressed envelopes; one is for the posting of the candidates form at the various centers *(interruptions)*. So, like I was saying, Mr Speaker, I do not think that I am protected.

Mr Speaker: Go on.

Mr Onah: So, what I am saying is that candidates are meant to submit back the forms they purchased from the JAMB with two self-addressed envelopes. One of the envelopes is made for the posting of candidates form at the various centers, while the other one is meant for posting of results but as the system stands now, candidates posting letters are no more sent to the various candidates. I, therefore, do not know why these envelopes are requested by JAMB.

Whereas they know that they are not going to make good use of the envelopes. I think that the correct thing is for the JAMB to send the letter of posting at least a week before the examination. What I mean by letter of posting is the centres candidates are meant to sit for the examinations. This is a very big problem in our system because on the very day of the examination or a day before the examination, candidates are seen

going from place to place in order to know the particular place they are posted for that examination, especially now that Special Centres are being created. In most cases, candidates fail to sit for the examination because they do not know the exact place they are posted. As a result of rush, normally, a day before the examination or on that examination day, we witness a lot of road accidents, and high cost of transportation fare. All these could have been curtailed if candidates know their centres earlier before that day.

I am of the opinion that the envelopes candidates attach to the forms they purchase from the JAMB should be made use of to reduce cost, to reduce road accidents and to reduce low concentration. This is because on the day candidates are supposed to be sitting for the examination, they rush from place to place because they do not know the particular place they are going to stay and take the examination. So there is big confusion.

On the other hand, the late release of results after the examination is the reason people try to find their way out by, may be, lobbying or making some financial inducements in order to know their proper results because candidates can stay for months after admission at our Universities without receiving his or her result. So this is why people are eager to pay any price to make sure that they obtain their results. As a result of this also, some people can easily lose their chances of gaining admission, as their results are not being posted at the proper time Universities are admitting students. So, Mr Speaker, I am totally in support of this Motion. Thank you.

Mr C. Enebe (Awgu North): Mr Speaker, I have risen to contribute to the debate on this Motion. The result of any venture is part of its process. Our Motions on the Floor of this House should be corrective. What I mean by being corrective is to analyse what has been going on in the JAMB office, both at the State and national levels.

The issues raised in this Motion, like I said earlier, are so weighty. When we talk about financial inducement, we should be careful. There is the allegation, for instance, that people paid N800.00 and they are given receipt of N500.00. It is a weighty allegation. If you look at the title of what we are discussing, it says *Resolution*. Not just a mere prayer of a Motion. They are different things. That the House passed a Motion is different from the House passing a Resolution. If you look at the dictionary, you will understand it. Resolution is more formal. That is why if you look at the Constitution, it refers to the House decisions as *Resolution* and like I did say, the activities of those at Abuja has a to making or marring those at the Zonal Offices.

Even to save our youths from the activities of JAMB, nobody is saying anything about that.

What I am really saying is that the House of Assembly as the people's Agency should give those people at the JAMB office a fair hearing, so that by the time we put one and one together, we know what we are doing.

For example, there are people who work there, and earn their living from there ...

Mr Speaker: Order! Order!! Honourable Colleagues, the House of Assembly is not

going to wade into the allegation. If by the time we send this thing to Abuja, to the Minister of Education, and he wants to seek the advice of this House, we supply him the information he requires. If somebody is going to lose his job because of fraud he committed, the person should go to hell, I do not care. *(Interruptions)*.

Deputy Speaker: Mr Speaker, we all know that the House of Assembly speaks through Motions and Bills, it is now left for us to resolve. So, we should speak on this Motion.

Mr Speaker: The Mover of the Motion is not going to be taken to court because he moved a Motion. Nobody can do that, I mean that nobody can do that; he is performing his duty and it is a clear function.

Mr Enebe: It seems you are quarrelling with me.

Mr Speaker: Nobody is quarreling with the hon. Member for Awgu North *(Mr Enebe)*, and he can go ahead.

Mr Enebe: Then allow me to air my views. If you bring a Motion on notice, the first place to resolve it is here. If I see you on the road, I do not need to discuss a Motion with you along the road, and if you want us to ...

Several hon. Members: Go ahead! Go ahead!!

Mr Speaker: If the hon. Member for Awgu North *(Mr Enebe)* wants to go ahead, let him go ahead, if he has finished, may he sit down.

Mr Enebe: Mr speaker may stop interrupting me.

Mr Speaker: The hon. Member for Awgu North *(Mr Enebe)* may sit down please.

Mr Enebe: You are interrupting me on my points, allow me to finish. It is going to be on record.

So, what I am saying is that by the time we pass this Motion, the rest will have to suffer, not just the prayers, that is what I am saying. The body of the Motion and the prayers make up the Motion, not just the prayers. And if you look at the second page, I think fifth to the last line, *(Laughter)*.

Mr Speaker: Look at the second page. The hon. Member for Awgu North *(Mr Enebe)* has not finished at all.

Mr Enebe: Mr Speaker, if there is a Motion on the Floor, and everybody says *yes*, it is not even the best.

Mr Speaker: The hon. Member for Awgu North *(Mr Enebe)* may hear me out. If there is a Motion on the Floor and somebody is saying *No*, let him say *No* with reasons, not by sentiment. One can say *No* with good reasons. Somebody may kill it with good reasons.

Mr Enebe: Nobody is going to kill any Motion. I am not saying that the Motion should be killed. What I am saying is that if we are going to include those weighty points like that they take money, up to seven hundred Naira (N700) and they issue five hundred Naira (N500) receipt, and if we are going to include the second prayer that they take financial inducement before they do

their job; if we are going to include all those things, we must have investigated it, that is what I am saying.

But when you say the activities of the administrative officers in the JAMB office of Enugu, it is okay, but when you mention figures, mention that people take money and did not investigate it, that is what I am pointing out. I am not saying that the Motion is bad.

My position is that we should have given them a fair hearing, for them to state their case. It will not be proper in our first contact with those we are supposed to defend their progress, we condemn them without talking to them.

I urge the Mover of the Motion to tell us how he came up with these allegations.

Mr Speaker: Is it what the hon. Member for Awgu North (*Mr Enebe*) would want the Mover of the Motion to analyse here on the Floor of this House?

Mr Enebe: Mr Speaker, my position in this very Motion is either we remove those issues that affect money or we send it to a Committee for proper investigation.

Mr Speaker: Honourable Colleagues, the only way we can remove them is when I put the Question.

Deputy Leader (*Mr Anikwe*): On point of explanation! Mr Speaker, if we watch the submission of the last speaker, we have been making efforts to get things cleared there. The simple truth there, in that Motion, is that it is calling the attention of the Minister to the inducement. There is no formal prosecution of anybody there. It is only

when we call the attention of the Minister, he can now investigate. There is nothing wrong in this mere Prayer for the Motion. It is only calling for attention.

Mr Speaker: Honourable Colleagues, we have a way of saying *No*, (*laughter*).

What I am saying in this is that there is a way of saying *No*, if by the time I put the Question on any point one does not agree with, one can make ones position clear. One can even call for a division.

Mr M. O. Onyeze (Igboeze North I): Mr Speaker, Sir, I want to throw more light on the issues raised on this Motion. In the first instance, education is in the concurrent list, I did not talk about Minister of Defence or Armoury. I am talking about an area where the State Legislature and National Assembly can make Motions, discuss or even make laws. If the House of Assembly has the power even to establish Universities, why can't we talk about how people are going to Universities.

We are aware that this Session of the House has passed a Law establishing a University, and it is known by the entire Nation. The National Universities Commission (NUC) has accepted the Law. So, why can't we talk about admission, how people go in or come out of University, if we have the power to establish Universities.

I am also aware that a Member of my Committee once raised a Motion asking the Federal Minister of Science and Technology to facilitate the release of equipment sent to Institute of Management and Technology (IMT), Enugu. This House also passed that Motion. It was not passed through the National Assembly, it was a Motion directed

to the Minister, and they have reacted. The Institute of Management and Technology, informed us that they have reacted.

So, I do not see anything wrong in talking about something that we have power to talk about. We do not expect all the candidates in Enugu State to come and talk about this Motion. We are their voices, we represent them, and I want to assure you that I did not initiate this Motion. I have a write up even from highly placed citizens, even from Permanent Secretaries, complaining and asking what we are doing about the exploitation and frustration of our youths. All these things motivated me to build up this Motion.

As to the Prayers, they are wide enough. The Zonal Office can deny, admit or defend themselves. Look at prayer No. 5, it is calling on them to be upright and treat our children fairly. If they say that what we are saying is wrong let them defend it. I am sure that the issues raised are based on facts, and I do not want them to be prosecuted; I do not want them to go to Anti-Corruption. Let them help the thing to move smoothly, that is my business in the House here.

I do not want to go to the extent that some of my Colleagues are going: that we should investigate and prosecute them. I am not interested in their going to prison. I want the thing to improve.

If we look at another Prayer there, it is calling on JAMB, and it is even exonerating this Body here. Look at prayer 3, it is asking them to update their equipment, because they are having too many candidates to cope with. That is why they cannot release results; it is not the business of the Zonal Offices to procure those

equipment. If the National Body agrees with us that what we are saying is true, they should help them to be up-to-date and carry out their functions effectively. Why do we involve the Minister?

The Minister is involved with the release of funds. If you look at Prayer three, it is calling on the Minister to help. The intention of the Mover of the Motion is not to persecute them, it is not to investigate them. However, these things are based on facts. I believe that this honourable House will do the youths of this State and its environs a very good favour if they pass this Motion. In two weeks time, they will be taking JAMB exams again and they will be expecting results. If we pass this Motion, I believe there will be improvement. I believe that the youths will be happy; I believe our efforts in supporting the educational programmes in the State will yield more and more positive results. Thank you, Mr Speaker.

Mr A. O. Chigbo (Uzo Uwani): Mr Speaker, Sir, I want to use this singular opportunity offered to me to thank the Sponsor of this Motion in the person of the hon. Member for Igboeze North I (*Mr Onyeze*) for a well-articulated Motion. Mr Speaker, sir, we have talked about frustration. The mode and method, time frame, by which JAMB releases their results is a shame. I think it is a waste of time on this great Parliament for me to go back to itemize all that have been said by my respected Colleagues. I am a living witness at JAMB office sometime last month. One of the offices was about to be turned into a Labour room because of the delay and frustration of staff of that office. A pregnant woman was almost giving birth before the

public. Mr Speaker, Sir, I was very helpful that day. *(Interruptions)*.

Mr Speaker: How?

Mr Chigbo: Mr Speaker, Sir, I contributed by asking my Driver to take the woman to a hospital. *(Prolonged laughter)*. I was a victim of the scandalous staff of JAMB. Just like the Deputy Speaker *(Mr Atigwe)* said, if you have somebody sitting for JAMB, you have to take care of him or her in the same way as if you are the person offering for it. I have sent my relations to do one or two things in that office. Mr Speaker, Sir, if you watch the people at the Public Gallery, half of them are students of this great State, still looking for admission because of the problem they are having in JAMB office. The problem is too numerous to mention. It is the wish of the entire Uzo Uwani people whom I represent that I ask and urge Mr Speaker, to put the Question. Thank you, Sir.

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

Main Question put and agreed to.

Resolved:

- 1) To convey a Resolution, drawing the attention of the Joint Admissions and Matriculation Board (JAMB) through the Registrar at the National Headquarters, Bwari, Abuja, on the colossal failure of the Admissions/ Examination Body, to conduct, release and deliver Examination Results as and when due to candidates

especially those from Enugu and the environs.

- 2) That the House urges the Joint Admissions and Matriculation Board (JAMB) to check the excesses of some of their staff in the zonal offices especially at Enugu as it affects their desire for financial inducements before performing their official duties.
- 3) That the House urges the Joint Admissions and Matriculation Board (JAMB) to revitalize and update their staff and equipment so that they can cope with the increasing number of applicants/candidates now seeking admissions to our Universities.
- 4) That the House urges the Joint Admissions and Matriculation Board (JAMB) to design strategies for restoring the confidence, which the public had reposed in them in the past. The confidence is measured in their transparent conduct of examinations, quick processing of the examination papers and delivery of results to all the candidates with dispatch.
- 5) That the House urges the Joint Admissions and Matriculation Board (JAMB) Zonal Office, Enugu to be upright and fair to the youths of Enugu State and the environs who are unnecessarily exploited and

frustrated through excess charges.

- 6) That the House urges the Federal Minister of Education Prof. F. Osuji to look into the activities of the Joint Admissions and Matriculation Board (JAMB) with a view to nipping some of the vices being perpetrated in the Board especially with regards to the conduct of examinations and the delivery of results in Enugu and the environs.

ANNOUNCEMENT

Visitors

Mr Speaker: All Members are please requested to be in my office on the rising of the House. The House has a Visitor, the Coordinator, DFID, Enugu State. If you watch upstairs those of you at my right side will see them sitting in the Gallery. We need to meet with them in my office on the rising of the House. They have been here waiting and we cannot keep them longer than necessary please. Before I finally adjourn the House I humbly wish to inform you officially that the Deputy British High Commissioner in Nigeria is here in the Chamber at the Gallery. So I welcome them to Enugu State; I welcome them to Enugu State House of Assembly. Most importantly, I welcome them to the Chambers of Enugu State House of Assembly.

ADJOURNMENT

Leader: Mr Speaker, Sir, hon. Colleagues, I hereby move that the House do now adjourn till Thursday, 29th April, 2004 at 10 a.m. Thank you, Sir.

Mr F. C. Onah (Nsukka West): Mr Speaker, Sir, I rise to Second the Motion for adjournment. Thank you, Sir.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday 29th, April, 2004 at 10 a.m.

Adjourned accordingly at 12.30 p.m.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 29th April 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, before us are our Votes and Proceedings No. 70 of Tuesday 27th day of April, 2004. I have gone through them and found them to be correct. However, in keeping with the rules of the House, I need your comments to give it a legal backing. Thank you.

Mr Enebe (Awgu North): Mr Speaker, I have equally gone through the Votes and Proceedings and found them to be correct. I, therefore, move for their adoption. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, I have risen to second the Motion as moved by the hon. Member for Awgu North (*Mr Enebe*).

Question put and agreed to.

Votes and Proceedings of Tuesday, 27th April, 2004 accordingly adopted.

ANNOUNCEMENT

Appointment of New Chief Whip

Mr Speaker: Honourable Colleagues, following the resignation of the hon. Chief Whip of the House (*Mr Ezema*) and his subsequent election according to the local government system of this State, thereby leaving a vacant position in the leadership of this House, the PDP caucus met and decided to fill the vacancy. Consequently, the hon. Member for Igboetiti East (*Mr Odoh*) is hereby chosen to be the new Chief Whip of Enugu State House of Assembly. It takes immediate effect. Thank you.

Committee Meetings

There will be an inaugural meeting of the House Committee on Agriculture and Natural Resources scheduled to take place as follows: Date, Thursday, 29th April, 2004. Time, on the rising of the House. Venue, Chairman's office room 218. The hon. Speaker is cordially invited. Please, be punctual. Signed by Mr Tony Chigbo, Chairman.

The House Committee on Education and Science and Technology will meet on the rising of the House at room 216. Signed, by Mr (Nze) Michael Onyeze, Chairman. The House Committee on Petroleum Resources and Environmental Management will meet on the rising of the House, that is, today. Venue: Room 214. Signed by Mr Johnny Obidinma, Chairman.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
FIRST SESSION OF THE
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ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 71

Thursday
29th April, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 4th May, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings of Thursday 29th day of April, 2004 are before us. I have gone through them, and found them to be correct. However, I need your comments. Thank you.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, I have gone through the Votes and Proceedings of last sitting and found them to be correct. I, therefore, move for the adoption of Votes and Proceedings of Thursday, 29th April, 2004 as correct recording of what transpired that day. Thank you.

Mr G.O. Chukwuegbo (Enugu South II): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our last legislative sitting and found them to be true reflection of what we discussed. I, therefore, second the Motion for its adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 29th April, 2004, accordingly adopted.

ANNOUNCEMENT

**Appeal to Members to Come up with
Motion and Bills**

Mr Speaker: Honourable Colleagues, in fact, we do not have much to discuss this morning. But I do hope that by the next sitting, we will have a lot of things to debate upon. So, I appeal to you once more, to intensify your efforts and also try to come up with lots and lots of Motions or Bills because the House of Assembly, both at State and Federal Levels, is being heard through Motions and Bills. I believe that if we continue in the way and manner we proceeded from the first day of inauguration of this honourable House, everybody will be very very proud, and we are going to have lots and lots of Motions and Bills passed. I implore you to intensify your efforts towards the attainment of our goals.

Committee Meeting

The House Committee on Public Accounts and Anti Corruptions will have their meeting tomorrow. The venue will be Chairman's office, room 219 by 11 a.m.

Inauguration

I wish to remind you that those who were unable to inaugurate their Committees should please do so as a matter of urgency. I will be the last person to send assignment to any Committee that has not been inaugurated. You will recall that these Committees were announced over a month ago. Therefore, I expected that by now, you must have done your inaugurations and be ready for work. Again, I am not ready to entertain anything from any Committee that has not been inaugurated. It is illegal and I will never accept it. So, please, endeavour to inaugurate your Committee.

Meeting

The House Committee on Environment Management and Petroleum, Resources, will meet with the hon. Speaker on the rising of the House. The venue will be Speaker's officer. Signed by the Chairman of the Committee, hon. Member for Oji River (*Mr J. Obidinma*).

ADJOURNMENT

Deputy Leader (*Mr P. Anikwe*): Mr Speaker, Sir, hon. Colleagues, I rise to move that this honourable House do now adjourn till Tuesday, 11th May 2004. Thank you.

Chief Whip (*Mr E. Odo*): Mr Speaker, Sir, hon. Colleagues, I rise to second the Motion for adjournment. And while doing so, I wish to draw the attention of the House to our Rules, more especially Section 28, 1-5 which dwells on Behaviour of Members during sitting. May I crave the indulgence to Mr speaker to allow me read out that Section so that no hon. Member will fall victim of that Section: I read as follows:

- 1) *During a sitting all members shall be formally dressed and shall enter or leave the House with decorum.*
- 2) *Members shall not cross the Floor of the House unnecessarily or sit in a place allotted to any other Member.*
- 3) *Members shall not read newspapers, books and letters in their places except such newspapers, books and letters as may be connected with the business under debate.*
- 4) *During a sitting all Members shall be silent or shall confer only in under tones.*

- 5) *Members shall not make unseemly interruptions while any Member is speaking.*

Mr Speaker, Sir, why I want to address this is that, we are afraid, that in the course of discharging our duties, we do not want to fall into confrontation with anybody. I urge you, Mr Speaker, to advise Members to strictly adhere to these Rules as the Office of the Chief Whip and the Deputy Chief Whip will seek to recommend to Mr Speaker for appropriate observance of this Rule. Thank you.

Mr Speaker: Honourable Colleagues, there is no debate on Motion for adjournment, but I want to state that your observation is well noted. That I will tell you with effect from next sitting; anybody that fails to comply with the relevant Rules that is, Rule 28: 1-5 will not be allowed to be part of us. In the next sitting I will give you all the powers to go ahead and deal with anybody that fails to comply with the Rules.

Mr C. Enebe (Awgu North): Mr Speaker, Sir, while supporting the Motion for adjournment, I want to inform the House that observance of the Rules of the House rests strictly with Mr Speaker and not the Chief Whip. The Chief Whip's responsibility is just to whip hon. Members into the Chambers and not doing Provost's job. Thank you.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Tuesday, 11th May 2004 at 10 a.m.

Adjourned accordingly at 1.15 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

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ENUGU STATE HOUSE OF ASSEMBLY

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No. 72

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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ENUGU STATE OF NIGERIA
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ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 73

Tuesday
11th May, 2004

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Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 11th May, 2004
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 72, dated Tuesday 4th May 2004 are before us. I have gone through them and to the best of my knowledge, they are correct. However, I need your comments. Thank you.

Mr F. Amu (Nsukka East): Mr Speaker, I have gone through the Votes and Proceedings equally and I found them correct. I, therefore, move for its adoption. Thank you.

Mr A. Nnadi (Igbo Ekiti West): Mr Speaker, I have risen to second the Motion for the adoption of the last Votes and Proceedings of this honourable House.

Question put and agreed to.
Votes and Proceedings of Tuesday, 11th May 2004 accordingly adopted.

**MATTER OF URGENT PUBLIC
IMPORTANCE**

**Strike Action by Resident Doctors
of UNTH**

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, may I move that this honourable House do now suspend her Rule No. 25 to enable me come up with a matter of urgent public importance.

Mr F. Onah (Nsukka West): Mr Speaker, I rise to second the Motion. Thank you.

Question put and agreed to.

House Rule No. 25 accordingly suspended.

Deputy Leader: That the Enugu State House of Assembly do send an S.O.S call to the Minister of Health, Prof. Eyitayo Lambo, to personally intervene in the face off between the Resident Doctors and the management of UNTH.

Chief Whip (Mr E. Odo): Mr Speaker, I rise to second the Motion as moved by the last speaker. Thank you.

Deputy Leader: Mr Speaker, Sir, another serious threat to one of the famous Health Institutions in this part of our country has occurred. This time, it is the UNTH Resident Doctors and the Management. The resident doctors at this hospital have just down tooled their working materials, thereby paralyzing the Healthcare of our people. A careful study of the demand of the resident doctors

suggested that the Management may not be personally responsible for the non-inclusion of them in the 22 1/2% salary increase.

I will go further to expatiate in this. Mr Speaker, you know that for anything involving salary increment, there is a constituted authority, approving authority from the Federal Ministry of Health as now concerns the resident doctors but there has not been any formal circular on this issue that the resident doctors should be included in the 22 1/2%. That is why I discovered that the Management cannot on their own issue a Circular without approval from the Federal Minister of Health.

Mr Speaker, and honourable Colleagues, if the Management of UNTH Enugu may not be singled out as being responsible, why then the resident doctors of UNTH only embarked on a strike? There are other such Federal Health Institutions scattered across the country. Why UNTH Enugu only? Mr Speaker, Sir, it may interest you to know that since the establishment of this center of excellence, this is the only time an indigene of this State is being appointed the Chief Medical Director. I strongly refuse to believe that the strike at this point in time may not be political.

However, the course of the matter is that our people can no longer receive treatment at this hospital that has no immediate alternative as center of excellence in this country in general and this part of the country in particular.

Mr Speaker, Sir, the consequence of this strike action by the resident doctors can only be imagined than discussed. The actual people who perform the greater medical services are the resident doctors.

I go down a little bit to explain what I mean by resident doctors at this point in time. There are some categories of medical doctors. There are those who are about graduating, they are specifically called people on housemanship, they have not been certified as medical doctors. Apart from this, there are those they call the resident doctors, and the resident doctors are those trying to get specialized in an area, they are not yet specialists. Apart from them, we have the Consultants, and the Consultants are those who are specialists in some areas of ailments. They are a little bit above in their hierarchy.

Mr Speaker, the consultants who are very few, can only be invited at extreme cases, or do we say the ones on Housemanship? Presently, the UNTH Enugu is grounded to a halt. The people with casualties have been vacated and perhaps asked to go home and die; the same to others with various ailments already on admission for treatment. The incessant abandonment of duties by these caliber of doctors in the Federal Health Institutions in this part of our country is a big embarrassment to the people and government of Enugu State. These doctors who are human beings with consciences have their professional doctrine – to save life at all cost, and not the other way round.

Mr Speaker, hon. Colleagues, it is in view of the aforesaid facts that I urge this honourable House to resolve as follows:

Prayers:

1. That this honourable House send an S.O.S call on the Minister of Health, Prof. Eytayo Lambo, to personally intervene and bring to a stop the face-off between the Resident doctors and the UNTH Enugu Management.
2. That an investigation be carried out by the Minister to determine, whether the strike action is political and if so, adequate punishment be meted out on those behind the scene.
3. That management and the Resident doctors should enter into dialogue immediately and sort out the matter without further delay.
4. That strike action should be the last resort in our health institutions.

Chief Whip: Mr Speaker, Sir, I am proud to associate myself with this important Motion. Mr Speaker may recall that sometime last year, the Permanent Secretary in the Ministry of Health brought out a circular excluding medical doctors from the 221/2 percent salary increase, as against other staff of the establishment, and I recall also that there are other hospitals of the same status with the Nigeria University Hospital;

we have Teaching Hospital in Gwagwalada in Abuja; we have University of Ilorin Teaching Hospital; and that of Lagos, Port Harcourt, and others. The exclusion of this class of people from the 221/2 percent increase is not the making of the Management of the University of Nigeria Teaching Hospital (UNTH), Enugu, so, I personally see what is happening in UNTH in two folds. In the first instance, it has some political undertone. Secondly, there is this personality clash between medical doctors and other professionals in the hospital.

Mr Speaker, political reasons in the sense that it has not been going well with the management of the hospital because prior to this time around the Chief Medical Director of UNTH has been somebody nominated from outside the State possibly on merit, because as a Federal Establishment, it does not necessarily mean that the person must come from Enugu. Fortunately, this time around, we have somebody who is qualified for the post and whose activities in the establishment has merited him the post of Chief Medical Director. Now, I suspect a gang-up within the hierarchy of the medical personnel in the establishment as to distablize the youngman there so as to put into effect or to supposedly assume that the youngman does not really know what he is doing, which actually is not the case. That is the political view I have on that.

Secondly, and which is very paramount in our minds, is the issue of personality clash between the medical doctors and other personnel in the establishment, and all over the country, anyway.

You know, prior to this time and even at present, there is this belittlement as has been shown by medical doctors to nurses, Radiographers, Lab-technologists and even Dental surgeons. So, we wish to really recall that even the Dental and Medical Practitioners' Act that established the practice of medicine as guides the medical doctors, also encourages all these subsidiary staff that assist the medical doctors in the discharge of their duty.

So, it will be very very unfair if a policy has been issued from above to favour people who are working in a hospital, and the medical doctors will on their own try to carve out something from it for themselves. There are other benefits the medical doctors enjoy which are quite strange to this class of personnel as I have itemized above. So, Mr Speaker, it will be in the interest of this State and the nation at large, if this House should actually condemn what is happening in UNTH, because the UNTH is not the only hospital of such in this country. We have a lot of them, and we have not heard that Gwagwalada Specialist Hospital has gone on strike on the ground of 22 1/2 percent. We have not heard that the Port Harcourt Teaching Hospital has gone on strike on the grounds of 22 1/2 percent, so also Lagos and quite a number of them across the country. So, it is time for us to really condemn this attitude and appeal to the Minister, if possible to the President, to quickly intervene in this ugly incident, because right now if you go to UNTH nothing live is happening there. There is no medical doctor, there is nothing, even those Housemanship are coming to

work skeletically and they have indirectly paralysed even the radiographers, nurses and lab-technologists who could be of great assistance to what is happening in the Hospital.

So, Mr Speaker, I wish to urge my Colleagues to give a rousing welcome to this Motion and support it accordingly, so that normalcy can be restored in the University of Nigeria Teaching Hospital, Enugu. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, I strongly commend the Mover of this Motion for his favourable speeches towards health. I also commend him for his indepth look into the issues as raised. Mr Speaker, what is happening in the UNTH, to me, cannot be enumerated. The Nigeria Council of Medical Doctors approved that any hospital that can pay the 22 1/2 percent, could go ahead and pay. It is not compulsory.

We can remember some time ago the Federal Government added 17 1/2 percent to each worker's salary, and urged each State to pay according to their capacity. So, this their demand is not substantial enough to make them go on strike. In fact, what they are actually trying to do is to push the Chief Medical Director to pay, because he is not their choice. I may not mention names but only a pocket of them are doing that.

Mr Speaker, this is an action that should be condemned in its entirety because what they are trying to do is genocide, because whether they are right or wrong, it will make somebody die, because a breach of society

interest is genocide and murder. So, these doctors should be called to order.

Therefore, Mr Speaker, I strongly support all the prayers. I call on this honourable House to please give it all the necessary support.

Mr J. N. Anichukwu (Nkanu East): Mr Speaker, Sir, I rise to associate myself with this Motion. If the strike of the Resident Medical Doctors of UNTH is true, then it is unfortunate. Whatever it is, it is unfortunate. I start to wonder at times if we have professional ethics in whatever we do, particularly in the medical field. If such strike should come up, why should it be now, and why should it be in Enugu State. Is it because of the end-time which the Ministers of God prophesy as *Ogwu-gwu Oge*. This is a time when man battles with life; all types of disease abound now. People are attacked indiscriminately by known and unknown diseases. This is a time when the masses of Enugu State should get medical attention.

Mr Speaker, why I say this is that the Resident Doctors of UNTH are supposed to know that whatever is their grievances, they should have looked for alternative means of resolutions. I wonder why they have finally decide to embark on strike. Whatever it is, I still maintain that it is very unfortunate. Even when medical services were being provided, people still die, how much more when they have actually decided that people should die whether they like it or not. It is very unfortunate and I am not happy about it. If it is monetary problem, it is unfortunate

because all of us do not know the reasons they had in mind.

We human beings should be allowed to live. This alone is a calculated attempt to frustrate the Chief Medical Director. I do not think it is the best solution to embark on strike because they are dealing with human life and I do not like it. There are so many other ways to resolve this matter. If they do not like the man, they should ask him to go. Even if they ask him to go, why?

Mr Speaker, I am entirely in support of this Motion and every avenue should be explored by this House to ensure that normalcy is restored at the University of Nigeria Teaching Hospital Enugu. UNTH does not treat only people from Enugu State, people from across the country come to UNTH for treatment. I think they should listen to the voice of man, which is the voice of God.

Mr Speaker, Sir, I strongly support this Motion and the proposals as moved by the hon. Member for Ezeagu (*Mr Anikwe*). This is part of the delicacy of this honourable House of Assembly. We are considering the bad aspect of it because it affects life. Any idea that is good we have to commend it. We are now condemning the strike action embarked upon by the Resident Doctors. I believe that my hon. Colleague will give this Motion a speedy passage. They say that a stitch in time saves nine. In this situation where two elephants fight only the grass will suffer. We the masses are suffering. Those who are sick now do not have avenue to get treatment. Nobody knows what will happen

to him at the next moment. So, every effort should be applied to restore normalcy at the UNTH, Enugu. Thank you, Mr Speaker.

Mr A. Nnadi (Igboetiti West): Thank you, Mr Speaker for recognizing me. I want to say one or two things on this important Motion. I hereby state that there is no need for me to repeat what my hon. Colleagues have spoken on this Motion. I have to make one or two assertions. Resident Doctors should see themselves as people trained to take care of the sick. They should see themselves as people who are working in good partnership with people like the Rev. Fathers who are close to God. They should have considered the fact that they are there to save lives. What is the point for instance, if they are to meet with the Almighty God, if in the process of what they are doing now a lot of persons die. How can they stand before the Lord and defend it. Remember that one of the ten commandments says: *thou shall not commit murder*. By what they are doing now they have committed murder.

Secondly, I want to ask this question but I do not want an answer to be immediately given. If the case now is between the UNTH Management and the Resident Doctors, embarking on strike should not have been the best option. What they would have done is to go into dialogue and they would have reported this matter to the appropriate authorities. I think it would have even paid them better if they had taken this step. I am of the opinion that the doctors have gone out of their professional ethics. They are now pursuing wealth. If, for instance, I was trained to be a Medical doctor, I will serve

accordingly and I do not think that I would have come to do politics. I am going to concentrate all my efforts on medicine and I will perform better than what I am doing now.

Mr Speaker, Sir, I want to let this honourable House to know that I stand to condemn completely the attitude of these Resident Doctors. They should be called to order. I think, at this point in time, I have to rest my case and wish my hon. Colleagues will speak in favour of this important Motion. Let us give this Motion an accelerated passage. Furthermore, Mr Speaker, in the absence of any other contributions from the Floor, I unanimously move that the Question be now put. Thank you, and God bless.

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

Main Question put and agreed to.

Resolved:

1. That this Honourable House sends an S.O.S call on the Minister of Health, Professor Eyitayo Lambo, to personally intervene and bring to a stop the face-off between the Resident doctors and the UNTH, Enugu Management.
2. That an investigation be carried out by the Minister to determine, whether the strike action is political and if so, adequate punishment be meted out on those behind the scene.

3. That Management and the Resident doctors should enter into dialogue immediately and sort out the matter without further delay.
4. That strike action should be the last resort in our health institutions.

ANNOUNCEMENT

Mr Speaker: This letter is from the hon. Member for Isi Uzo (*Mr K. Ebenyi*) and I read as follows:-

*The Hon. Speaker,
Enugu State House of Assembly,
Independent Layout,
Enugu.*

Dear Sir,

RE: LETTER OF RESIGNATION

I humbly resign my membership of the Enugu State House of Assembly and subsequently the Leader of this Legislature. This is as a result of my appointment and elevation as a Nigerian Ambassador in the Kingdom of Spain. I see it as a National Service and therefore have to answer the call.

I wish to thank Mr Speaker and my Colleagues for giving me the opportunity to serve the Parliament as a Leader. My thanks equally go to the Clerk of the House, the staff and the Management of Enugu State House of Assembly and distinguished Members of the

Press for their wonderful support and assistance throughout my tenure and as a Leader of Enugu State House of Assembly. I equally use this opportunity to thank in a special way, His Excellency, the Executive Governor of Enugu State, Dr Chimaroke Ogbornia Nnamani, the PDP and people of Enugu State for the confidence reposed on me and by giving me this singular opportunity to represent them in the diplomatic circle. I thank you all.

Mr Speaker, honourable Colleagues. My personal appeal is for you to maintain the peaceful and cordial relationship within the Members of the House and Executive and extend the same support and cooperation given me during my tenure to all Members and to the incoming Leader of the House and the replacement of my Constituency (Isi Uzo).

To God be the Glory, Amen.

(Signed) Hon. K. Ebenyi

I have another letter from the hon. Member for Udeni (*Mr E. Eze*). It is dated 5th May, 2004 and I read thus:

*The Hon. Speaker,
Enugu State House of Assembly,
Enugu.*

Dear Sir,

RESIGNATION

This is to inform you through God's own will, manifest in the magnanimity of His Excellency, Dr Chimaroke Nnamani, the

Executive Governor of Enugu State, and His Excellency, Chief Olusegun Obasanjo the President, Commander-in-Chief of Federal Republic of Nigeria. My letter of credence presented to me on the 5th day of May, 2004 by Chief Olusegun Obasanjo GCFR, President and Commander-in-Chief of the Nigeria Armed Forces of the Federal Republic of Nigeria dictates that I am posted to Nigeria High Commission, Lusaka, Republic of Zambia. I, therefore, with all sense of humility and respect submit this for your acceptance as a formal withdrawal from my position as an honourable Member representing Udenu Constituency in the Enugu State House of Assembly.

Thank you all and God bless you.

*(Signed) Hon. Emma Eze
Udenu Constituency*

Honourable Colleagues, based on the documents I have just read this morning, the two seats of Hon. (Dr) Kingsley Ebonyi and Hon. Emma Eze, pursuant to the relevant Sections of the Constitution, are hereby declared vacant.

In the same vein, following the letters I just read this morning and following the meeting of the PDP Caucus of this honourable House, Hon. Anichukwu John Nwankwo has been appointed as the new Leader of this honourable House. Thank you very much. The new Leader, *(Mr Anichukwu)* may please, move to his new Seat. Congratulations.

Inaugural Meetings

There will be an inaugural meeting of the House Committee on Health, scheduled as follows:- Tuesday 11th May, 2004, on the rising of the House. The Hon. Speaker is cordially invited.

There will be an inaugural meeting of the House Committee on Public Utilities as follows:- 11th May, 2004 at room 216, on the rising of the House.

The House Committee on Economic Development, Civil Service and Labour Matters will be inaugurated today, Tuesday, 11th May 2004 on the rising of the House at the Chairman's Office, Room 02. All Members of the Committee are cordially invited.

Appreciation

Leader (Mr Anichukwu): Mr Speaker, Sir, I have risen to express my gratitude to the PDP Caucus in Enugu State and the hon. Members for giving me the opportunity to serve as the Leader of Enugu State House of Assembly. My gratitude stems from the fact that this is an opportunity to enable me contribute in my own way to sustain the already existing peace and cordial relationship in this House, and also promote the unity and understanding fostered through the able leadership of the Speaker through his maturity.

So Mr Speaker, I hereby say, I am grateful to the honourable Members and the PDP

Caucus and promise that I will not disappoint them. Thank you.

ADJOURNMENT

Leader (Mr J. N. Anichukwu): Mr Speaker, Sir, may I move that this honourable House do now adjourn until Thursday 13th May, 2004, at 10 a.m. Thank you.

Mr A. Chigbo (Uzo Uwani): Mr Speaker, Sir, I want to use this opportunity of seconding the Motion for adjournment to thank my respected hon. Colleagues, the members of our great party and the leadership of that party for recognizing my best friend, my *Ejima (Laughter)*; for giving him the opportunity to be the new Leader of this House. Thank you.

Chief Whip (Mr Odo): Mr Speaker, Sir, while supporting the Motion for adjournment, I wish to congratulate my good friend, hon. Member for Nkanu East (*Mr Anichukwu*) for his appointment as the Leader of this House. I accordingly urge him to take a bold step towards the activation of our outstanding Bills, at least, to represent our local needs.

I can recall, Mr Speaker, that there was a Motion passed urging this honourable House to draft a Standing Order in its own name instead of using that of Anambra State as adopted in Enugu State. So, I urge my very good friend to see it as a challenge. The Committee was given one month, but I think it has lapsed for about six months now. I urge the new Leader to look into the Bill and work within the period of one month given by the Speaker to actualize the Standing Order

that is locally made to ascribe the status of Enugu State House of Assembly. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday 13th May, 2004, at 10 a.m.

Adjourned accordingly at 12.43 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
FIRST SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 75

Tuesday
18th May, 2004

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

not later than four days
after receipt of the Printed Report

Produced by the Publications Department
Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 18th May, 2004
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings, of Thursday, 13th May, 2004, are before us. In keeping with the rules of this honourable House, I have gone through them, and found them to be exactly what transpired on the said day. However, I need your comments to enable us give them legal backing. Thank you.

Mr D. A. Ani (Enugu South I): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our last sitting and found them correct. I, therefore, move for the adoption of the Votes and Proceedings as correct recordings of what transpired that day. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings, and to the best of my knowledge, I found them to be correct. Hence, I second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 13th May, 2004, accordingly adopted.

ORDER OF THE DAY

**PRESENTATION OF BILL ACCIDENT
VICTIMS (IMMEDIATE TREATMENT)
BILL NO. 7, 2004**

A Bill for a Law to provide for the Treatment of Accident Victims; for Assurance that they get Immediate Attention; and for Purposes Incidental Thereto, presented by Mr Chigbo (*Uzo-Uwani*) and read for the First time.

Mr Speaker: Honourable Colleagues, the Bill before this honourable House, on the Accident Victims and the Immediate Treatment, Bill No. 7, 2004 has been read for the first time. In accordance with Order 43 of this honourable House, the Bill is referred to the House Committee on Health and Judiciary, Public Petitions, Ethics and Privileges. They are given two weeks to report out. Thank you.

Mr A. O. Chigbo: Mr Speaker, Sir, now that the Bill has been read for the First time, may I quickly move again that the Bill on Accident Victims and immediate treatment Bill No. 7, 2004, be now read the Second time. Thank you.

Leader (*Mr J. N. Anichukwu*): Mr Speaker, Sir, hon. Colleagues, I stand to second the Motion as moved by the hon. Member for Uzo-Uwani (*Mr Chigbo*).

**ACCIDENT VICTIMS (IMMEDIATE
TREATMENT)
BILL NO. 7, 2004**

Order for Second Reading, read.

Mr C. O. Enebe (Awgu North): Mr Speaker, Sir, my question is on the Motion

moved by the hon. Member for Uzo Uwani (*Mr Chigbo*), I am thinking that the Leader is the person to move the Motion for the Second Reading.

Mr Speaker: Well, I don't think that it is conventional to do so. It does not really mean that the Leader has to move the Motion. So, the Presenter has the right to move it, and mind you, this is not a government Bill. It is a private Member Bill. So I think it is in order. The Presenter is to move the Motion. Thank you.

Mr Chigbo: Mr Speaker, Sir, my respected Colleagues of Enugu State House of Assembly, the Bill is for a law to provide for the treatment of gunshot victims, for assurance that they get immediate attention and purposes incidental thereto. My respected Colleagues, I feel it will be better for me to tell this honourable House the little I know about accident. That is to say, what is accident?

Mr Speaker in Longman Dictionary of Contemporary English (new edition) accident is defined as follows:

- (1) Not planned or intended. Something is not planned. Someone may say it is done by accident.

Another definition has it; a situation in which someone is injured or something is damaged without anyone intending them to be. In the same dictionary, it has accident defined as a crash involving cars, trains, aircrafts etc.

Mr Speaker, Sir, based on these definitions as aforementioned, when there is a sudden, unexpected event that is very unpleasant, that causes damage or injury to

mankind, the event is said to be an accident. The event or accident could occur anytime to any person and at any place especially in the home, on the road and in the air. The person who has sustained the mishaps or injury is the victim. My Colleagues, hon. Members of this great parliament, the society is becoming crime infested. The news of armed bandits operation, maiming, shooting, killing defenceless citizens in our society is becoming very alarming and disturbing and a lot of deaths have resulted from such ugly incidents as gunshots, machet cuts and other deadly weapons are used by these bandits.

Mr Speaker, Sir, my Colleagues, I hope you can set your minds back and remember the incident which involved the Governor of Benue State and subsequent death of Chief Andrew Agomo (one of the pillars of a leading party in West Africa – the PDP) and other wounds sustained by policemen in the Governor's convoy on Wednesday, 3rd March, 2001. Mr Speaker, Sir, such victims had lost pints of precious blood and when not properly attended to, they always bleed to death. There is the fear and notion that once hospital treats an accident or gunshot wound victim without a police officer or accompanying report from them, the hospital gets into trouble with the police.

Mr Speaker, Sir, because of this, our hospitals, health centers, clinics, chemists and other medical outfits have bluntly refused to attend and treat victims of gunshot wounds that had no police officer or police report and those victims that could not deposit money to the hospital before treatment. This ugly incident had led to many deaths of such victims.

Mr E. Odo (Igboetiti East): Point of Order.

Several hon. Members: Order what?

Mr Odo: Order 26(1). Mr Speaker, Sir, I have risen to challenge the mode which the Presenter of the Bill uses in dictating the Bill that ought to have been prepared by him. The Rule says Members should not read their speech and I am believing that if the Presenter of the Bill had in mind to read what he has scribbled on paper, that means that we ought to have copies. So during debate we are meant to talk, we are meant to believe in the principles of debate. So I wish to urge Mr Speaker to direct the hon. Member for Uzo-Uwani (*Mr Chigbo*) to desist from reading extracts from paper.

Mr Speaker: I agree with you and I did spot in time and wanted to question it but on a second thought, I realized that he is the Sponsor of the Bill and could read what he has to drive his points home. He is the Sponsor of the Bill. I can now refer you to Order 35. So we can go on. Your point of order is over-ruled.

Mr Chigbo (Uzo-Uwani): Mr Speaker, Sir, I thank you for your protections. This Bill took me about two years and some months before I could get it ready. I was a former Liaison Officer in this Assembly. (*Interruptions*).

Mr Speaker: The hon. Member for Uzo-Uwani (*Mr Chigbo*) should not argue, he should go on with his speech.

Mr Chigbo: Mr Speaker, Sir, my hon. Colleagues of this great Parliament, today is my day (*Laughter*).

Mr Speaker: Please go on. You have thirty minutes to talk on the Floor.

Mr Chigbo: Mr Speaker, Sir, I did inform this house of the actions of our Policemen towards people who are involved in accident or by any other form, and I will go ahead by saying that there was an ugly incident that led me to give details of such victims. My hon. Colleagues of this great Parliament, I sincerely have to present to you a copy of hon. Datti Yusuf Baba-Ahmed, representing Zaria Federal Constituency, and four others in their Motion presented at the Floor of the House of Representatives sometime last year titled "Provision of Medical Services to accident victims without necessary Police Reports". Mr Speaker, in that Motion at the Federal House of Representatives the hon. Member (*Datti Yusuf*) said and it reads:

"Accordingly, many people had died in the past, while many others sustained life-time deformities as a result of this mishap. He averred that the time invested in waiting for Police Reports of accidents could be committed to the rescue of Accident Victims bearing in mind that the Police Station could be out of reach of the accident victims by the time of the occurrence."

The Motion which took into consideration the poor state of Nigerian roads being poorly maintained and in a state of disrepair, regretted that the menace of violent crime and armed robbery had been on the increase in the country.

It said sustaining the policy of demanding Police Report from accident victims before offering them medical services would lead to loss of more lives and therefore urged the relevant government agencies to discontinue the Policy.

An hon. Member: We do not know and do not have copies of the paper that he is reading.

Mr Speaker: The paper he is reading is an extract from "The Law Maker"

Mr Chigbo: Mr Speaker, Sir, we are all aware of how business like police force is today. It takes much time to secure police permission how much more when the document expected is to be prepared in their office. The Station Officer at the post will say there is no stationery. We have been victims of several incidents on how to get Police Reports.

Mr Speaker, Sir, my respected hon. Colleagues of this great House of Assembly, it is indeed vital to state that the Motion was carefully planned to ensure a favourable outreach. How much more when we talk of people that have gunshot wounds that deserve immediate attention to save the victim of dying. The primary concern of every institution or establishment is to protect life before you can do other things. This Bill seeks to remove those bottlenecks that hamper the admittance of those victims of accident vis-à-vis gun shot wounds. Life is precious and caring, and very very short. Therefore life has to be preserved in our society.

The primary objective of our health institutions is to save and preserve life. This Bill intends to disabuse the minds of hospitals that had once failed to treat accident victims or gunshot victims because of want of documents from the police. My hon. Colleagues, this Bill when passed, will authorize our health institutions to admit and treat accident or gunshot victims without waiting for the presence of a police officer or

their report. So many souls will be saved from death from this singular act of good legislation from this honourable House. My hon. Colleagues, I have gone through a dozen laws enacted in this part of the country and have seen nowhere there is a law prohibiting the treatment of accident victims or persons with gunshots in any part of the country. Rather, treatment by the hospitals will begin while the hospitals will report same to the police as required by Section 4.2 of the Regiment Act Fire Arms and Special Provisions Act.

Conclusions, Mr Speaker, Sir, it is very very important that this House passes this important Bill that touches on the lives of all, irrespective of persons, political inclinations, posts, states or religion. When this is done, even generations yet unborn will ever remember the legislature that have carefully handled the issues of victims of accidents to be admitted and treated in our health institutions. At this juncture, my hon. Colleagues, I want to state that he or she should receive treatment hence an accident or gunshot victims, while the hospital authorities await Police Report. I wish you a happy deliberation as you contribute to the passage of this important Bill.

Mr C. O. Enebe (Awgu North): Mr Speaker, I have risen to contribute to the debate on this bill before us. When we talk about accident victims, nobody is free from that. Anybody could be an accident victim, either through gunshot or through motor accident. What is important is that everybody who is alive is likely to be an accident victim. And that the way things are handled in this part of the world, leave much to be desired.

Essentially, this bill is long over due in our system because for somebody to sustain

an injury and be denied treatment because of the existing policy or law does not augur well for our collective stay as human beings. So this bill, the way I look at it, has to do with bridging the gap that exists as it affects Section 14(b) of the Constitution. The Section says that, "*The Security and Welfare of the people shall be the primary purpose of government.*"

Before now, the reasons adduced for not treating accident victims are merely because of security aspect, which means that they have played down on the welfare aspect of the Constitutional provision. In as much as treating an armed robber could cause security problem, not all accident victims are armed robbers. Some are inflicted on them by maybe the armed robbers themselves, some maybe road accidents. So this Bill will to some extent take care of both the security and the welfare. Because if we continue to say that those who are accident victims must come up with Police Report before treatment, it could lead to loss of lives but if you go through the Bill, the hospital could continue to treat the patient while the issue of Police Report is taken care of.

In Nigeria today, you are aware that if somebody hits you, and you go to the Police Station, even before the Policeman will follow you or listen to you, it will take you maybe the whole day. So, assuming somebody is bleeding and you need a Police Report, what if the officer-in-charge is not around, or there is no vehicle for them to visit the accident scene, it means that the person will eventually die. So I whole heartedly support this Bill, except that there were certain aspects of the Bill that needs to be looked at critically. One of them is the issue of indigent patients. I am of the opinion that we play down on that, because a hospital

that is situated along the Expressway could have up to 20 to 30 accident victims in a day, and at the end of the day, some of them will say that they are indigent. So some of them may eventually die and the owner may relocate outside that place because of this law. So what I am saying is that there is need to play down on the issue of payment.

If somebody had an accident or had a gunshot wound that could have killed him and eventually his or her life is saved, I believe that the relatives of that person should try to pay for the treatment, or if they can not pay, the law should allow the proprietor of the hospital and the patient who have been treated to sort themselves out. Because by the time you include the issue of indigent, it creates a further problem. Who is an indigent person?

Then, I equally want to talk about the issue of sealing up of a hospital. I believe that this is going to be a full-fledged law, that offenders should be taken to court, tried accordingly and punishment meted to them accordingly. Because, by the time we talk about sealing up, it could be abused. So that we do not create ambiguity in the whole process. I believe that for the mere fact that this bill, when passed into law, will enable those who would have lost their lives to be treated, it is enough, so that by the time it is put into practise, it will be easy for both the victim and the hospital that is going to treat them, to strike a balance, between the two. In the cause of executing this law, when it is passed, the government can on its own direct the public hospitals to treat the victims free. But when it come to private sector, it may create further problems. Another related factor is the issue of who is supposed to treat this victims. Is it whoever is in the hospital or the Medical Doctors? Because if you bring an

accident victim, and the Doctor who is supposed to be in-charge of that hospital is not there, and they now tell you that the Doctor is not there, are you going to compel the clinic to admit the patient when the Doctor is not there or if they say, transfer him to another clinic, has that hospital ran foul of part of the law? There are some of the aspects I want the Committee that will eventually handle this bill to look into when they hold their public hearing.

When I was going through the bill equally, I looked at Section 17 which has to do with Governor's directive. It says that, "The Governor may give directive of a general or specific character as to the observance of the provisions of this law, by hospitals".

Once this bill is passed into law, it becomes a full-fledged government instrument. So the way and manner it is going to be taken care of is purely the government's business. So what I am saying is that even if this thing is not there, once this bill is passed into law, the Health Management Board can now sit down, look at the face of this law and begin to organize on how to ensure the culprits comply with this law.

So Section 16 on the issue of Right of Appeal, I have gone through it and I do not really understand the importance of that Section on the issue of Right of Appeal and the Sealing up of a hospital. Because it is the duty of government under the Law to decide on what to do. Once the court judgement is against you, it is natural to have to appeal. If you do not believe in it, and I think that the issue of manslaughter as penalty, it should include either some years of imprisonment and fine. Because if somebody has been

badly battered by accident to the point of almost dying, probably, he dies just close to the hospital, there is the tendency for them to say that the hospital did not treat the person. The next thing will be to charge the man for manslaughter. So I am trying to look for a way to have some lesser sentences depending on the degree of the offence committed and the jurisdiction should include the Magistrate Courts. Because if you go to the High Courts today, there are a lot of pending cases that are as old as about 2, 3, or 5 years to 6 years. So if we include the Magistrate Courts as part of the jurisdiction, it will help to ensure that justice is done quickly. So I want to end my debate by finally saying that there is need for government, as part of the social welfare effort, to have a package for accident victims so that by the time the various hospitals are coping with indigent people, they will have something to fall back on because it will not be easy for them by the time they admit 20 to 30 patients under that condition.

Leader (Mr. J. N. Anichukwu): Mr Speaker, Sir, I have risen to identify with this Bill and I must commend the Sponsor of this Bill, because one thing that struck me when I saw the Bill is the human nature of it. The human nature in the sense that ordinary masses are actually protected in that Bill. I know, and I think that all of us know that the reason why there was a law against accident victims is to enable the society be bereft of armed robbers/criminals, but incidentally and surprisingly, only very few of them are being caught because they are so organized that even after the incident they have their concealed clinics, or hospitals or some doctors who have gone into connivance with the criminals, that if any of them escape from being killed by the police, you will not see them anywhere appear in a hospital because they know that they could be caught.

I say that the Bill has a human face in the sense, just as correctly described in the attachment, that is, the Motion made by an hon. Member of the House of Representative. Accident could be at home, it could occur on the road, it could be religious, it could be civil. When it does happen, no matter how it happened, whether you are in the process of defending your right or doing any other thing, once one sustains gunshot wounds, to be precise, the rule shall not be followed, that one has to get police report before any doctor could treat him. We all know the bureaucratic nature of the Nigerian police. If for example, one is traveling on a highway and is involved in an accident and he goes to the police station to make a report before being treated, if it is not that there is no sheet of paper to take your statement, there shall be no bic or there shall be no ink-pad or that the officer is not there.

Under such situation, Mr Speaker, you will agree with me that the only answer, for example, to a hungry man, is 'chop'. The only answer to an accident victim is treatment for him to be saved. When it comes to the issue of saving life, I believe no stone should be left unturned to make sure it is done.

What contains correctly in the Bill, is that while the treatment is going on, the hospital should provide for information network. While treating the patient, you should inform the police and the police is entitled to come personally to identify what is the nature of the problem, what happened. The Bill also contains the issue of deposit before treatment which has done more serious harm to the victims of gunshot wounds, accidents or even in religious or civil unrest. Accident could happen anytime, anywhere and anyhow. One may be loaded with money in the pigeon-

hole, or have some money at home or have such money concealed in a boot for execution of a particular project for which the victim is going, and if it does happen on the main road, for example, those involved and even those around are completely confused and sometimes unconscious. They may be so unconscious that they could not even remember where the thing is. Then if the victim is given attention and he recovers or even those who took care of the victim call it either gunshot wound or whatever, comes in and first aid treatment is given instead of refusing, a serious life might have been saved, and whatever is the bill involved will be off-set later.

So, these are some of the human faces that contains in the Bill that I have no real option but to identify with the Bill, Mr Speaker. So, I am urging my fellow Colleagues that after critically going through the Bill, it is given a full passage, the happening is that the protection of the masses interest include everybody because it could happen to anybody, anywhere, anyhow, and is highly guaranteed. The House once more will, be doing her serious responsibility of contributing in their own way to make sure that the lives and property of the electorates are protected. Thank you.

Mr J. Obidinma (Oji-River): Mr Speaker, Sir, this is a very nice Bill especially as it affects Enugu State. Accident is always sudden, it does not take time, and anybody could fall a victim. Anything that provides succor to an accident victim is between God and Man. So, anything that can help humanity through health is very welcome.

Mr Speaker, having observed earlier that the Bill is a nice one, I will urge this honourable House to pass it, but there is an

aspect of it that need amendment by way of inclusion, that is page 4 side heading of Section 13. May I read, 'No arrest without a warrant'. Mr Speaker, the offence is a criminal offence, and in a criminal offence, you arrest with or without a search warrant. So, any person that will handle the Bill at the Committee level should look at it very well. Still at that same page 4 Section 14 (Jurisdiction), the High Court of a State shall have jurisdiction to try any offences committed under this law.

What I have to say here is that when the offence is committed in the State, it should be tried in the State. That is to say that the high court of a state shall have jurisdiction to try any offence committed in this state under this law.

Mr Speaker, having made this little observation, I will say that the Bill is very short, but very powerful. I therefore urge this honourable House to pass it quickly to save humanity. Thank you.

Mr J. U. Onoh (Enugu North): Mr Speaker, Sir, hon. Colleagues, if the Bill is passed into Law, it will be a wonderful Bill. I urge all the hon. Members to do every thing possible to give this Bill an accelerated passage. Mr Speaker, Sir, like the last speaker did say, when it is handed over to the committee, I would actually want to plead for amendment of that particular Section, as we cannot actually go on arrest without a warrant. In the provisions of the Offence and Penalty, page 4 paragraph 12; which states that: *Any person who – (a) fails, (b) neglects, or (c) refuses to comply with any of the foregoing provisions of this law, is guilty of an offence and liable to conviction where death occurs as a result of non-compliance with the provision of this law, the individual*

responsible may be charged for manslaughter. I would have made an amendment which I would have even forwarded to the Committee to read: *Any person who does not comply with any of the foregoing provisions of this Law, and who is being charged with the guilt of not providing for another necessities of life, without lawful excuse, and fails to do so, whereby the life of that other person is or is likely to be endangered or his health is likely to be permanently injured, is guilty of a felony, and is liable for imprisonment for (3) three years.* Taking into consideration that the offender cannot be arrested without a warrant, in as much as it is still a criminal offence, he is guilty of felony and for the fact that such a person can only can be arrested with out a warrant. Thank you.

Mrs C. Eneh: Mr Speaker, Sir, I am still in support of this Bill, because it will put a final stop in the restriction of death and accident rate. Mr Speaker, Sir, honestly speaking, Police attendant or Police report, saving life is more important than Police Report. Personally, I have lost a relation last two years, all because Police reports are being waited. Mr Speaker, I agree with this Bill, but in the enactment government hospital should not be made to write off the unpaid Bill. Instead, I will suggest that government should take care of that patient at the hospital. Thank you.

Chief Whip: Mr Speaker, Sir, hon Colleagues, I rise to move that further debate on this Bill be deferred till Thursday, 20th May, 2004, so as to in the first instance, enable people like me to get abreast with some of the relevant Laws quoted in the very Bill, that will not be Annexed at the point of distance.

For instance, in Section 5(2), the sponsor of the Bill made reference that Hospitals are to comply with the Sub-Section (1) of this Section and shall immediately report same to the police as required by Section 4(2) of the Robbery and Firearms Special Provisions Act. This Robbery and Firearms Special Provisions Act which we never know, and the year not indicated. The Law is quoted and the relevant Sections are not quoted, as to enhance or rather assist us. And moreover, the Motion was moved by hon. Datti Yusuf Baba Ahmed, of the Federal House of Representatives and was distributed less than 25 minutes ago. We needed a thorough study and scrutiny, so that we can articulate our candid contributions.

In the light of this, Mr Speaker, may I move that this debate is deferred to our next sitting, so as to enable us get the relevant materials and equip ourselves for the debates. Thank you.

Mr M. Njeze (Udi North): Mr Speaker, Sir, I rise to second the Motion moved by the Chief Whip (*Mr Odo*) that further debate on this Bill be deferred to our next sitting for all the reasons adduced by the Chief Whip (*Mr Odo*). Thank you.

Question put and agreed to.

ANNOUNCEMENT

Mr Speaker: There will be a meeting of the House Committee on Agriculture and Natural Resources today on the rising of the House, at Chairman's Office, Room 218. The meeting is very vital because it is going to discuss the way and manner we are going to visit Obollo and Adani tentatively.

I am going to meet with the following on the rising of the House in my office: The Chairman Committee on Health and Principal Officers of the House. Please be very very punctual.

ADJOURNMENT

Leader: Mr Speaker, Sir, I move that the House do now adjourn till Thursday, 20th May, 2004 at 10 a.m.

Mr Enebe: Mr Speaker, Sir, I rise to second the Motion for adjournment as moved by the Leader. In doing so, I wish to comment on the recent binding of our Official Report distributed to us as it affected my contributions in our previous sittings. I don't know if it still could be amended.

Mr Speaker: The Law is before this honourable House. The play back should be used to correct and resolve the issue. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 20th May, 2004 at 10 a.m.

Adjourned accordingly at 1.15 p.m.





ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
FIRST SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 76

Thursday
20th May, 2004

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 20th May, 2004
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 75 of Tuesday, 18th May, 2004 are before us. I have gone through them and found them to be correct. However, I need your comments.

Mr A. O. Chigbo (Uzo-Uwani): Mr Speaker, Sir, my Colleagues hon. Members, I have equally gone through the Votes and Proceedings of our last sitting and found them to be correct. I, therefore, move for the adoption.

Mr C. Ugwu (Enugu East II): Mr Speaker, Sir, I observed that in our Votes and Proceedings, paragraph four, the hon. Member for Uzo-Uwani (*Mr Chigbo*) rose and moved Motion for the Second Reading of the Bill but today in our Order Paper, it was repeated as item four.

Mr Speaker: Yes. It is so because debate on the Bill was not concluded and today, we are continuing with the debate.

Mr Ugwu: I, therefore, second the Motion.

Question put and agreed to:

Votes and Proceeding of Tuesday, 18th May, 2004 accordingly adopted.

ORDER OF THE DAY

**ACCIDENT VICTIMS (IMMEDIATE
TREATMENT) BILL, NO. 7, 2004**

**(Adjourned Debate on Second
Reading – 18/05/04)**

Mr Speaker: Honourable Colleagues, you will recall that during our last sitting, debate on the Bill before us was deferred till today and here we are this morning. In view of this development, I wish to call on those who have not contributed to do so on the general principles of the Bill before us – the merit and demerits. Thank you.

Deputy Leader (*Mr Anikwe*): Thank you, Mr Speaker. I have risen to contribute to the debate on the Bill before this honourable House. I have become more convinced having gone through the various sections of the Bill as proposed that the underlying score of this Bill ...

Mr A. C. Nnadi (Igbo Etit West): Point of Order.

Mr Speaker: Order what?

Mr Nnadi: Order 42, 43 and 44. Mr Speaker, I have risen to point of order 42. *At the conclusion of the proceedings on the first reading or any subsequent stage of a Bill a day to be named by the Business Committee in consultation with the Speaker shall be appointed for next stage.*

Order 43:

When a Bill has been read for the first time it shall be referred to a

standing committee for consideration and report back to the House. Bills referred to standing committees shall be allocated to a particular standing committee by the Speaker whose discretion in this matter is final.

Then Order 44 (Second reading of the Bill) Order 44(1):

On the Order for the second reading of a Bill being read, a Motion may be made "That the Bill be now read a second time" and a debate may arise covering general merits and principles of the Bill.

Let me start by saying that the legislature is a political mirror through which the society views the activities of government and democracy is not complete or comprehensive without the legislature and democracy is not in itself complete without the electorates and the legislature has the Constitution that guides its activities which must be adhered to if the legislature is to perform its functions. Unless if and I am sure that the authority and power exercised by the legislators are derived from the Constitution or the standing order of the House. I do not think, unless it is made somewhere, Orders 42, 43 and 44 have not adhered to.

Mr Speaker: What?

Mr Nnadi: Yes. The Bill before us has not been read the second time and debate has been initiated.

Mr Speaker: Can I help the hon. Member for Igbo Etiti West (*Mr Nnadi*)? If he looks at Order 42 and I read:

At the conclusion of the proceedings on the first reading or any subsequent stage of a bill, a day to be named by the Business Committee in consultation with the Speaker shall be appointed for next stage.

Now, when you read the Bill for the first and subsequently a Motion was moved which empowered us to go into Second Reading. And having read the Bill for the first time, the Bill was sent to the House Committee on Judiciary, Health, Public Petition, Ethics and Privileges. Am I correct?

An hon. Member: Yes! Mr Speaker, you are right.

Mr Speaker: It has taken care of Rules 43. Am I right?

Mr Nnadi: Yes! Mr Speaker, you are right.

Mr Speaker: Again on Rule 44. There was a Motion on the Floor that the Bill be now read a Second time. It was on that basis that we agreed upon the debate on Tuesday 18th May, 2004. It was later that the Chief Whip (*Mr Odo*) moved that further debate on the Bill be deferred until a later date to be determined by the Rules and Business Committee of the House. However, I am aware that if the Rules and Business did not comply with the relevant Rules of the House, the Bill will not have to be carried on the Order Paper of today the 20th May, 2004. Am I right?

Mr Nnadi: Of course, Mr Speaker, you are right. Please I do not intend to take

much of your time. I am in full support of this Bill.

Mr Speaker: Please the hon. Member for Igbo Etiti West (*Mr Nnadi*) should relax his mind and say what ever he wants to say.

Mr Nnadi: I just want us to be very Constitutional. If the Second Reading of this Bill has been done (*Interruptions*).

Mr Speaker: The Second Reading of the Bill have being done. A Motion that the Bill be read a Second time was moved and the Motion was carried, Having done that, it was accepted that the Bill be referred to the appropriate Committee which the House did in earnest.

Mr Nnadi: Thank you so much, Mr Speaker. It seems my understanding is failing me. Let me still take on Rule 44 or Order of Second Reading. That the Bill be now read a Second time. It was read and debate followed on the general merits and principles of the Bill (*Interruptions*).

Mr Speaker: You know there was a Motion moved by the hon. Member for Uzo Uwani (*Mr Chigbo*) that the Bill be now read a Second time. It was carried and we went on debate of the general principles and merits and demerits of the Bill. Am I clear now?

Mr Nnadi: Let us go on, Mr Speaker.

Mr Speaker: It is clear that the House did not violate the Order, and Rules of the House. So in view of this, further debate on the Bill should go on. The point of Order moved by the hon. Member for Igbo Etiti West (*Mr Nnadi*) is hereby over-ruled. Let us make progress.

Deputy Leader: Thank you, Mr Speaker, at this stage, I believe that what is demanded on this honourable House is to highlight the merit and demerits of this all important Bill. One may have an amendment or two when it comes to detailed stage by stage analysis of the Bill. This is when the House must have resolved itself into Committee of the Whole House.

So, Mr Speaker, I have risen from my seat to contribute my own ideas on the merits and general principles of the Bill. We believe sincerely that life is supreme. There is a question somewhere, when can one conceive or believe that life has started. When does life begin? Life begins at conception, when life has taken place at conception. Is there any difference between one who is one hundred years and one who is just conceived. It is the same life and that is a measure of the value of life.

Since human beings cannot provide this life, it will now go on to add more questions on how can we comprehend the incomprehensible. Then let no man take life. This is the principle of this Bill. Man getting life is what this Bill is trying to sustain.

Mr Speaker: Honourable Colleagues, I have just received information about our Generator (Gen. Set) and the issue of gas. At present we have electricity interruptions, and if the Gen. Set is allowed to continue working it might get defected or it shall knock. So I am appealing that we take a short break for at least twenty minutes or thirty minutes to enable minor repairs to be effected on the Gen. Set, please.

Leader: Thank you, Mr Speaker, Sir. In view of the above development, may I move that sitting be suspended for thirty minutes to enable the Plant Operators rectify the problem on our Gen. Set. Thank you.

Mr D. A. Anih (Enugu South I): Mr Speaker, Sir, I rise to Second the Motion as was moved by the Leader of the House.

Question put and agreed to.

Sitting suspended : 11.40 a.m.

Sitting resumed 1.19 p.m.

Leader (Mr Anichukwu): Mr Speaker, Sir, now that we have normal electricity supply restored in the House, may I move that this honourable House do resume sitting.

Mr J. C. Obidinma (Oji River): Mr Speaker, Sir, I rise to Second the Motion as was moved by the Leader of the House. Thank you.

Question put and agreed to.

Deputy Leader: Mr Speaker, just like I was saying before I was interrupted by NEPA failure, I had a strong belief having looked critically on all the provisions made in the Law as proposed. I have also a strong belief that the law intends to bring into effect the human efforts made towards saving life. As I narrated, Mr Speaker, no human being can create life because in this creation, I am talking of we have two aspects of creation. We have creation of individuals and creation by art. That creation of individuals is natural. It is

transcendental, that is where life comes from.

As I was trying to analyse, life can only come into being at conception. There is no trade to stages of life. When it is either at conception or at childhood or any other stage, it is still life. The intent of this Motion is that human beings should not put unnecessary condition before saving life. If this life is threatened by means of accident or gunshot as proposed in the law, there should not be any condition attached before treatment is dispensed. That is the main intent of this Bill.

We believe that we are all living witnesses to what has been the situation hitherto. When somebody is almost at the point of death and people who are interested to help to ensure that life were reluctant to come to the aid cannot do so simply because of the notion or order at that stage that treatment can only be obtained after permission from law enforcement agents. Mr Speaker, Sir, this law is intended to take away unnecessary hindrances before treatment can be carried out on the patient. Accident as we all agree can come at anytime. Accident has no method of coming. Nobody can say that he is totally exempted from accident. An accident victim, the highest you can do for him or her is to do all the medication that can help bring him back to life.

If you go to some of our hospitals in question, just like most of the Nurses do, if a pregnant woman registered in a hospital other than the one she is about now being put to bed, the Nurses there will even ignore her, even at the point of labour and if miracle does not happen, the woman may even die there. That is what the Bill is

trying to expose, the inability of the medical personnel to handle an accident victim or gunshot victim simply because there is not available police report.

We did not ask for conditions before we were created. We do not ask if we are going to be created, let us behave like this or that. Creation is given free of charge and that is life. Why do we put unnecessary impediment towards saving this life, when life is most threatened. This is the main topic of this Bill. Even if you go down to Section 7 of this Bill, treatment can still be going on, while inquiry on the accident victim can equally be made.

This Bill seeks to establish what we call an informant. In the process of the treatment of a person towards restoring life, necessary information towards the person can still be obtained. The section also states that the hospital cannot discharge the victim until after being satisfied by necessary police report not that the police must accompany him or her before such a treatment can be dispensed on him or her.

Mr Speaker, Sir, if human beings cannot create, if you cannot make out something, why should you put a condition for the use of that thing. This is a simple logic, because you are under logistic Syllogism. It states that if the first premise is sound and the second is sound, then the third can never be faulted. For instance, human beings are mortals. Every mortal die. *TICO* is a mortal, *TICO* can die. You cannot say that because *TICO* is a mortal, he cannot die. It does not follow.

There is another syllogism. If you cannot make something, you cannot create something to being, you cannot put out a

condition to the use of that thing. God is the Sole Creator of life. He is the sole decider. He knows how and when to take or give. Human beings should not on their own way device means of taking life not provided by them by giving unnecessary conditions. This unnecessary attachment for the conditions before help is what this bill is seeking to abolish.

Mr Speaker, you know very well that our dynamic Governor is a very good Doctor per excellence. This bill will even help out to appreciate the ingenuity, the integrity of both His Excellency and the government because this is part of the government's strategy towards Health for All by the Year ... I do not know ... *(Laughter)* So, Mr Speaker, I have no doubt in my mind that my hon. Colleagues will give this all important bill a due, quick, necessary passage. On this, Mr Speaker, I beg to take my seat. Thank you.

Mr Speaker: Thank you. Is *TICO* a nickname or what?

Deputy Leader: No! It is not a nickname.

Mr Speaker: What is it?

Deputy Leader: When I was in the Secondary School, Senior Prefect of the School, I wrote a book. A drama text book, the title is *Take the Innocent Child Orphan*. From Take you take 'T', from innocent you take 'I', from Child you take 'C' and from Orphan, you take 'O' *TICO*. So it is not a nickname.

Mr Speaker: It is good to know these things.

Mr C. O. Enebe (Awgu North): But excuse me, even from what he said, it is a nickname.

Deputy Leader: Every name is a nickname. A grammatical meaning of name.

Mr Enebe: Mr Speaker, every name that is not in the record of the House, is a nickname. Thank you.

Mr A. C. Nnadi (Igbo Etiti East): Point of Order! Order 3, paragraph 1 & 2. *"Mr Speaker shall allocate a seat to each Member, paragraph 2, A Member may only speak from the seat allocated to him, provided that Mr Speaker may change the allocation from time to time."* From this, Mr Speaker, I do not think that the hon. Member for Igbo Eze North I (*Mr Onyeze*) is a qualified Member of this honourable House of Assembly. He has no seat allocation. Thank you, Mr Speaker. (Laughter).

Mr Speaker: What is the name tagged on his seat?

Mr Nnadi: The name tag on his seat bears the name of the honourable Speaker (*Mr Chukwu*).

Mr Speaker: I cannot be here and be there. He has the right to sit down there.

Mr Enebe (Awgu North): It is a free zone.

Mr Speaker: For the purpose of this hon. Member for Igbo Eze North I (*Mr Onyeze*) should go on. The Point of Order is over-ruled. (Laughter)

Mr Onyeze (Igbo Eze North I): Mr Speaker, Sir, I have risen to support this bill because it touches on Human Right. And basically, when we are treating this bill, may be eventually, passing it into law, we have assisted in protecting the Constitution of the Federal Republic of Nigeria. We are the 3rd Arm of the Government, and it is our duty to protect the Constitution.

We refer to Chapter 4 of the Constitution, which deals mainly on Fundamental Human Rights. Section 33 and Section 34. Mr Speaker, may I read out.

Mr Speaker: Go on.

Mr M. Onyeze: Right to life, that is Section 33, Sub Section *Every person has the right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a Court in respect of a criminal offence of which he has been found guilty in Nigeria.*

Somebody finds himself in an accident, he has not committed any offence. Therefore, we will be defending the Constitution if we find a way of saving the person's life. People can intentionally, by act of commission or omission, let some body die even when they can protect the life. I believe that when this bill is passed into law, a loophole has been closed. People now have the opportunity, those who have been trained to save life, can no longer neglect life when such a person has been brought to them. So, I believe that the same Chapter, that is Sub Section 34 went further to specify;

Every individual is entitled to respect for the dignity of his person, and accordingly

- (a) No person shall be subjected to torture or to inhuman or degrading treatment.
- (b) No person shall be held in slavery or servitude; and
- (c) No person shall be required to perform forced or compulsory labour.

Now, I am talking mainly on Sub Section (a) of Section 34. If you see somebody who is a victim of an accident, he maybe naked, he may be ... he could be under any condition. So abandoning such a person is offending the Constitution, because, at times you find him in a degrading situation.

So, when this is passed into law, I believe it will be a job expected of us as hon. Members whose duty it is to protect the Constitution of the Federal Republic of Nigeria. Also, when you go to Chapter 4 of the Constitution, which deals with Fundamental Objectives and Directive Principles of State Policy, Section 7 treats Social Objectives of what we are expected to do. Our Social Obligations as people in government.

Now, Sub Section 3 (g). Let me start with Sub Section 2 ... Now sub-section 3(g) but let me start from sub-section 2. *The State Social Order is founded on ideals of freedom, equality and justice.* That is Section 17. Then, sub-section 2: *In furtherance of the Social Order:*

- (a) Every citizen shall have equality of rights, obligations and opportunities before the law;
- (b) The sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced;

- (c) Governmental actions shall be humane.

Mr. Speaker, passing this law is a governmental action, and it is having a human face, it is treating human beings as distinct from a goat, as distinct from a cow, that will be found groaning on the road after an accident. Then, sub-section 3(g) goes further to say, and that is the section that gives us the lee-way to enact this law. Sub-section 3(g); *provision is made for public assistance in deserving cases or other conditions of need;*

This is a deserving case, it is an area that was not explored by the Constitution itself, what we should do to save human life. Especially, if we can assist, and this Bill now says we can assist and it is a fact.

So, based on the responsibilities imposed on us by the Constitution to make good laws for protecting human life, and for fundamental human rights to be protected, I think I support this Bill and plead with my hon. Colleagues to look at it critically as our duty.

Having made this preamble, Mr Speaker, I want to plead with those who will have the privilege of going further for amendment in this Bill to look at Sections 8 and 9. That Sections imposes some conditions on the person now who meets an accident victim.

Section 8 says: *Every hospital shall install security alarms that can be activated to inform the police when an accident victim is being treated.*

Some of us are living in rural areas and I do not know if this Law makes it compulsory for people to install such

security alarm. It may not be possible in all parts of the state. While amending the Law, I plead that they may look at that particular section.

Section 9 also says: *Every hospital shall designate an official of the hospital as an accident informer whose additional duty shall be to inform the police anytime a victim arrives in the hospital.*

What we normally have in the hospitals are nurses that are on duty at any given time, just like police men on stand-bye, so that we do not make them to employ more people, this one is now an accident informer, you stick them with a label. Anybody who is on duty should be obliged to perform this sacred duty of saving human life.

Then Section 6 was talking about time lag, but did not specify the time. Section 6 says: *Without prejudice to the foregoing provisions, when a victim is brought to a hospital, such a hospital shall immediately attend to the victim for the purpose of saving his life.*

'Immediately' there should be replaced with a given time, say within an hour of arrival, the victim should have been attended to, or within two hours. 'Immediately' makes room for even the patient to lie there for days. 'Immediately' did not specify time.

Having made these observations, Mr Speaker, I plead with my hon. Colleagues to give this wonderful Bill the attention it deserves so that it will be passed into law within the shortest possible time. Thank you, Mr Speaker.

Mr Speaker: The hon. Member for Enugu North (*Mr Onoh*) made contributions during our previous sitting (*Tuesday*) 18/5/004.

Mr Onoh: Yes, Mr Speaker, but I heard you say that debate should continue when an hon. Member requested that the debate be deferred from that day. But I am standing on point of information, Mr Speaker.

Mr Speaker: Okay!

Mr Onoh: Mr Speaker, I wish to clarify what the hon. Member for Igboeze North I (*Mr Onyeze*) said, that every hospital should have an emergency ward and that the time frame should be stipulated. It is not necessary because it is a case of emergency. Thank you.

Chief Whip: Mr Speaker, Sir, I have gone through the Bill and I am very comfortable with the intent of the Bill as regards the rationale behind the trailing of the Bill. Mr Speaker, it appears as if accident victims have been enduring some moral obligations, because at present, even in the Bible, we have a duty to be our brother's keeper. If a person sees somebody who is a victim of an accident, it is to my mind that such a person should develop a moral duty towards the victim.

Distinction has to be made as to the difference between a legal duty and a moral duty. While a moral duty is at the discretion of the person that is involved, a legal duty imposes some kind of obligation.

Till today, what has been guiding the function of the police as to extracting police report before treating an injured person is motivated by police investigation which is

not acknowledged by any law. We have several instances of laws that is capable of validating the assertion of this Bill.

The previous speaker has made mention of Section 33(1) of the Constitution, and then Section 34(1) which respectively talked about right to life and then right to dignity of human person. We are not going to be-labour ourselves on that, but our interest is that actually the rationale behind the extraction of this report to the hospital before treating the victim has been that it might be possible that the victim might be an armed robber or that it might be possible that the victim might have committed some kind of crime, which to our mind does not give the person ticket to loose his life.

Section 36(12) of the 1999 Constitution, made it clear that any offence that is unknown to law ought not to attract a punishment. As at the time the victim fell into casualty there was nothing called an offence that should have been ascribed to the very person. So, it is in the interest of justice and morality for such a person to receive treatment so that even if at the end of the day he happens to be found guilty of an offence, then nothing stops punishment, and moreover, leaving somebody to die, cannot be punitive measure depending on the kind of offence because in section 36(5) of the Constitution, let me read it out: *Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty.* In this case, person is note even charged. But it is just a speculation that he might be. Even if the person is 'caught ready handed', there is no way any person can ascribe the status of a criminal to the victim until he has been proved guilty.

So, it now becomes a very big loop hole or rather lacuna in our legal system to define a victim being isolated or rather being denied treatment on the grounds of suspicion that the person may be a criminal.

Now, we have a criminal code in this country which is applicable to the Southern part of this country. And there is no way in the criminal code where it was specified that if somebody happens to be involved in an accident that such person should extract a police report before treatment. It is a mere police regulation. And even Section 4(2) of the Robbery and Firearms Special Provisions Acts has made this clear, that *it has been the duty of any person, hospitals or clinics that to administer any drugs to any person suspected of having bullet wounds should immediately report the matter to the police.* The interpretation of this section simply means, that, atleast, the person ought to be admitted or ought to be treated, ought to be in the process of giving treatment or administration of drugs, as the case may be. It does not express or show that such person under the influence of pains should be taken to the police and thereafter come to the hospital before he is given treatment. That would be quite unfair. And would be very very erroneous in our judicial system.

Also, the Fatal Accident Acts 1990 Laws of the Federation, I cannot quote the Section, but I am aware, it makes provisions for the treatment of Accident Victims. But in that case, it limited it to the government hospitals. As in the case of trying to extract report that police may use in subsequent evidences in court. So, having laid this background, Mr Speaker, it is my wish, and my intention that since the House has been in progress without any hindrance, it is time

that we redress such anomaly. It is time we involve this moral duty into a legal obligation. I also have to make some remarks on two sections of the Constitution, which some previous speakers have referred to in the last sitting of Tuesday, 18th May, 2004. In section 16, talks about Right of Appeal, therein, that *any hospital sealed up shall have the right of appeal to the Honourable Attorney General of the State.*

It is my wish that the Committee that will handle the Bill or Joint Committee, as case may be, should look into it, and analyze the fact that the Attorney General is not a court. It will be out of Order for any Appeal to go to Attorney General, on the grounds of matters he will not be aware of. So it is my wish that Appeal should be next Court of High Rank, for instance, if the matter is being handled at Magistrate Court, so Appeal should be directed to the High Court.

Then if the matter is being handled at High Court, you suit out to the Court of Appeal. Section 17 says something about, the Governor's Directive; *the Governor may give directive of a general or specific character as to the observance of the provisions of this law, by hospitals.* Well, in my own mind, it is not the duty of the Governor to oversee what ever process the law may wish to take. It is the duty of the aggrieved person to beckon on the Law and seek the protection of the Law. Because the Governor might not even know how to treat the case, and the treatment that has been meted out to the person.

It is the aggrieved person or rather the policeman in this case, which we know that as at the time he had an accident that

treatment given to him was not deserved or that treatment run short of the provisions of the Law. Section 14 said about the Court that have jurisdiction, that is: *That High Court of the state shall have jurisdiction to try any offences committed under this law.* It is my submission that a special tribunal that is of similar status as the Magistrate Court will be established, so as to guarantee quick dispensation of justice.

For instance, it takes the police about two weeks to file a matter in the High Court. But you can file a matter in the Magistrate Court and it will leave the same day, because of the time limit, and availability, because they are spread all over the Local Government. Again, there is no local government in Enugu State that has no Magistrate Court. So, Mr Speaker, on grounds of this, I beg to call on my Colleagues to really support this Bill and specifically, the Joint Committee to really scrutinize and look into the Bill before bringing it to the House, because if at the end of the day, we come up with a Bill may be that it lacks some technical clause, then the essence of the Bill might even be defeated. So, I have to sit down and urge my fellow Colleagues to support this wonderful Bill. Thank you.

Mr M. Njeze (Udi North): Mr Speaker, Sir, I wish to contribute to the debate on this proposed law on saving lives of accident victims and those with gunshot wounds. I am supporting that those with gunshot wounds be treated in the hospital because gunshot wounds do not go only to armed robbers. Armed robbers operate with guns sometimes and they inflict the wounds from their bullets on some of their victims and if these victims go to hospitals and cannot be treated because of harassment from police,

then we may lose very important citizens of this country as the case in existence before this law. A lot of people have lost their lives simply because they could not receive treatment as and when due because the doctors were afraid of being accessories to armed robbery because that is the guise under which the police arrest them and harass them.

Given the reality of the matter that in every twelve, there could be a Judas and most of them used to be Judas and because of this, some doctors may have some criminal tendencies and when an armed robber goes on operation and meets with the law enforcement agents and gunshot wounds are inflicted on them, they rush to their doctors and because of this little aspect of criminality involved, the police now decided to place blanket ban on all hospitals.

So this law is very good because if it is enacted it will now make it possible for doctors in hospitals to treat people who receive this kind of wound. As for accidents, presently, there is no law prohibiting hospitals from treating accident victims. What the law require is that after treating the victims or while treating the victims, the necessary agency pertaining to security of life on the highway should be notified.

I support that this Bill should be passed but I will also ask that we exercise some caution on the provision we are going to make in the Bill because an adage in certain part of this country says that *it is not beneficial for a family to suffocate a new born babe in the process of looking for a partner for the babe*. So we should not in the process of saving life give license to the

treatment of armed robbery cases without police notification.

Secondly, I believe that the provisions of the Bill should be strengthened so that you do not just say hospitals should be free to treat patients because if you look at the very first provisions that is Section three says that upon the commencement of this law, no hospital shall refuse to attend to accident victims on the ground that such a victim is not accompanied by a police officer or for want of police report. What this imply is, you may refuse but not on the grounds that there is no police report or that person is not accompanied by police officer.

I would prefer a situation when this thing goes to a Committee while the Committee works on it for them to add some little bite to the law to say that any hospital that fails attendance to an accident victim or a person with gunshot wound must offer at least first aid before referring the person to hospital of competence.

Assuming you rush the person to a chemist, he should first of all administer first aid instead of saying no, this wound is too big for me to handle, take him to Onyema hospital, if you come to Onyema hospital, they will say ah, our doctor is not around, take him to UNTH. You come to UNTH, they will say ah, this is bone issue, take him to Orthopaedic. By the time this person goes through this rigmarolling and hard riding around, the soul must have been tired of existence and vacate the body.

So we should include in that law that hospital of first visit must administer some first aid before sending the victim to hospital of competence. We know that the reason why the police are not so happy for

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it is his duty to ensure that the victim receives at least 1st aid and it is his duty to ensure that the police are informed within twenty four hours or not later than that.

There are certain other changes. I think those ones will go to the Committee. I wish to urge members of this honourable House to please help save the lives of our people on the road. Save your own life because accident does not write application before it comes. It comes whenever the price of negativity brings it. But, if it happens to whoever it happens, may be somebody you know or your relative or otherwise. God forbid it to happen to any of us, to anybody else but it does happen. Let us save life by giving this Bill a quick passage. Mr Speaker, Sir, with this appeal to our hon. Members I wish also to add because we have heard so much debate on this Bill and I am happy that nobody has spoken in the negative and there is no indication of any hon. Member to speak in the negative. If all the people spoke in the positive. I now wish to call on the hon. Speaker that the Question be now put and end this debate.

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

Main Question put and agreed to.

Bill accordingly read the Second time.

Mr Speaker: Honourable Colleagues, the Bill before the House has sailed through First and Second Reading. I humbly wish to express my happiness to all of us for a job well done. I can say clearly that this Bill received the highest debate and well articulated submissions. I thank you very much and do hope that subsequent Bills will receive input more than what

transpired on this particular Bill. I also hope that the sponsor of this Bill will be very very patient when others are involved. I thank you so much for your wonderful contributions and I say to God be the glory.

ANNOUNCEMENT

Mr Speaker: Honourable Colleagues, sometime this week I relocated some hon. Members sitting positions in the House. I am happy that those re-locations were complied with. More importantly, I wish to state that all of us are mature. It is only a goat that waits to be flogged before he can obey. I believe that all of us are mature, I do not intend to hurt anybody's feelings. But if I have done that, directly or indirectly, please just forgive. Having said this, those that complied with the re-arrangement, I wish to appeal to those involved to get back to their sitting positions by Tuesday, 25th May 2004. I wish to appeal again that everybody must try as much as possible to behave himself or herself, but if I notice again the kind of conspiracy we used to have at the other end, and tends to happen again, I will do total reshufflement.

So I thank you all for at least complying with the arrangement without grudging. I also notice with dismay the rate and manner which some hon. Members attend to sitting. The sitting time is supposed to be 10 a.m. I am appealing that 10 a.m. be 10 a.m. by next sitting, the moment it is 10.30 a.m. I will ask the Sergeant-at-Arms to lock the gates to the entrance. So that those of us who are here can go on with the business of the day. Not when we are almost adjourning, an hon. Member will come up to second the Motion for adjournment. So as to be accommodated in the Votes and Proceedings, so too on the Verbatim Report.

The moment it is 10.30 a.m. I will close the door, I expect that every principal officer will be in the Chamber at 10 a.m. prompt. I cannot understand when we say that the House do now adjourn until 10 a.m., the next day then it turns out to be 12 noon. Please I do not want it again.

Remember our conclusions in my office sometime, we are going to apply them as soon as possible and that is the only way to make Members attend sittings and attend on time too.

Again henceforth, there are no more Committee meetings on our sitting days both the inaugural meetings. Please do not ever bring to me announcements that you are going to meet at the rising of the House. This is how you muddle things, so that on the days we are not sitting you are not seen here.

Therefore, when you bring up three announcements it involves sitting in three different places. If you are having Committee sittings, there are Committee days which entails Mondays, Wednesday, and Fridays. So as far as I am concerned, and as far as the House is concerned, I will never welcome any reason that will lead to holding Committee meetings on Tuesdays or Thursdays because they are our sitting days. So, try to comply.

The House Committee on Rules and Business will meet as follows: Monday 24th May, 2004 at the Leader's Office by 12.00 noon, to contribute to the review of the Standing Order of the House. Honourable Members are requested to forward their inputs on the review to the Committee.

The Enugu State House of Assembly Tender's Board will meet on Friday, 21st May 2004 at the Leader's Office, (Room 123A) by 10 a.m.

ADJOURNMENT

Leader: May I move that this honourable House do now adjourn until Tuesday, 25th May, 2004 by 10 a.m. Thank you.

Mr C. Enebe (Awgu North): Mr Speaker, I have risen to second the Motion for adjournment, as moved by the Leader of the House (Mr Anichukwu). While seconding the Motion, I wish to refer Members to the events that happened at Jos, Plateau State some few days ago (*interruptions*).

I have to talk. Do you know what I want to say? Hear me first. I am not talking about riot. What I am saying is that the Houses of Assembly there has been dissolved and as part of Inter-parliamentary Relations, it is the duty of the Houses that are operating to find a way to ask the Presidency to pay Members their salaries while they are on suspension.

Because it is a test case, it can happen anywhere. What I am saying is that the Speakers of other Houses should find a way to liaise with the Federal Government so that this people who have been forced to go on suspension. They did not cause the problem there, that they should be paid their salaries and allowances while they are on suspension. I mean it is not out of place. And if we do not say it, if it happens elsewhere, the people will suffer the same fate. Thank you, very much.

Question put and agreed to.

Resolved: That the House do now adjourn until Tuesday, 25th May, 2004 at 10 a.m.

Adjourned accordingly at 2.20 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
FIRST SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 77

Tuesday
25th May, 2004

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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after receipt of the Printed Report

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 25th May, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, before us are the Votes and Proceedings of Thursday, 20th May, 2004. I have gone through them, and to the best of my knowledge, they are correct. However, I need your comments. Thank you.

Mr F. E. Amu (Nsukka East): Mr Speaker, Sir, hon. Colleagues, I have equally gone through the Votes and Proceedings of Thursday, 20th May, 2004, and found them to be correct. I, therefore, move a Motion for the adoption of the Votes and Proceedings as correct recording of what transpired that day. Thank you.

Mr C. Ugwu (Enugu East II): Mr Speaker, Sir, hon. Members I have risen to second the Motion. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 20th May, 2004, accordingly adopted.

NOTICE OF MOTION

POOR PERFORMANCE OF
NIGERIA NATIONAL
PETROLEUM CORPORATION
(NNPC) MEGA STATION ENUGU

Mr O. Chukwuegbo (Enugu South II): Mr Speaker, Sir, may I move the Motion Standing in my name: That this honourable House do urge the Managing Director (MD) Nigerian National Petroleum Corporation (NNPC), Engr. Funsho Kupolokun to immediately direct the Emene Depot Manager to ensure twenty-four hours service at the NNPC Mega Station, Enugu.

Deputy Leader (*Mr P. Anikwe*): Mr Speaker, Sir, I have risen to second the Motion moved by the hon. Member for Enugu South II (*Mr Chukwuegbo*). Thank you.

Mr Chukwuegbo: Mr Speaker, Sir, whereas; Petroleum products include, namely: Premium Motor Spirit (PMS), Automotive Gas Oil (AGO), Dual Purpose Kerosene (DPK) Grease and others.

These Petroleum products are very essential to human existence considering their various uses in many areas of human endeavour.

These Petroleum products are also important towards the generation of energy for our use.

It is equally observed that the envisaged problems as a result of inadequacy of these Petroleum products have encouraged the Nigeria National Petroleum Corporation (NNPC) to open retail outlets in most major cities in the country as in Lagos, Ibadan, Kano, Abuja, Port Harcourt and Enugu – to cope with the increasing demand for these products.

It is important to note that the scarcity or short supply of these Petroleum products as seen in the Enugu Mega Station, cripples the economy and stagnates life.

These Mega Filling Stations owned by NNPC across the country opens for Twenty-Four Hours to serve the public and ensure that they get these products at their least convenience.

The Mega Station at Enugu opens at 8 a.m. in the morning and stops sales at 4 p.m. or occasionally at 6 p.m. in the evening, opening for only eight hours as against twenty four hours service, and this has resulted to long queues within the period of their operation.

The long queues had caused motor accidents on that road and more so, civil servants and others are compelled to leave their places of work for the product within the work period as the Mega Station is not open when one is most disposed.

The Mega Station is not even using all the available pumps to serve the

public and the station has no shift pump attendants as applicable in other Mega Stations in the country.

The overall aims and objectives of having the Mega Station in Enugu are entirely defeated.

Now therefore, be it resolved by the Enugu State House of Assembly:

- 1) That this honourable House do urge the Managing Director of Nigerian National Petroleum Corporation (NNPC) – Mr Funsó Kupolokun to direct the Emene Depot Manager to maintain a twenty-four hours service to the public at the Enugu Mega Station as in others across the country.
- 2) That the Depot Manager should ensure that there is steady and sufficient supply of Petroleum products in the Mega Station.
- 3) That all the pumps are used to serve the public to reduce long queues at the Station.
- 4) That shift pump attendants are deployed to assist in serving the public, as in other Mega Filling Stations across the country for efficiency.

Be it moved, and it is hereby moved.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, the Motion before us has good intents and that is to actually acquaint the Members with what is

happening in the State. One can always observe the motive for the establishment of this Mega Filling Station. The genesis of it is that the continuous scarcity of the Petroleum Products and some disjointed programmes of the independent marketers can be defeated. The Federal Government now decided to have a Filling Station of their own. We have a minimum of 30 pumps effectively and efficiently in use; or are in use at our Mega Filling Station, we also have a steady and continuously steady supply of fuel. The essence of it is to conquer to a great extent the incidence of fuel scarcity that is common in this country.

In Enugu State, we are happy to be blessed by the NNPC, because Enugu State is the capital of Eastern Region. As the center point of all other developments; Enugu State is more qualified than any other part of the country to have its own Mega Filling Station to my own mind. The essence of this Mega Filling Station is to continuously make available fuel and other allied products of NNPC as being demanded by the public.

Mr Speaker, Sir, this Motion is trying to explain the poor performance at our Filling Station, that is, Mega Filling Station just commissioned last week. If it is allowed to continue like that, it will become a tradition. So, this Motion is intended to ask the Depot Manager, Emene, and all the staff employed there to actually give us the service expected of a Mega Filling

Station. In other words, this is not the first Filling Station sited. Some other areas like Lagos, Ibadan, Port Harcourt.

If one goes in there any time, any day, be it in the day or in the night, there will be available supply of the product one wants, be that Petroleum, kerosene, gas etc., and that is why it is a mega filling station. If, on the other hand, we allow the pumps to be dormant, it invariably implies that the essence of the mega station is completely defeated because the independent marketers will continue to manipulate the public. No career civil servant would like to waste his or her time at the mega filling station without attending to his or her duties in the office.

So, Mr Speaker, I believe that the over-riding interest of this Motion is to expose the already observed poor performance at this mega station. The call on the NNPC Managing Director, Engr. Funsho Kupolokun to immediately rise to this challenge is in order. He was here in person, and if we recall what he said on the commissioning day, he assured that this mega filling station will live up to expectation, just as the word implies, mega filling station.

So, Mr Speaker, this Motion intends to save the good people of Enugu State who are finding it difficult to obtain available petroleum products as and at when due, following the establishment of the mega-filling station. We cannot go on to say that we have a mega filling

station where we have only three or four pumps in service. We cannot go ahead to say that we have a mega filling station when it can only operate between 8 a.m. and 4 p.m. We cannot boast to have a mega filling station when at the point in time one comes there, they say there is no fuel. This is a negation of the actual ideal of mega filling station already operational in some other areas of the country.

So, Mr Speaker, I call on my Colleagues to give this all-important Motion its due passage. It does not require much; if you look at all the prayers, they are both appropriate and accurate. So, I call on my fellow hon. Colleagues, Mr Speaker, to kindly pass this all-important Motion. I beg to rest my case. Thank you.

Mr F. Onah (Nsukka West): Thank you Mr Speaker. I wish to put in my total support to this all-important Motion. It is a very good Motion in the sense that the good intention of the Federal Government to establish mega filling stations at designated areas across this country is to make sure that petroleum products are available to motorists at all times and at the approved rates.

I wish to thank the Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, Chief Olusegun Obasanjo and the former Managing Director of the NNPC, Chief Gaius Obaseki for this important gesture.

Mr Speaker, you will agree with me that since the inception of the mega station at Enugu, there has been a great and tremendous improvement in the supply of petroleum products in and around this Enugu. The mega station at Enugu here gets their supply at NNPC depot, at Emené and for some time now, there has been improvement in products supply at the NNPC depot.

The file that I have with me here can give us the accurate quantity of petroleum products that are being supplied to the mega station on daily basis. The PMS, which is Premium Motor Spirit, is being supplied to them between 99000 liters to 132000 liters every day. Automotive Gasoline Oil (AGO) is being supplied to them, 66000 liters to 99000 liters and Dual Purpose Kerosene (DKP) is being supplied between 1980 and 18160 liters.

So, Mr Speaker, what I am trying to say is that the supply of products is not the major problem to this mega station. What is the major problem there is shortage of manpower. Most of their pumps which are meant to be operational on daily basis are not used. About half of the pumps that are meant for sale of petroleum are not in use every day. So, the management of that station has to live up to expectation so that the purpose of the Federal Government erecting that station there, will come to accomplishment.

On the other hand, there is no way such station can be functioning well

without 24-hour service. They need to live up to expectation, like Abuja mega station which sell throughout the day and at night. Before such point could be achieved, adequate security has to be provided because there is no way such station can be functioning in the night without police protection.

So, Mr Speaker, I totally support this Motion, and on this note, Mr Speaker, may I move that order No. 25 of this honourable House be suspended to enable me come up with additional prayer. Thank you.

Mr Speaker: This is a Motion on notice and this is not the appropriate time to make amendments.

Mr Speaker: I am sorry the Motion came on notice and ordinarily, it is expected that any proposed amendment ought to have come before us. We cannot allow you to make an amendment. I observe that the hon. Member for Enugu North (*Mr Onoh*), has just come in. I do not know!

Mr J. U. Onoh (Enugu North): Mr Speaker, Sir, I just want to make an observation.

Mr Speaker: Which observation? Sit down. I do not want any observation please.

Mr Onoh: My Constituency was locked out this morning and it is the height of humiliation.

Mr Speaker: The hon. Member for Enugu North (*Mr Onoh*) should sit down or I walk him out.

Mr Onoh: Walk me out. Walk me out, Mr Speaker.

Mr Speaker: Sit down. Sit down.

Mr Onoh: Walk me out, Mr Speaker but I cannot stand to take the humiliation when an hon. Member will be locked out of the Chamber.

Mr Speaker: I have no apology whatsoever. If the hon. Member for Enugu North (*Mr Onoh*), does not take time I will send him out of the Chamber.

Mr Onoh: With due respect, Mr Speaker, I seek the leave of the House to walk out of the Chamber but I cannot stand the humiliation.

Mr Speaker: He has not been coming to sittings. I am even surprised that he is even here. He has not been attending subsequent meetings.

Mr Onoh: You cannot lock my Constituency out.

Mr Speaker: You have not been coming.

Thereupon, the hon. Member for Enugu North (Mr J. U. Onoh) stood up, bowed before the mace and left the Chamber.

Mr C. O. Enebe (Awgu North): How can you just lock people out like that?

Mr Speaker: Where were you?

Mr Enebe: Where were you?

Mr Speaker: I will send the hon. Member for Awgu North (*Mr Enebe*), out.

Mr Enebe: Send me out for what?

Mr Speaker: I had a quorum before you came in and I said it the other day.

Mr Enebe: Is it in the Rule?

Mr Speaker: Which Rule? I will send you out. I cannot continue waiting for you. You come at your own time.

Mr Enebe: I am not working for you.

Mr Speaker: I do not know what you are talking about and I do not care. I have no apologies whatsoever because I issued a warning. I come into the Chamber and stay from morning till twelve or one o'clock and you are not in the Chamber. You were former Speaker and what about it?

Mr D. Ani (Enugu South I): Mr Speaker, Sir, I rise to give support to this important Motion by the hon. Member for Enugu South II (*Mr Chukwuegbo*). Mr Speaker, this very issue I just attribute it to act of sabotage.

I say it is act of sabotage because other individual filling stations are functioning very well. Why is it that the Mega Filling Station cannot work. Then the issue of manpower, my hon. Colleagues talked of if they want to employ people, they can do so to make the filling station functional.

The issue of long queue has caused a lot of problem to that highway because if you go there and see what is happening there, the drivers and conductors used to sleep there. What of if a vehicle loses its brake and crush people there. Why should people wait for twenty four hours.

The issue of pump attendants, Mr Speaker; there are many fuel pumps but there are not people to operate them. Then the issue of poor supply of fuel there. That is why I keep on saying it is act of sabotage because other filling stations are supplied fuel and I cannot imagine why the Mega Station should lack fuel. So, Mr Speaker, I am still saying that the Committee on fuel should go ahead and find out why there is always shortage of fuel there. So, with this, Mr Speaker I urge my colleagues to give serious support to this Motion.

Leader (*Mr Anichukwu*): Mr Speaker, Sir, I have risen from my seat to support this Motion. The Motion is very timely particularly now that the Mega Station has been officially commissioned. Mr Speaker, Sir, I would not want to believe that this filling station is just like any other filling

station across the country. I would not want to believe that NNPC has deliberate attempt to suffer not only the people of Enugu State but people of Nigeria. Every time, I drive through the road I keep wondering why the queue. I do not know that it was a deliberate attempt to abandon some of the pumps. Then why should they not use all the pumps even when they have fuel.

The Federal Government own the Filling Station and they supply the oil. So I believe that something must be wrong somewhere, and that is why I am happy that this House has risen to its responsibility, to make sure that people's sufferings are alleviated.

By geographical location of that filling station in the first place, it is meant to serve its customers twenty-four hours; not only for people within Enugu but for people from outside the State. People from across the country, from the West, from the North then down to the South make use of that road. It is not always that travelers have enough fuel or gas to take them to their destination. The essence of establishing that filling station is to enable users to get fuel at any point in time they run short of fuel to run their auto-bike.

So, Mr Speaker, Sir, when they talk of pump attendants, I know we have a great number of unemployed persons in this part of the country. If they cannot employ, let them inform us. If they want one hundred, we are going to give them one thousand workers to attend to the

pump. In actual fact, they are not supposed to say there is no fuel. That is the language I will not like to hear in that Mega Filling Station because they supply it themselves.

There are no good reasons the Mega Station, as mentioned in the prayers, should not render twenty-four hours service. So I believe that if the hon. Members pass this Motion, the management of NNPC will know that those who are at work are watching them and that primarily those whose interests are to be protected by that Filling Station are feeling concerned about it. Whoever is incharge must know that Enugu State is very serious in making sure that the good people of Enugu must make use of whatever facilities they have in the interest of the masses. This is what we call *true democracy*. Real democracy is to make use of what you have to your satisfaction. After all, you have to buy fuel; it is not even free; so there should not be any technical blockade there.

So, Mr Speaker, Sir, I believe that after passing this Motion we will notice improved services at the Mega Filling Station located at Port Harcourt Express Way. With this, I beg to take my Seat. Thank you, Sir.

Mr C. O. Enebe (Awgu North): Mr Speaker, Sir, I have risen as a Co-sponsor of this Motion to contribute to this debate. As a Co-Sponsor, I wholeheartedly support this very important Motion. This Motion is very timely

because it was just last Friday, 21st May, 2004 that the Mega Station was commissioned. The commissioning itself means they can now go into full operational services. The Mega Station as we all know is a means of trying to have a different approach to fuel distribution from what it used to be. Before now, we experienced long queues; we experienced incessant increase in fuel prices. It is only at the Mega Station that you can know for sure how much they sell fuel. They sell about N39.20 in other filling stations they increase their prices on daily basis.

The purpose of Mega Stations is to alleviate the problems people encounter on trying to buy fuel from major marketers and intermediate marketers. For the fact that the station is being owned by the NNPC, it means that there is no time you will have shortage of fuel there. It is the last resort; it is the place where you can go and you buy fuel based on the correct prices; it is supposed to be open for twenty-four hours. In other major cities like Abuja, Lagos and Ibadan where they have the Mega Stations, they do not close, it is an all-round affair. But unfortunately, here in Enugu at times they close by 6 p.m., at times by 4 p.m. So why is Enugu Mega Station different from what others are having? That is the question that this Motion is trying to ask. What do we do to ensure that the Mega Station operates optimally.

In this Motion they will now know that people are watching them. We can

no longer cross our hands to see our people suffer. Just some few days ago, the President approved the building of a Mega Station in Bayelsa State. The people were all happy. So at the end of the day all these long queues will just disappear if some people there will do their jobs. So we are at the right track, and the earlier the people who are incharge of the Mega Station improve their services, the better for them. We believe that if all the pumps are functional that the long queues will no longer be there. They closed the pumps, may be because they were not commissioned, now that they are commissioned, we hope that this Motion will ginger them into action and make them to realise that they have not been doing what they were expected to do.

What I am saying is that the Motion is very very timely and I believe that by the time we pass this Motion, the House Committee on Petroleum will do the follow-up, and all those who are supposed to know about this Motion will call them to order and by so doing they will begin to operate the way they are supposed to operate. A Mega Station is supposed to employ people at shift duties, not working at regular mornings and evenings approach. However, that should be their own problem. We believe that at the end of the day this Motion will help to alleviate the problems and I believe that this Motion should not be over-laboured. Petroleum products are the livewire of our daily activities; therefore, I give support to this Motion. Thank you, Mr Speaker.

Mr A. Nnadi (Igbo Etiti East): Mr Speaker, my hon. Colleagues, I have risen from my place to throw my weight and support to this Motion, now on the Floor of this House, seeking to improve the performance of NNPC Enugu Mega Station.

Mr Speaker, the NNPC has something in mind when the management decided to site a number of Mega Filling Stations in the major cities of our great country. The idea as far as I am concerned is to reduce the economic retardation caused by the fuel scarcity all over the country. If you look at that point of view, we all know that petroleum products have a wide range of uses. Most industries cannot do without petroleum products. Even in the social life, the social workers at times find it difficult to report to their respective duty stations for lack of fuel in their cars. And if such persons for instance, cannot get to where they work for their daily living, what do we think will be their output at the end of the day?

Like I said when I was talking about the industrial sector, if a particular product of this petroleum product is not made available in the manufacturing industry, and the product is very useful in the society, what do we think will now happen to the consumers of such product? Take for instance, we talk of this polymer products and this cannot be possible without petroleum products. If regular and constant supply of this products cannot be made available to

the manufacturers, how do we think we can get this product. The effect is that the price will go up.

Mr Speaker, I am in total support of this Motion. If I were the entire House, I would have moved without much debate that this Motion immediately be passed by this honourable house and with this, Mr Speaker, I believe that nobody is going to oppose the content of this Motion. I, therefore, request that the Question be put. Thank you, Mr Speaker. Let me rest my case.

Mr Speaker: I believe nobody is against this Motion, even those who claimed that they were locked outside. But that notwithstanding, let us hear from the only lady.

Mrs C. Eneh (Udi South): Mr Speaker, I have risen to support this very important Motion because not only that Enugu Mega Station is operating only few pumps, all the pumps are not being used. Mr Speaker, it appears that the NNPC is trying to adopt the pattern being used by the Independent Marketers, where a Station with 8 or 7 pumps will only be using one out of them.

Honestly speaking, if this Motion is passed, it will go a long way to stop the sufferings of our people in Enugu State. Therefore, Mr Speaker, I move that the Question be now put.

Mr Speaker: I cannot put the Question, because I allowed you to talk

and after talking you now asked that the Question be put.

Deputy Speaker: (Mr Atigwe): Thank you, Mr Speaker, I have risen to support this Motion. Mr Speaker, this Mega Station is here because of good governance and peace in this State. Before now, we used to have long queues in the filling stations; with the commissioning of this Mega Station, we still have the long queue in the Mega Station. We do not know what it will be called then.

That is why this Motion is very important, to remind them of their duties. That to be a Mega Station, they should be steady; not only that they will be steady, it should be 24 hours; not only 24 hours, it should also be fast; not only being fast, there should be steady supply of fuel in that very Station. We also pray that proper security should be ensured in that very Mega Station.

Mr Speaker, it is timely because it is not only serving the people of this State, it is serving the state and her environs and if the Motion is passed and accordingly channeled, I hope the authorities will perform their duties accordingly.

With this, Mr Speaker, I beg to warm my seat. Thank you.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, I stand to support this very important Motion for two reasons. If you ask people to come and transact

business in the night, guarantee them that they are very secured, and I can assure this honourable House that Enugu State is the most secured state in the Federation. If we are sitting in some other parts of the country, we will not ask them to operate in the night. But Enugu State is so secured that you can transact any business at any hour. If they are selling at 1 p.m. 2 p.m. or 3 p.m., they are secured.

We do not have incidents of robbery or car snatching or any other form of violence in the night here. Because of that, we are saying that if they transact the business for 24 hours as stipulated, they are very very safe.

Secondly, that Mega Station is very strategic. You might find yourself traveling to Port-Harcourt in the night, from there after filling your Tank you go straight to Port-Harcourt. If you are traveling to Ebonyi or Ogoja or other parts of Cross River you fuel your tank there and start going. Or if you are traveling to Onitsha or Asaba or Lagos you can fuel your tank there without branching anywhere to look for fuel; you just go straight to where you are going. Because of the strategic position of that Station it should function for twenty-four hours. It is not only carrying the people of Enugu State but the entire Federation. With this, Mr Speaker, I move that the Question be put.

Mr Speaker: Honourable Colleagues, before I put the Question I

want the Chairman of House Committee on Petroleum to say something.

Mr J. Obidinma (Oji River): Mr Speaker, I will first of all thank the Federal Government for siting the Mega Filling Station at Enugu and other States. I also thank the Movers of this Motion for the wonderful Motion they have moved. Mr Speaker, all Members have captured the view of Enugu State and on my own side I do not think that I have anything contrary or against the Motion. The prayers there so canvassed are very beautiful. May I urge this honourable House therefore, to support the prayers in its entirety. Mr Speaker, may I move that the Question be now put. Thank you.

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

Main Question put and agreed.

Resolved:

1. That this honourable House do urge the Managing Director of Nigerian National Petroleum Corporation (NNPC), Mr Funso Kupolokun to direct the Emene Depot Manager to maintain a twenty-four hours service to the public at the Enugu Mega Station.
2. That the Depot Manager should ensure that there is steady and sufficient supply

of Petroleum products in the Mega Station.

3. That all the pumps are used to serve the public to reduce long queues at the Station.
4. That shift pump attendants are deployed to assist in serving the public, as in other Mega Filling Stations across the country for efficiency.

ANNOUNCEMENT

Visit to Adani and Obollo-Afor

Mr Speaker: This is to remind the Members of House Committee on Agriculture and Natural Resources that the scheduled visit to Adani and Obollo-Afor will take place tomorrow Wednesday, 26th May, 2004 by 9 a.m. Signed by Mr Tony Chigbo, Chairman House Committee on Agriculture and Natural Resources.

There is a workshop to sensitise people on school meal programme going on at Nike Lake Hotel. It is being organized by the Enugu State Primary Education Board and the Chairman and Members of House Committee on Education are invited today, 25th May, 2004. Venue is Protea Hotel, Nike Lake Resort. Time is 10 a.m.

Appeal

Honourable Colleagues, I wish to state that it is not in my character to

humiliate anybody but I believe that we are all brothers and we should abide by certain instructions. I am aware that some people said that locking the door is nowhere in the Rule but I can tell you still that if we are going by the Rules of this House, Rule No. 5 is very clear and the time for the House sitting in our Standing Order is very clear. The time we should sit says, 10a.m.; and each time the Leader wants to move Motion for adjournment he moves that the House do now adjourn until 10 a.m. the next day we are going to sit (*Interruption*).

Mr Speaker: Please, in as much as there is no provision in this Rule that one can begin to shout that there is outbreak of fire here and all of us should sit down here and watch it. Even if the wire sparking and everybody is rushing out there is no Rule for us to do anything. So, I am appealing that people should live up to expectations. I am aware I have the Deputy Speaker here and he can as well preside over. I left Port Harcourt this morning in order to meet up the sitting because I did not formally leave instruction for him to preside over. I left Port Harcourt this morning and I was in Enugu before 9.15a.m. So, let us behave maturely.

Like I said, I never intended to hurt anybody's feelings. I felt that if we do it that way we will attune the attitude of the hon. Members to attending sittings on time. I was even surprised when I did not see my brother and my Colleague, (*hon. Enebe*) I asked his

brother where his brother was and he said that he was on his way and I concluded that what made him to be late must be very crucial but because I did not want to have exception I went ahead.

I do not regret what I did. So, please, let us maintain this time factor. We sit twice in a week and the Rules of the House says we should sit Mondays, Tuesdays, Wednesday and Thursdays but we sit only Tuesdays and Thursdays. We now set aside other days for Committee days. That was why I looked at it and say; as far as I am concerned, I will not allow any Committee to hold meetings on Tuesdays and Thursdays because each day we are sitting people try to bring all sorts of assignments so that immediately after the sitting they will hold their meetings and everybody disappears and seeing them again could be the day we adjourned to. But I know that if we try to be specific, people can come here on Monday, have their sitting, come back here on Wednesday for their Committee works and possibly sit on Thursday and have their Committee works the next day being Friday. It is very simple and clear.

However, if some of you who actually came when the door was locked felt that they were insulted, please, like I said before, I did not intend to hurt anybody's feelings and I am sorry for whatever the embarrassment might have caused them. Only that we embarrassed our Colleagues, but the House was embarrassed more because people are in

the Gallery watching and by the time we started the sitting we were about eight in number. It is too poor. So, please, please and please, I am appealing that we should try as much as possible to be punctual. I said 10.30 a.m. and I got here to ensure that the House is protected.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, may I now move that this honourable House do now adjourn till Thursday, 27th May, 2004 at 10 a.m.

Chief Whip: Mr Speaker, may I pray your indulgence for at least, allow me to second this Motion for adjournment and in seconding the same Motion I equally want you to allow me make some observations. Mr Speaker, I have to really commend the courage for adequate measure to ensure compliance to the Rules. Mr Speaker, you made mention of Order No. 5, which says that the House should sit as from 10 a.m. The man that resorted to shutting of the door against some Members fell even short of this Rule. Moreover, it has no legal or moral justification. On the legal aspect, I am aware, some of us were here around 9 a.m. the House began to sit as from 11 a.m. which invariably means that everybody is a participant to the crime and as such if we have to observe the Order No. 5 it therefore means that if the House does not sit by 10 a.m. nothing will happen because a party to a crime cannot complain to a fellow party to the same offence.

Mr Speaker, it is my wish to say that all the Members of the House came late to this very gathering and as such some people ought not to have been given the blame because the lateness has no formula or index within which you can measure it. Then, in the moral aspect, it fell short of what we are doing here if somebody comes late and is locked out on the grounds of not coming early even to the detriment of his Constituency.

So, Mr Speaker, while thanking you for the step taken, even though in a wrong manner, I wish to say that if we have to sit by 10 a.m., let it be maintained so that there will be justification for locking somebody out because the rule has been observed to the letter. But not when the rule has not been observed, because from what has happened, it means that whenever the Speaker comes, that is the time 10 a.m. is on the dot. So, Mr Speaker, I wish to make this observation so that history will not repeat itself. Thank you.

Question put and agreed to.

Resolved: That this House do now adjourn till Thursday, 27th May, 2004 at 10 a.m.

Adjourned accordingly at 11.36 a.m.





ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
FIRST SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 78

Thursday
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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Thursday, 27th May, 2004
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Chief Whip: (Mr Odo): Mr Speaker, Sir, may I now observe that the House has not formed its Quorum in accordance with Order No. 8(2) of our Standing Orders, which states that *Quorum shall be formed if one third of the entire members of the House are present, and in the absence of which, that Mr Speaker shall count the number of people available, and then observe the lack of quorum and shall forthwith adjourn the House.* In the light of this, Mr Speaker, may I move that the House be adjourned till a later date.

Mr Speaker subsequently ordered that a count of hon. Members present be taken and it was therefore taken and put at seven (7).

And there being no Quorum, Mr Speaker adjourned sitting without Question put, pursuant to Order No. 8(2) of the Standing Orders of the House.

Adjourned accordingly at 10.30 a.m.





ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
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ENUGU STATE HOUSE OF ASSEMBLY

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Speaker who will likely say, or may be if we now decide that it could be changed, you just recall what the last speaker said. So Mr Chairman there is no need wasting much of our time here. You have to tell us where to go.

The Chairman: It is not my duty to tell you where to go. Even if I tell you, you may say *no*. I said this is where I want it to be and you said *no*. I now say okay. I don't want to impose anything on anybody. This is democracy. I want the rule to begin to apply. So there is no need asking me to tell you where you should go. Anywhere you feel is the proper way to go we follow you with the principles. I am only a presiding officer. If you people say we will remove it, fine. If you people say we shall allow it as we did the other day, fine. I am not against that. You people should know that the Question has been put and agreed to. But we are making Law. So I should go ahead and put the Question.

Honourable Colleagues, we are making Laws and I sincerely believe that popular opinion on any issue must be upheld. Why I appear to be somehow different is that this issue was raised in my office and I don't know whether you agreed. *(Interruptions)*.

Several hon. Members: We did not agree.

The Chairman: Since we did not agree, the Motion has been moved and the Question I am going to put is that the original Bill should be retained; and what we did yesterday on that will be expunged. It is just a very simple thing. If it is popular opinion that we should retain what we did before I will not be against that. I will pick it up. Am I loud and clear?

Several hon. Members: We don't understand you.

The Chairman: The committal he made was for us to go back and adopt both the original Bill. You recall that vividly we all took decision on this matter. Am I right? Now we cannot claim ignorant of the Motion that was moved, which was seconded. What I am saying, in effect, is that, having taken position already; and the Leader on his own wisdom, returned to the House and made a suggestion that this is what will be expected from this Bill; and this is what is supposed to be there. When you sought the leave of the House and moved the Motion it was seconded. Now, the question I am going to put is either what he wants us to do as the Leader of the House on what the House has taken as a decision ... *(Interruptions)*.

Chief Whip: I want him to evaluate all the entire Motion. ... *(Interruptions)*.

The Chairman: Okay. Now the Question is, do we leave it as the House treated it before or do we delete it in that sub section? Is that okay?

Several hon. Members: Okay!

Mr M. Njeze (Udi North): Mr Chairman, I don't understand it.

The Chairman: Why you may not understand what we are saying is that you were not present when that issue came up. *(Prolonged Interruptions)*. Can the Chief Whip (*Mr Odo*) tell me exactly the decision of the House before, on this matter.

Chief Whip: Mr Chairman, Sir, the Committee recommended that Section 19(3) be deleted. We now said okay. Then the House now said that the correct position is

that the Laws are to be amended by the House of Assembly. But on second thought, we now feel that since it is our primary duty to make Laws; putting House of Assembly or not, is still an implication that the House should amend the Law.

SCHEDULE 2

2. COMMERCIAL CATEGORY

(a) Banks –

(a) (i) (Regional Head Offices) –
N144,000.00 per annum –
ordered to stand part of the bill

(a) (ii) (Branch Offices) – Delete
N96,000.00 and insert N48,000.00: thus
N48,000.00 per annum – *as amended,*
ordered to stand part of the bill.

(a) (iii) (Community Banks) – Delete
N16,000.00 and insert (N10,000.00) per
annum – *as amended, ordered to stand part*
of the bill.

Insurance Companies/other Finance
Houses

(b) (i) (Regional Head Offices) – Delete
(N60,000.00) and insert N30,000.00: thus
N30,000.00 per annum. – *as amended,*
ordered to stand part of the bill.

(b) (ii) (Branch Offices) – Delete
N36,000.00 and insert N18,000.00: thus
N18,000.00 per annum – *as amended,*
ordered to stand part of the bill.

HOTELS 200

(c) (i) (Rooms and above) – Delete
N240,000.00 and insert N120,000.00 thus
N120,000.00 per annum – *as amended,*
ordered to stand part of the bill.

(c) (ii) (100 – 199 Rooms) – Delete
N180,000.00 and insert (N90,000.00: thus

N90,000.00 per annum – *as amended,*
ordered to stand part of the bill.

(c) (iii) (50 – 99 Rooms) – Delete
N120,000.00 and insert N60,000.00: thus
N60,000.00 per annum – *as amended,*
ordered to stand part of the bill.

(c) (iv) (30 – 49 Rooms) – Delete
N96,000.00 and insert N48,000.00: thus
N48,000.00 per annum – *as amended,*
ordered to stand part of the bill.

(c) (v) (10 – 29 Rooms) – Delete
N60,000.00 and insert N30,000.00 thus
N30,000.00 per annum – *as amended,*
ordered to stand part of the bill.

(c) (vi) (1 – 9 Rooms) – Delete
N36,000.00 and insert N18,000.00: thus
N18,000.00 per annum – *as amended,*
ordered to stand part of the bill.

Restaurants

(d) (i) (20 seats and above with fast food)
– Delete N72,000.00 and insert N21,600.00
thus N21,600.00 per annum – *as amended,*
ordered to stand part of the bill.

(d) (ii) (20 seats and above without fast
food) – Delete N48,000.00 and insert
N14,000.00: thus N14,000.00 per annum – *as*
amended, ordered to stand part of the bill.

(d) (iii) (10 – 19 seats with fast food) –
Delete N36,000.00 and insert N10,800.00:
thus N10,800.00 per annum – *as amended,*
ordered to stand part of the bill.

(d) (iv) (10 – 19 seats without fast food) –
Delete N24,000.00 and insert (N10,200.00:
thus N10,200.00 per annum – *as amended,*
ordered to stand part of the bill.

(d) (v) (1 – 9 seats) with fast food) –
Delete N18,000.00 and insert N5,400.00:

thus N5,400.00 per annum – as amended, ordered to stand part of the bill.

(d) (vi) (1 – 9 seats without fast food) – Delete N6,000.00 and insert N1,800.00 thus: N1,800 per annum – as amended, ordered to stand part of the bill.

(d) (vii) (Buckateria) – Delete N2,400.00 and insert N720.00 thus: N720.00 per annum – as amended, ordered to stand part of the bill.

Night Clubs

(e) (i) (with catering services) – Delete N36,000.00 and insert N18,000.00 thus: N18,000.00 per annum – as amended, ordered to stand part of the bill.

(e) (ii) (without catering services) – ordered to stand part of the bill.

Hospitals/clinics/pharmacy shops/lab

(f) (I – xiv) – ordered to stand part of the bill.

(f) (xv) (Patent medicine shop) – Delete N3,600.00 and insert N1,800.00 thus: N1,800.00 per annum – as amended, ordered to stand part of the bill.

Stores/supermarket/salons

(g) (i) (Departmental stores – Delete N48,000.00 and insert N24,000.00 thus: N24,000.00 per annum – as amended, ordered to stand part of the bill.

(g) (ii) (Supermarkets) – Delete N36,000.00 and insert N18,000.00 thus: N18,000.00 per annum – as amended, ordered to stand part of the bill.

(g) (iii) (Normal provision store) – Delete N18,000.00 and insert N6,000.00 thus:

N6,000.00 per annum. – as amended, ordered to stand part of the bill.

(g) (iv) (Provision store with liquor on licence) – Delete N24,000.00 and insert N12,000.00 thus: N12,000.00 per annum – as amended, ordered to stand part of the bill.

The Chairman: Schedule 2 g(vi) – 2g(viii) Barbers shop with more than 4 seats: – as amended, ordered to stand part of the bill.

2h(i): Airline Offices

The Chairman 2h(i) was N36,000.00 delete N36,000.00 and insert N18,000.00

2h(i) – as amended, ordered to stand part of the bill.

2(h) (ii)

2(h) (iii) (Transport loading bay): delete N36,000.00 and insert N18,000.00 i.e. N18,000.00 per annum

(h) (iv) Courier Services Company: delete N36,000.00 and insert N18,000.00 i.e. N18,000.00 per annum.

(h)(v) Professional Services Offices: delete N6,000.00 and insert N3,000.00 i.e. N3,000.00 per annum.

(h) (vii) Business Centre with over 8 equipment: delete N18,000.00 and insert N9,000.00 i.e. N9,000.00 per annum.

(h) (viii) Business Centres with 4 – 7 Equipment: delete N6,000.00 and insert N3,000.00 i.e. N3,000.00 per annum.

(h) (ix) Business Centres with 1 – 3 equipment: delete N2,400.00 and insert N1,200.00 i.e. N1,200.00 per annum.

2 (h) (ii) – (ix) – *as amended, ordered to stand part of the bill.*

Cyber café delete N24,000.00 and insert N18,000.00 i.e. N18,000.00 per annum.

2 (h) (x) – *as amended, ordered to stand part of the bill.*

(xi) Printing Press (big) N36,000.00: – *ordered to stand part of the bill.*

(xii) Printing Press medium delete N12,000.00 and insert N6,000.00 per annum.

(xiii) Printing Press Small: delete N6,000.00 and insert N3,000.00 i.e. N3,000.00 per annum.

(2hxiv) Telecommunication/internet providers; delete N60,000.00 and insert N30,000.00 per annum.

(xv) Electrical/electronic shops: delete N24,000.00 and insert N12,000.00 i.e. N12,000.00 per annum.

(xvi) Mechanized laundry shops: delete N24,000.00 and insert N12,000.00 i.e. N12,000.00 per annum.

(xvii) Non mechanized Laundry shops: delete N6,000.00 and insert N3,000.00 i.e. N3,000.00 per annum.

(xviii) Traveling Agencies: delete N12,000.00 and insert N6,000.00 i.e. N6,000.00 per annum.

(xii) – (xix) – *as amended, ordered to stand part of the bill.*

(xx) Boutique: N18,000.00 per annum; – *ordered to stand part of the bill.*

(xxi) – Video Rental Shop: N1,200 per annum; – *as amended, ordered to stand part of the bill.*

(xxii) – Vulcanizers: delete N1,200.00 and insert N600.00 i.e. N600.00 per annum

(xxiii) – Watch Repairers: delete N12,000.00 and insert N600.00 i.e. N600.00 per annum.

(xxiv) – Show Menders: In this subsection delete 'w' in show and insert 'e' thus to read "Shoe Menders". Also delete N1,200.00 and insert N600.00 i.e. N600.00 per annum.

(xxv) – Tailoring: Delete N1,200.00 and insert N600.00 i.e. N600.00 per annum.

(xxvi) – Communication Agency: delete N12,000.00 and insert N6,000.00 i.e. N6,000.00 per annum.

2 (h) (xxii) – (xxvi) – *as amended, ordered to stand part of the bill.*

2(i) - *as amended, ordered to stand part of the bill.*

2 (ii) New vehicle dealer without workshop: delete N24,000.00 and insert N12,000.00 i.e. N12,000.00 per annum.

2 (iii) Used vehicles with workshop: Delete N24,000.00 and insert N12,000.00 i.e. N12,000.00 per annum.

2 (iv) Used vehicle without workshop: Delete N12,000.00 and insert N6,000.00 i.e. N6,000.00 per annum.

2 (iv) Motor mechanic workshop (complete): delete N12,000.00 and insert N6,000.00 i.e. N6,000.00 per annum.

2 (lvi) Motor mechanic workshop sections: delete N3,600.00 and insert N1,800.00 i.e. N1,800.00 per annum.

(lvii) Motorcycle mechanic workshop: delete N1,200.00 and insert N600.00 i.e. N600.00 per annum.

2 (ii) - (vii) - *as amended, ordered to stand part of the bill.*

2 (j) (i) pharmaceuticals: delete N120,000.00 and insert N60,000.00 i.e. N60,000.00 per annum.

(ii) Paints: delete N120,000.00 and insert N60,000.00 i.e. N60,000.00 per annum.

(iii) Aluminums (profiles only): delete N24,000.00 and insert N12,000.00 i.e. N12,000.00 per annum.

(iv) Aluminums (complete) delete N72,000.00 and insert N36,000.00 i.e. N36,000.00 per annum.

(v) Cable electrical/electronic: delete N72,000.00 and insert N60,000.00 i.e. N60,000.00 per annum.

(vi) Motor Manufacturing Assembly: delete N240,000.00 and insert N120,000.00 i.e. N120,000.00 per annum.

(vii) Cement/Asbestos: delete N240,000.00 and insert N120,000.00 i.e. N120,000.00 per annum.

(viii) Battery: delete N72,000.00 and insert N36,000.00 i.e. N36,000.00 per annum.

(ix) Iron and Steel: delete N72,000.00 and insert N36,000.00 i.e. N36,000.00 per annum.

(x) Metal fabrication/welders: delete N24,000.00 and insert N12,000.00 i.e. N12,000.00 per annum.

2 (j) (i) - (x) - *as amended, ordered to stand part of the bill.*

(xi) - Rubber and Tyre: delete N72,000.00 and insert N36,000.00 i.e. N36,000.00 per annum.

(xii) - Plastics: delete N72,000.00 and insert N36,000.00 i.e. N36,000.00 per annum.

(xiii) - Flour Mills: delete N180,000.00 and insert N90,000.00 i.e. N90,000.00 per annum.

(xiv) Chemical: delete N72,000.00 and insert N36,000.00 i.e. N36,000.00 per annum.

(xv) - Textiles: delete n72,000.00 and insert N36,000.00 i.e. 36,000.00 per annum.

(xvi) - Food processing/canning: delete N48,000.00 and insert N14,400.00 i.e. N14,400.00 per annum.

(xvii) Dairy products: delete N48,000.00 and insert N14,400.00 i.e. N14,400.00 per annum.

(xviii) - Pulp and Paper: delete N48,000.00 and insert N14,400.00 i.e. N14,400.00 per annum.

(xix) Vegetables, Palm Kernel Oil: delete N48,000.00 and insert N14,400.00 i.e. N14,400.00 per annum.

(xx) – Dyes, Ink, Chalk and Ball Pen: delete N48,000.00 and insert N14,400.00 i.e. N14,400.00 per annum.

(xxi) – Candles and Wax: delete N36,000.00 and insert N10,800.00 i.e. N10,800.00 per annum.

(xxii) – Furniture and Manufacturing: delete N24,000.00 and insert N7,200 i.e. N7,200.00 per annum.

(xxiii) – Water in Bottles: delete N36,000.00 and insert N18,000.00 i.e. N18,000.00 per annum.

(xxiv) – Water in Sachets: delete N48,000.00 and insert N24,000.00 i.e. N24,000.00 per annum.

2 (j) (xi) – (xxiv) - *as amended, ordered to stand part of the bill.*

The Chairman: 2 (j) (xxv) Packaging – Delete N36,000.00 and insert N18,000.00 thus N18,000.00 per annum.

(xxvi) Photographic processing – Delete N60,000.00 and insert N30,000.00 thus: N30,000.00 per annum.

(xxvii) Detergent/shops – Delete N24,000.00 and insert N12,000.00 thus N12,000.00 per annum.

(xxviii) Asphalt/bitumen – Delete N72,000.00 and insert N36,000.00 thus N36,000.00 per annum.

(xxix) Gas processing – Delete N36,000.00 and insert N18,000.00 thus N18,000.00 per annum.

(xxx) Glass companies – Delete N12,000.00 and insert N12,000.00 thus N12,000.00 per annum

Clause 2 (j) (xxv) – (xxx) - *as amended, ordered to stand part of the bill.*

Clause 2 (k) Oil Marketing Companies

(i) Offices without dispensing pumps N48,000.00 per annum.

(ii) With 10 dispensing pumps N86,000.00 per annum.

(iii) With 6 – 9 dispensing pumps N60,000.00 per annum.

(iv) With 4 – 6 dispensing pumps N48,000.00 per annum.

(v) With 1 – 3 dispensing pumps N36,000.00 per annum.

Clauses 2K (l – v) *ordered to stand part of the bill.*

Clause l – Farm outfit

2 (l) (i) Poultry more than 500 birds – Delete N72,000.00 and insert N36,000.00 thus N36,000.00 per annum.

(ii) 2000 – 4999 – Delete N48,000.00 and insert N24,000.00 thus N24,000.00 per annum.

(iii) 1000 – 1999 – Delete N36,000.00 and insert N18,000.00 thus: N18,000.00 per annum.

(iv) 500-999 – Delete N24,000.00 and insert N12,000.00 thus N12,000.00 per annum.

(v) 1 – 499 – In this sub section delete 1 and insert 20 thus 20-499 and also delete N12,000.00 per annum and insert N6,000.00 per annum thus N6,000.00 per annum.

(vi) Piggery more than 200 pigs – Delete N48,000.00 and insert N24,000.00 thus N24,000.00 per annum

(vii) 1000-1999 – Delete N36,000.00 and insert N18,000.00 per annum thus N18,000.00 per annum.

(viii) 500 – 999 – Delete N24,000.00 and insert N12,000.00 thus N12,000.00 per annum.

(vix) – In this sub section delete 1 and insert 20 thus 20 – 499, also delete N12,000.00 and insert N6,000.00 thus N6,000.00 per annum.

Clause 2 (l) (i) – 2l (vix) - *as amended, ordered to stand part of the bill.*

Clause m – Markets

- (i) Lock up shops N1200 per annum
- (ii) Open stores N600.00 per annum
- (iii) Abattoirs Lairages N18,000.00 per annum

Clause N Construction Companies

- (i) Big construction companies N144,000.00 per annum
- (ii) Medium N86,000.00 per annum
- (iii) Small N48,000.00 per annum

Breweries/bottling companies

- (i) Category 1 N300,000.00 per annum
- (ii) –do- 2 N240,000.00 –do-
- (iii) –do- 3 N100,000.00 –do-

Clauses M(i)-(iii), N(i)-(iii), O(i)-(iii) *ordered to stand part of the Bill.*

EDUCATIONAL/GOVERNMENT/
WORKSHOP SECTOR

Schedule 1(3) (a)(i) – (vii) *ordered to be expunged*

WORSHIP CENTRES 3(b)(i) – (iv) *ordered to be expunged.*

The Chairman: *Second Schedule – Part A – SUPPLEMENTARY PROVISIONS RELATING TO TENURE OF OFFICE, ETC OF MEMBERS OF THE BOARD.*

Clause (1) & 2 (*TENURE OF OFFICE*), *ordered to stand part of the Bill.*

Clause 3 & 4 (*PROCEEDINGS*), *ordered to stand part of the Bill.*

Clause 5: In line one insert ‘e’ after ‘e’ in meeting thus: *Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend any particular meeting a member may be appointed by the Members present to act as Chairman for that particular meeting.*

Clause 5 - *as amended, ordered to stand part of the Bill.*

Clause 6, 7, - *ordered to stand part of the Bill.*

Clauses 8 and 9 (*SALARIES, ETC*) - *ordered to stand part of the Bill.*

Clauses 10, 11, 12 and 13 (*MISCELLANEOUS*) - *ordered to stand part of the Bill.*

Clause 14 (*DUTY OF MEMBERS*) – *Disclosure of Interest - ordered to stand part of the Bill.*

Third Schedule – (TRANSITIONAL PROVISION RELATING TO THE EMPLOYEES ASSETS AND LIABILITIES OF THE DISSOLVED AGENCY). Clauses 1, 2, 3, 4 - ordered to stand part of the Bill.

The Chairman: Honourable Colleagues, let us go back to the suspended clauses: commencement date.

Deputy Leader: Mr Chairman, there may be a little bit of confusion in the choice of the word *dissolve*, a law to *dissolve*. I think we are repealing the law establishing Enugu State Environmental Protection Agency (ENSEPA), not dissolving it. Because if we dissolve ENSEPA today by Law it will be reconstituted tomorrow or any other day. So, by the commencement of this law, the ENSEPA Law is repealed. I think that is the essence of this Waste Management Authority Bill which is a law now repealing the ENSEPA Law and not dissolving ENSEPA.

Chief Whip: Mr Chairman, my understanding of the word as it is here, is in order, because if the clause was couched in such a manner as to say that what was written was enough to dissolve Enugu State Environmental Protection Agency (ENSEPA), and not to dissolve Enugu State Environmental Protection Law. So, if they included the law, we would have put in repeal. Since they did not include the law, we are not repealing anything law.

Mr Njeze: Mr Chairman, I agree with the Chief Whip; the dissolution of the ENSEPA means that the Agency ceases to exist, and what is existing now, when this law is passed, is Enugu State Waste Management Authority. This law has provided that it inherits every property and assets, that is every assets and liabilities of the former Agency. So, it is still the same thing, there is

nothing the law circumvented, it is mere nomenclature.

Commencement date – *Agreed to (29-7-2004)*

Enactment clause – *Agree to.*

(Mr Speaker resumed the Chair)

Leader: Mr Speaker, Sir, may I move that the Bill, as amended, be now read the Third Time.

Question put and agreed to.

Bill reported out of Committee with Amendments, read the Third Time and passed.

Mr Speaker: Honourable Colleagues, the Enugu State Waste Management Authority Bill, No. 8 2004, having now been read the third time is hereby passed.

I wish to thank you for a job well done. Actually when I went through this Bill, I discovered that it is not a Bill that can be handled in the way we handle other Bills. It is more than a Bill. This Bill gave everybody a tough time. We all know that this Bill took us good three days in the Committee of the Whole House. Today we have been able to pass it.

I wish to express my happiness to the Joint Committees, because I never knew that the Committee could do a thorough job in the way they did, because the Bill appears to have a lot of contradictions. If not because of the Committees' effort, this Bill could not have been passed in the next one month. So, I formally and most sincerely thank every one of you for your vital role in contributing to the quick passage of the Bill.

Of course, I remember the contributions during the Second Reading of the Bill, every Member appeared to be very enthusiastic over this Bill, may be because of the nature and importance of this Bill to the people of Enugu State.

So, I sincerely wish to thank you so much for your contributions towards the passage of this Bill. I will not fail, of course, to mention the efforts of the Clerk, the Clerks-at-Table who assisted the hon. Members in bringing the Bill to its proper shape.

There was a time the House requested for a copy of the Law establishing ENSEPA, and because we have able and dynamic leader, he did not waste time in furnishing the House with the required document. So, I feel very proud of every body in this honourable House.

So, I thank you for your efforts, and of course I will not end this speech without thanking the other staff who contributed in one way or the other; the Verbatim Reporters and the press. I say thank you, and I do pray that from time to time we have this type of Bill, we will do our best because this Bill will go a long way to sanitize, improve, and touch the life of our people, because it is said that cleanliness is next to Godliness. I believe that having passed this Bill, the city is going to wear a new look. The issue of these abandoned vehicles here and there on the roads will come to an end. The issue of dumping refuse here and there will also come to an end; and even obstructions here and there will come to an end.

Finally, I thank everybody most sincerely for all the efforts. Thank you.

ANNOUNCEMENT

Meeting

Mr Speaker: The House Committee on House Services will meet on the rising of the House, Room 103 at the Chairman's Office. It was signed by the hon. Member for Enugu South I (*Mr Ani*).

ADJOURNMENT

Leader: Mr Speaker, may I move that this honourable House do now adjourn till Thursday, 5th August, 2004. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, I rise to second the Motion by the Leader of the House and in doing so, Mr Speaker, I wish to express my happiness to the Chairman, Members of the Committee and of course the Secretary of the Committee. Mr Speaker, I am not yet done because I have not recognized the efforts of the General House, Clerks-at-Table and indeed all those who in one way or the other contributed to the success of the passage of this Bill. Thank you, Mr Speaker.

Main Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 5th August, 2004 at 10 a.m.

Adjourned accordingly at 12.46 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 97

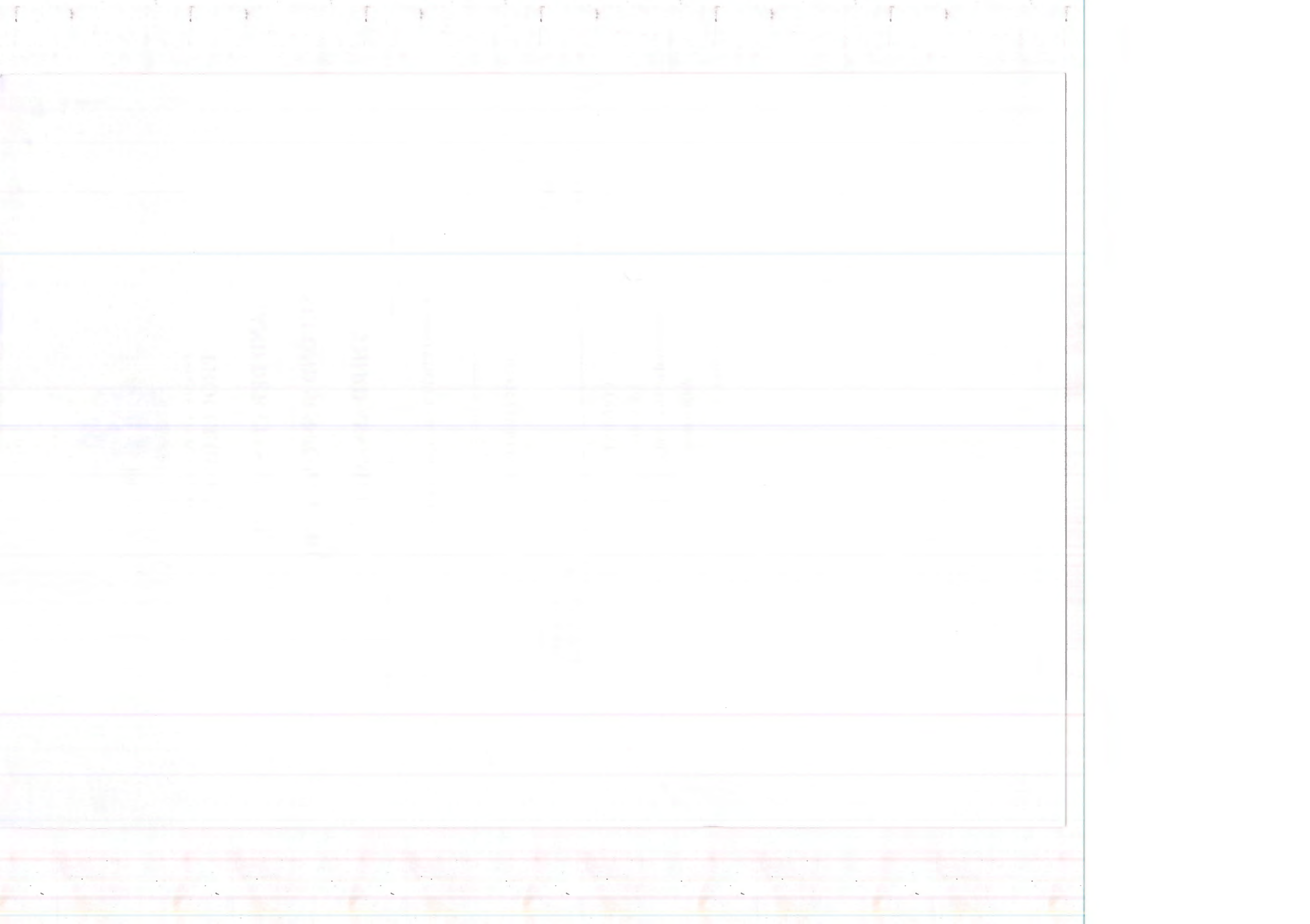
Wednesday
5th August, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 5th August, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, you will recall that we have arrears of Votes and Proceedings, and today we have Votes and Proceedings, No. 17 and that of No. 18. So we have to adopt both of them. Starting from No. 17.

Honourable Colleagues, before us are the Votes and Proceedings of Wednesday, 28th July, 2004. I have gone through them, and to the best of my knowledge, they are correct. However, I need your comments. Thank you.

Mr D. Agbo (Enugu East I): Mr Speaker Sir, hon. Colleagues, I have equally gone through the Votes and Proceedings of Wednesday, 28th July, 2004 and found them to be correct. I, therefore, move a Motion for their adoption. Thank you.

Mr C.O. Enebe (Awgu North): Mr Speaker, I have equally gone through the Votes and Proceedings of Wednesday,

28th July, 2004 I therefore, second the Motion for their adoption. Thank you.

Mr Speaker: Well, I have a slight objection. The hon. Member for Awgu North (*Mr C. Enebe*) was not in the sitting of Wednesday, 28th July, 2004. Therefore he has no right to second the Motion on the said Votes and Proceedings

Mr C. Enebe: Mr Speaker, why I seconded that Motion was because everybody refused to say anything on that very Votes and Proceedings and the documents before me is correct. Again, if there is a Motion on the Floor of the House and I am interested, I have the right to second it.

Mr Speaker: No! No!! The hon. Member for Awgu North (*Mr Enebe*) should not second a Motion which he did not witness what happened. He was not there. The idea of seconding a Motion of which the document before you is correct is different from seconding a Motion on Votes and Proceedings you were not present at the sitting. (*Interruptions*)

Mr Enebe: Mr Speaker, why did you allow me before?

Mr Speaker: I did not know what you wanted to say when you rose up. Constitutionally, I have the right to recognize you when I see you standing up before other Members.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, hon. Colleagues, I have

gone through the Votes and Proceedings of Wednesday, 28th July, 2004 and found them to be correct. I therefore, second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Wednesday, 28th July, 2004 accordingly adopted.

Mr Speaker: Honourable Colleagues, our Votes and Proceedings of Thursday, 29th July, 2004, are before us. I have gone through them and found them to be correct. However, I need your comments. Thank you.

Leader (Mr Anichukwu): Mr Speaker, Sir, hon. Colleagues, I have equally gone through our Votes and Proceedings of Thursday, 29th July, 2004 and found them to be correct. I, therefore, move for the adoption. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of Thursday 29th July, 2004 and found them to be correct. I therefore second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 29th July, 2004 accordingly adopted.

ADJOURNMENT

Leader: Mr Speaker, Sir, I hereby move that the House do now adjourn till Tuesday 10th August, 2004 at 10 a.m.

Mr A. Chigbo (Uzouwani): Mr Speaker, Sir, I wish to second the Motion for adjournment. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 10th August, 2004 at 10 a.m.

Adjourned accordingly at 11.40 a.m.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA*Tuesday, 10th August, 2004**The House met at 10 a.m.*

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues before this honourable House are the Votes and Proceedings No. 19, dated 5th August, 2004. I have gone through them and to the best of my knowledge, they are correct. However, I call for your comments. Thank you.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings and found them to be the exact thing that transpired during our last sitting. For that reason, Mr Speaker, may I move for the adoption of the Votes and Proceedings. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I have risen to second the Motion for the adoption of the last Votes and Proceedings. Thank you.

*Question put and agreed to**Votes and Proceedings of 5th August, 2004 accordingly adopted.*

ORDER OF THE DAY

Confirmation of Returns of Writs from Independent National Electoral Commission (INEC) Enugu, in respect of Members Representing Isi-Uzo and Udenu Constituencies respectively

Mr Speaker: Honourable Colleagues, today, we are going to witness another swearing-in-ceremony right here in the Chambers. This follows the bye-election conducted in two constituencies which include Udenu constituency and Isiuzo constituency. You will recall that two of our members hon. Dr Kingsley Ebenyi is now Nigeria Ambassador to Spain and hon. Emma Eze is now Nigeria Ambassador to Zambia. Following the appointment of these two hon. Members as Ambassadors to these countries, a vacuum was created. That was why bye-election was conducted and that is why these two Members emerged. Today we have to give them full powers as hon. Members of Enugu State House of Assembly. That is why today we are going to have formal swearing-in ceremony of the two hon. Members. That is the position this morning. At this juncture, I wish to formally conduct the swearing in ceremony.

OATHS

OATH OF ALLEGIANCE OR
AFFIRMATION

AND

OATH OF MEMBERSHIP

Thereupon the following Members took and subscribed the oaths required by law.

1. Princess Ogbu Eugenia (Udenu Constituency)
2. Mrs Nnamani Edith Ifeyinwa (Isi-Uzo Constituency)

Mr Speaker: Honourable Colleagues, the swearing-in ceremony has been conducted and I wish to congratulate the two hon. Members, first of all, for emerging and secondly, for being sworn-in today as Members of this Enugu State House of Assembly. On behalf of my Colleagues in Enugu State House of Assembly I say congratulations to two of you. We do hope that you will try as much as possible, as time progresses, to study the Rules of the game to know what you are expected to do at any point in time. Nobody has monopoly of knowledge. I expect that you should ask questions wherever necessary.

The same thing applies to the old Members. They should try as much as possible to co-operate with the new Members. I assure you of adequate protection. The interesting thing is that the Members of the House of Assembly usually run everything as brothers and sisters; they do everything together; they try to appreciate each other; they try to re-adjust themselves when there is need for such adjustment.

So, I appeal to you to work very hard and anywhere you have problems you can ask others. I do believe that the Committees have been distributed and the moment you sit down with the Members you will find way of working with them fully. I will also try as much as possible to assign or allot to you a Committee where you will work with Members so that you will as much as

possible start working without delay; and more importantly, I will try as much as possible to find a way of getting you accommodations in this Assembly Complex so that you will make use of your office in getting ready to work like others. And I also appeal to the Clerk of the House to make available to you all the relevant Rules of the House and, of course, you should try to read the Constitution because here we make use of the Constitution and at the same time the Rules of the House.

Probably, at the end of the day we will handover your official cars to you. You can come down to my office during official hours and pick your official cars.

Finally I say; *congratulations*. Two of you are not new; the only place you are new is this Assembly but you are not new to each of us. We have been working together as party Members; we have been together as people from Enugu State. And I am happy that His Excellency, Dr Chimaroke Nnamani – I do not say that he has special regard to you because we are twenty-four Members – he likes both males and females. It is because your behaviour that made it possible for the House to have four women today unlike what happened in the last administration, it is the highest in the country because I am convinced that there is no State in this country that has two women in her State House of Assembly but Enugu State has four women today.

So, I say thank you and I will give you adequate protection and I will show you that you are going to be carried along. Like I said earlier, whenever you have problems do not fail to ask questions to your Colleagues; we

are all equal. You can ask me or any Member and we will direct you appropriately. On this note, I say congratulations and to God be the Glory.

For those of you who are saying equitable distribution of women, I can assure you that by the time we sit again either Thursday or so, they will be duly assigned to where they will be sitting.

An hon. Member: Why?

Mr Speaker: Some people are complaining.

Several hon. Members: We are not complaining. Nobody is complaining.

Unemployment Grants to Unemployed Nigerians

Mr D.A. Ani (Enugu South I Rural): Mr Speaker, may I move a Motion for withdrawing the Motion on Unemployment Grants to Unemployed Nigerians standing in my name.

Deputy Leader (*Mr Anikwe*): Mr Speaker, I have risen to second the Motion for the withdrawal of the Motion made by the hon. Member for Enugu South I (*Mr Ani*). Thank you.

Question put and agreed to.

ANNOUNCEMENT

Meetings

Mr Speaker: We will meet in my office on the rising of the House.

There will be a crucial meeting of the Committee on Commerce and Industry on Wednesday 11th August, 2004 at 10 a.m. prompt at Room 09, the Chairman's Office. Members are kindly requested to attend and on time too, as issues of vital important will be discussed.

The House Committee on Local Government, Inter-Parliamentary Relations, Rural Development and ENSIEC matters will meet on Friday, 13th August 2004, by 10 a.m. at the Chairman's Office.

ADJOURNMENT

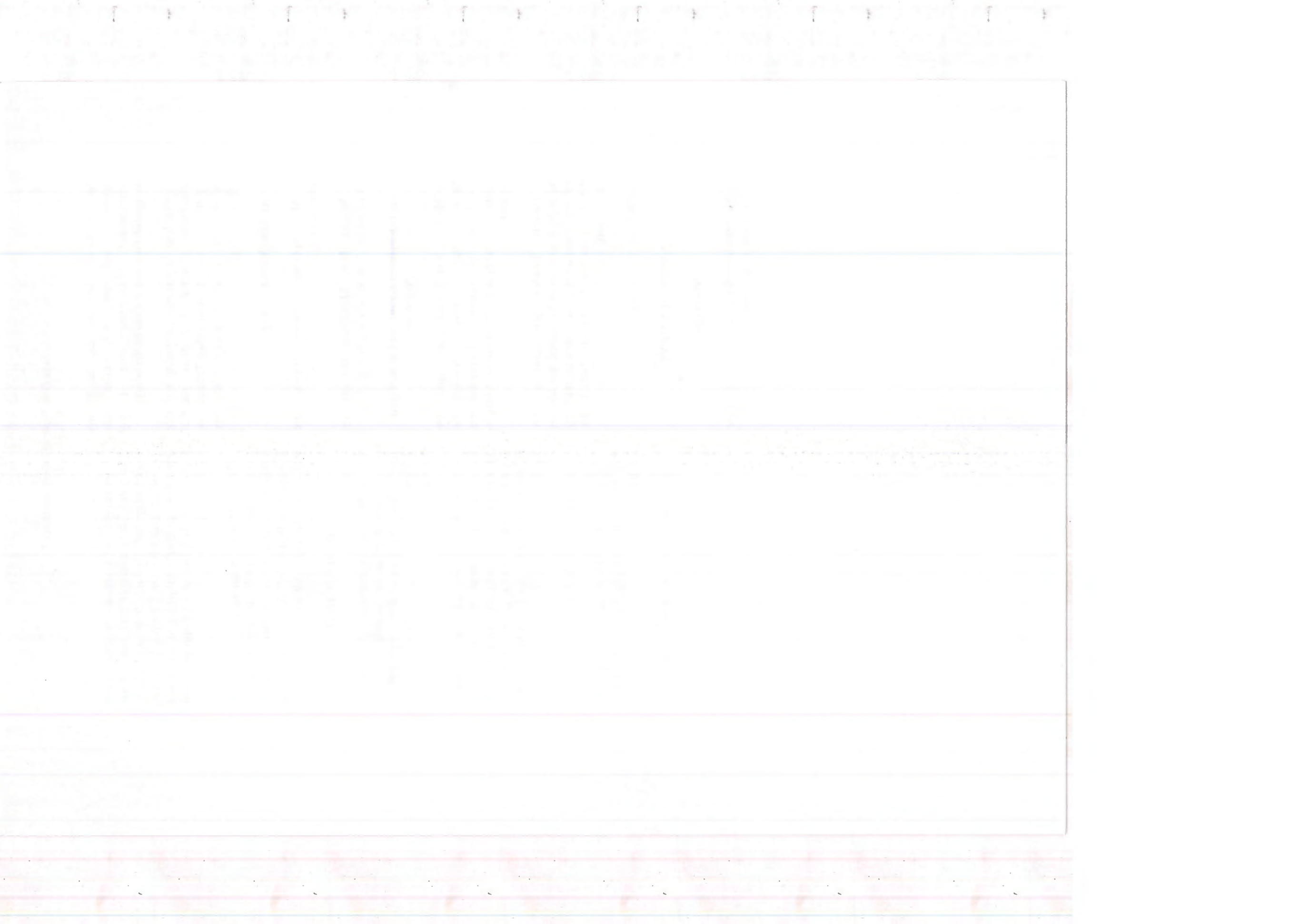
Leader (*Mr Anichukwu*): Mr Speaker, may I move that this honourable House do now adjourn till Thursday the 12th day of August, 2004 at 10 a.m. Thank you, Mr Speaker.

Mrs C. Eneh (Udi South): Mr Speaker, I have risen to second the Motion for adjournment and in doing so, I have to thank the Enugu State PDP for giving us women Members up to thirty *per cent* (30%) in the House.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Thursday 12th August, 2004 by 10 a.m.

Adjourned accordingly at 11.57 a.m.





ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 99

Thursday
12th August, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 12th August, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues our Votes and Proceedings of Tuesday, 10th August, 2004, are before the House. I have gone through them and found them to be correct. However, in keeping with the Rules, I need your comments. Thank you.

Mr D.A. Anih (Enugu South 1): Thank you, Mr Speaker. I have equally gone through the Votes and Proceedings of our last sitting, and found them to be correct. I therefore move a Motion for their adoption. Thank you, Sir.

Leader (*Mr Anichukwu*): Mr Speaker, Sir, I have risen to second the Motion as moved by the hon. Member for Enugu South I (*Mr Anih*). Thank you, Sir.

Question put and agreed to.

*Votes and Proceedings of Tuesday,
10th August, 2004, accordingly adopted.*

ANNOUNCEMENT

Bring up Issues for Discussion

Mr Speaker: Honourable Colleagues, I wish to request that hon. Members should try again to ensure that the House will have something to deliberate upon. I am aware that two weeks ago, we had lots of activities. I request that we aspire to take up issues; we have to do something to ensure we have enough to discuss, not necessarily coming into the Chambers and adjourning. Thank you.

The House Committee on Local Government, Inter-Parliamentary Relations, Rural Development and ENSIEC Matters will meet on Friday, 13th August, 2004, at 10 a.m. prompt. Venue: room 110, Chairman's Office. All Committee Members are requested to attend. Signed, Rt. Hon. Enebe Cletus, Chairman.

Visits

The House Committee on Education Science and Technology, will visit the following establishments tomorrow Friday, 13th August, 2004:

(ii) National Teacher's Institute,
Enugu, Time 1 p.m.

Question put and agreed to.

By this notice, all Members of the Committee are hereby informed and should be guided accordingly. Note that take-off point is the House of Assembly Complex, Independence Layout, Enugu.
Signed. Hon. M. Onyeze, Chairman.

Resolved: That this House do now adjourn till Tuesday, 17th August, 2004 at 10 a.m.

Adjourned accordingly at 11.26 a.m.

Meeting

The Committee on House Services will meet on the rising of the House, in Room 103, Date: 12th August, 2004.
Signed Hon. D. Anih, Chairman.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move that this House do now adjourn till Tuesday 17th August, 2004. Thank you, Sir.

Mr C.O. Enebe (Awgu North): Mr Speaker, Sir, I have risen to second the Motion for adjournment as moved by the Leader of the House. In doing so, I want to suggest that by the time the activities of the House is booming, there is need to invite the new Chairmen and Councillors

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 17th August, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Order Paper No. 22, Tuesday 17th August, 2004, item 3, Approval of Votes and Proceedings, Honourable Colleagues, our Votes and Proceedings No. 21, Thursday 12th day of August, 2004 are before the House. I have gone through them and found them to be correct. However, I need your comments. Thank you.

Deputy Leader: Mr Speaker, Sir. I have equally gone through the Votes and Proceedings of our last sitting and found them to be correct, therefore, I move for their adoption. Thank you.

Mr F. Amu (Nsukka East): Mr Speaker, Sir, I have gone through the Votes and Proceedings of our last sitting and found them correct. I hereby second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 12th August, 2004 accordingly adopted.

NOTICE OF MOTION

Decongesting of Amaeke-Ngwo/Eke
Oghe Road

Mr E. Maduabu (Awgu South): Mr Speaker Sir, hon. Colleagues, permit me to move this Motion standing in my name: That this honourable House do urge the Management of Nigerian Breweries PLC, Ama Green Field Enugu, to decongest Amaeke Ngwo/Eke Oghe Road by constructing a loading bay at the company's site. Thank you.

Deputy Leader: Mr Speaker, Sir, hon. Colleagues, I rise to second the Motion moved by the hon. Member for Awgu South (*Mr Maduabu*). Thank you.

Mr Maduabu: Mr Speaker, Sir, the coming of Ama Green Field Breweries Plc, to Enugu is a blessing to the people of Enugu State in many ways:

It offers employment opportunities to many Nigerians. The industrial base of Enugu State has improved tremendously. The social, economic and commercial activities of the State have as well increased. The aesthetic view of Amaeke Ngwo has been greatly enhanced by the beauty of the Brewing Company.

However, the coming of the company has as well brought its intolerable environmental impact to bear on the people of the State. This development has gone to confirm the saying that everything that has advantage must surely have disadvantage. But which ever that surpasses the other depends on

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However, the coming of the company has as well brought its intolerable environmental impact to bear on the people of the State. This development has gone to confirm the saying that everything that has advantage must surely have disadvantage. But which ever that surpasses the other depends on

southern zone of Nigeria. The Ama Green Field, just as contained in the Motion serves as a big blessing following the peaceful atmosphere existing in Enugu State, which was made possible by the dynamic Leader of Enugu State, His Excellency the Governor. And that glory should still go on to be enjoyed and harnessed by all and sundry within the State.

Mr Speaker, you will recall that the talk about the junction of the Ama Breweries now is the talk of the day. It has become a different thing altogether, since the company now came out in full force in production. A company of that nature, Mr Speaker, you believe must have got a structured loading bay, even before commencement in the first instance.

I am fully convinced that the company has that in stock, may be awaiting stock that is construction of loading bay. What this Motion is talking of is that it has now become necessary to re-awaken the consciousness of that company to now come to her due functions by establishing a loading bay. It will not take anyone less than one hour to pass across that particular road now, it will not take one any means less than one hour; that is my Constituency. Last time, we had even a very fatal accident at that particular spot as a result of the congestion caused by the strong iron bay constructed along the two sides of the road.

Mr Speaker, I think what this Motion is talking about is that the time has come for such a giant company, the Ama Green Field Breweries, to now have a diversion. We also recall that it was as a result of that Ama Green Field Breweries that His Excellency graciously undertook the bypass of that particular axis following the normal congestion especially during the Christmas periods. If this activity is allowed to continue, we recall that it will even now go all out to affect all other major aspects of 9th Mile in terms of road congestion and then we will not be better for it.

This Motion is calling the attention now and ever, that the company should rise up to her functions and responsibilities by constructing this loading bay so that there will be easy flow of traffic. We know that, that particular area has now become the centre of attraction. In every other part of the company, one may always see loading and off-loading taking place, even at night, at that particular area. If, for instance, we allow it to continue I am sure one would better imagine what would happen by December. The people going down to Nsukka will never have a way not to talk of people going down to Oghe or Eke, or even Ngwo or other sections of the State, as that particular area has now become the connecting link between the North, the South and what have you.

Mr Speaker, I believe that the Mover of the Motion has made an in-depth study of the situation and it behoves on

this honourable House to do her own function as the watch-dog of the society by allowing this Motion to go.

Mr Speaker, I therefore, use this opportunity to call on my Colleagues, the distinguished hon. Members of this honourable House to please give this Motion its due passage. I beg to rest my speech. Thank you.

Leader: Mr Speaker, I do not know where the Ama Green Field Brewery is located, whether it is in Udi North or Udi South. The only thing I know is that it is located in Udi Local Government Area.

The blessings talked about by the establishment of the Brewery industry in Enugu State cannot be overemphasized, but the fact has got to be noted at this particular time, now that we are at the end of August, by next month we enter the 'mber' and 9th Mile and its environs have always been known for their lively situation during the 'mber' periods and for any man-made action to now bring untold hardship to people should now be controlled. This is why I have risen to support this Motion that has come at a very good time.

We know that the Enugu State Government embarked on a bye-pass road construction aimed at decongesting the mushroom problems of traffic jam, not only during the December period but even at present. So, the problem of allowing the company to cause

additional obstruction cannot be accepted at this point in time.

On the question of having a loading bay, I think the company has enough land for the provision of the loading bay, either opposite or by the side.

I heard that there was a fatal accident at that place last time as a result of that. If that should happen now, then only God would save us when the main activities of the Christmas draws nearer. If one is in a small vehicle following a big one, sometimes he may not see beyond a kilometre for oncoming vehicle, and the behaviour of some of the drivers of these big vehicles are so bad, that at times, one begins to think whether these people are really human beings. But a stitch in time saves nine. Enough provision should be made for these big vehicles and even the small ones, some belonging to the staff of the company and some to visitors.

Mr M. Njeze: On a point of information! Mr Speaker, I want to inform the hon. Leader and my fellow hon. Colleagues that Ama Green Field Breweries has a loading bay of more than one hundred stalls where it is parking and loading the commodities. So, it has a parking space. That is the information I want to give, Mr Speaker.

Mr Speaker: Honourable Colleagues, I think this information is overtaken now because this Motion is on notice. So if the hon. Member for Udi North (*Mr Njeze*) has all these information, he

should have indicated this to the House before now.

Deputy Leader: Mr Speaker, it is just an information, so it does not matter.

Mr Speaker: Order! Order!! Honourable Colleagues, this information is very vital and we cannot sweep it under the carpet, because if these facilities are existing at Ama Green Field Breweries, we may be embarrassing the management of the Brewery; if all these facilities are there, what are we talking about.

Deputy Leader: Mr Speaker, if there is a loading bay already existing, why are they not making use of it?

Mr Speaker: If there is already existing loading bay, what we will be talking about is for them to make use of it. The Motion here is talking about their providing a loading bay, and if there is existing one there, what we will be talking about is urging them to make sure that they are making use of the loading bay, and not talking of establishing or constructing one. The two are different things.

Deputy Leader: On observation. Mr Speaker, if one goes where we are talking about, even this morning, it was hectic. That information is not a proper information. I am telling us that Ama Green Field Breweries is yet to construct a loading bay, and none is in use. What we are talking about that is existing there

is obstruction, complete obstruction of the roads.

Mr Speaker: Order! There is a difference between constructing a loading bay and blocking the roads. It could be that they have all these facilities, but because of the ignorance of the drivers, they are not making use of it. What we shall be talking of now is to re-enforce the Ama Green Field Breweries to ensure that they load at the loading bay.

Deputy Leader: Mr Speaker, is that the only point that could pull down prayers two and three?

Mr Speaker: Honourable Colleagues, can we listen? The Leader should sit down. I have the floor now. *(Laughter)* I really appreciate the observation made by the hon. Member for Udi North *(Mr Njeze)*. I equally appreciate the effort made by the Mover of the Motion and of course, the co-Sponsors. I suggest we are not going to kill this Motion; what I suggest is a formal Motion for deferment of further debate on this Motion pending detailed investigation to be carried out by the Mover of the Motion. *(Prolonged Interruptions)*.

Mr Speaker: The hon. Member for Awgu South *(Mr Madaabu)* should please just relax, no problem. What is the problem? Can we listen?

Chief Whip: The issue before us as identified by the hon. Member for Udi North *(Mr Njeze)* is very pertinent. The

issue is not whether or not they have loading bay. The issue is that they are not loading there or they are not making use of it. We can appreciate the fact that the Mover of the Motion did not make proper investigation before coming up with the Motion. And what we should do is that we just have to amend prayer one. The content of the Motion has nothing to do with it. All the emphasis has been the obstruction caused by the lorry drivers. That has nothing to do with construction. Construction is an internal player trying to solve the nuisance caused by lorry drivers. The issue now is that we are arguing on the suspension of this Motion, say, on account of Prayer one. When we are talking of Motion, we are talking of Prayer and vice versa. My thinking is that we should amend prayer one to really urge the Ama Brewery to obey strict compliance of confining trailer drivers to their respective loading bays.

Mr Speaker: Can I ask the Chief Whip a question?

Chief Whip: Yes.

Mr Speaker: Now if we amend prayer one and somewhere along the line we discover that they do not have loading bay, what do we do? Do we go back and come up with another Motion asking them to construct loading bay?

Mr M. Njeze (Udi North): The Chief Whip is talking about changing prayer one. Even the prayer two there was approved by Federal Road Safety

Commission to prevent accident there. The stumps we are asking them to remove was to prevent accident. I equally want to let you know that the management of the Brewery had complained about those lorries that park along the road instead of coming into the bay but the fact is that it is not within them to control them. It is within the law enforcement agency. I like the Motion about decongesting that part but I borrow what the Speaker said that we should defer it so that we can make proper investigation, may be, even change the caption, change prayers so that we do not ridicule ourselves.

Mr Speaker: Another information! If you look at page two, look at the fifth line. *The management of the company should, as a matter of urgency, construct loading bay for their numerous valued customers to alleviate the suffering of the people along this road.* In as much as you change prayers, the body of the prayer is very important too.

Chief Whip: You are getting something wrong.

Mr Speaker: I am not getting anything wrong.

Chief Whip: Thank you, Mr Speaker. You see, while I acknowledge the fact that we might step down the Motion I want to bring to your notice that it is not for those of us here to envisage that there is a loading bay in Ama Brewery and there is no place it has been gazetted that there is a loading bay there. So, it is only

when they begin to use the loading bay that people will get to know that there is a loading bay. That is one. Now, I equally want to bring to your notice that deferring the debate or rather stepping it down would be culminated as a result of laziness. Laziness in the sense that if a Motion can be amended, the content of the prayers and the substantive Motion can as well be amended. So I do not see anything written in this two prayers that could not be amended if we are willing to do that. So the issue is not stepping down, if you step it down, it is about trying to cultivate different attitude altogether. So let us try and amend those prayers and see what to do.

Mr Speaker: I am the presiding officer. Right now, if the Motion sail through, well; the House will be projected. If the Motion does not sail through, we take it in good faith. But what I do is that I want the right thing to be done. If it is a popular opinion that we sit down here and do some amendments and this Motion can go on with it -- fine. If it is popular opinion, we can step it down for them to do proper investigation and change the caption.

Deputy Leader: Clarification! Mr Speaker, my clarification is on earlier situation why I am appreciating the fact to step down the Motion. In an earlier situation, it will be a negation of the fact for you to ask the Mover or the Movers to go and cross-check, that is the area I oppose. And even right now we are sitting here, if you pass there you will see what is happening. I am sorry that

even some people in this House have not even known the place. ... *(Laughter)*. And right now they are talking or saying whatever. If there is a loading bay in Nigeria Breweries Plc. Ama Green Field, Enugu, it is never being used; it is never used; if there is anything like that it is never used. And the practical example ... *(Interruptions)*.

Mr Speaker: Order! Order!

Deputy Leader: So what I am saying, Mr Speaker, is that instead of including the Mover or the Movers of the Motion to go there you should ask the House Committee on Works, Transport and Housing to go there and find out. ... *(Interruptions)*.

Mr Speaker: Well, I think what the Deputy Leader is saying is correct, because the House Committee on Works ... *(Interruptions)*.

Several hon. Members: Yes.

Mr Speaker: Well, well, I think we really have to step down this Motion. In doing that I humbly wish to request or I am mandating the House Committee on Works, since this job has been done by the two hon. Members for Awgu (*Mr Maduabu*) and Ezeagu (*Mr Anikwe*) and we have to step it down for obvious reasons, I want a situation where they will assist, go there tomorrow or thereabout to find out whether the Company has a loading bay or not and report back to the House or to report

back to the Committee at least to have an idea of what we are talking about, please.

So, let us have formal Motion for stepping down further debate on this very important Motion.

Mr Njeze: Mr Speaker, I want to move the Motion for stepping down of the Motion on notice on this Floor of the House. In doing that I wish to let us know that when somebody is doing something the people speaking on the particular issue ... *(Interruptions)*.

Mr Speaker: Order! I want the hon. Member for Udi North *(Mr Njeze)* to listen, the Motion should be that further debate be deferred to enable the House Committee on Works, Transport and Housing do proper investigation on the information there.

Mr Njeze: Mr Speaker, the Motion I moved is for the stepping down of the Motion on debate, for the Mover of the Motion and House Committee on Works, Transport and Housing and that of Information to go to the Company ... *(Interruptions)*

Mr Speaker: Information *(Prolonged Laughter)* Order! The hon. Member for Udi North *(Mr Njeze)* should please wait. What he should do is just to move a Motion for stepping down further debate and leave the rest for me. I will do it. ... *(Interruptions)*. Order! Order! No! No! Just move a Motion for stepping down further debate on this

Motion but allow me to take decision on who and who should do further investigation.

Mr Njeze: Okay, no problem. The Motion is hereby moved. ... *(Interruptions)*.

Several hon. Members: What is moved?

Mr Speaker: Stepping down further debate on this Motion.

An hon. Member: Let him move it properly.

Mr Speaker: Okay.

Mr Speaker: The hon. Member for Udi North *(Mr Njeze)* should move it properly.

Mr Njeze: Mr Speaker, I use this opportunity according to your demand ... *(Interruptions)*

Mr Speaker: No! No! It is not according to my demand. It is not true.

Mr Njeze: Mr Speaker, I here now move that further debate on this Motion be deferred. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, I have risen to second the Motion. Mr Speaker, I want you to use your good office ... *(Interruptions)*

Question put and agreed to.

Mr Speaker: Now hon. Colleagues, the House Committee on Works, Transport and Housing is now mandated by the hon. Speaker to look into this matter. Thank you and God bless you.

ANNOUNCEMENT

Visits

Mr Speaker: The House Committee on Culture and Tourism will visit Enugu State Council of Arts and Culture on Wednesday, 18th August, 2004 at 11a.m. prompt. Take-off point is at Room 225, Chairman's Office. Please be punctual. It was signed by the hon. Member for Nsukka East (*Mr Amu*).

Please possibly the House Committee on Works, Transport and Housing should try to do this job and get prepared and report back to the House so that we should have this Motion again or never on Thursday, 19th August, 2004, that is, we have it on Thursday or never.

Meeting

The House Committee on Lands, Housing, and Transport will meet today at 2p.m. for very important briefing. Venue is Chairman's office, Room 119, Legislative Building, Enugu. Every Member of the Committee is kindly requested to be there. It was signed by the hon. Member for Enugu South II (*Mr Chukwuegbo*), the Chairman.

At this juncture, I wish to formally welcome our friends, brothers and sisters

who came this morning to watch our proceedings. I sincerely want to apologize, although, it is not our making; it was a power (NEPA) failure. That is why we did not have light this morning here; that is why everybody is sweating including my humble self. So, just endure with us. I do hope that some other time when you come the situation might be improved. So, you are welcome and God bless you.

Deputy Speaker: Where are they from?

Mr Speaker: The people who are here this morning are the students of Political Science, University of Nigeria, Nsukka. Thank you.

ADJOURNMENT

Leader: Thank you Mr Speaker. May I move that this House do now adjourn till Thursday, 19th August, 2004 at 10am. Thank you.

Mr C. Ugwu (Enugu East II): Mr Speaker Sir, I have risen to second the Motion as moved by the Leader of the House.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 19th August, 2004 at 10a.m.

Adjourned accordingly at 12.41 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 101

Thursday
19th August, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 19th August, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 22 of Tuesday 17th August, 2004 are before us. I have gone through them and to the best of my knowledge they are correct. However, I wish to welcome your comments. Thank you.

Mr E. Maduabu (Awgu South): Honourable Colleagues, I have equally gone through the Votes and Proceedings of Tuesday 17th August, 2004 and I found them to be correct. I, therefore, move for their adoption. Thank you.

Mr Speaker: Please, I just want to point out something before seconding the Motion as moved by the hon. Member for Awgu South (*Mr Maduabu*). If you look at the Report where the Speaker mandated the House Committee on Lands, Housing, Works and Transport to carry out investigation and report back to the House by Thursday 19th August, 2004. My hon. Colleagues, I am surprised the report was not reflected in today's Order Paper. However, is the Committee ready for the report?

An hon. Member: It does not matter, the report is now ready.

Deputy Whip: Mr Speaker, I have risen to second the Motion as moved by the hon. Member for Awgu South (*Mr Maduabu*)

Question put and agreed to.

Votes and Proceedings of Tuesday 17th August, 2004 accordingly adopted.

**REPORT FROM COMMITTEE ON
LANDS, HOUSING, WORKS AND
TRANSPORT ON A VISIT TO THE
HONOURABLE MINISTER OF
AVIATION ON FRIDAY, THE 6TH
DAY OF AUGUST 2004**

Chairman Work Committee: Sequel to the mandate given to the House Committee on Lands, Housing, Works and Transport on the 6th of July, 2004 by the honourable Speaker to visit the Hon. Minister of Aviation to determine the present status of Enugu Airport, the members did not hesitate in carrying out the assignment with every commitment and urgency it merited.

**PRELIMINARY VISITS AND
ASSESSMENTS**

**A. VISIT TO THE ENUGU
AIRPORT MANAGER**

Mr Speaker, Sir, due to the fact that the subject matter is one that will enhance the economic and social development of the state and the entire nation in general, the committee members resumed its

assignment by visiting the General Manager of the Enugu Airport on the 19th of July, 2004 for fact finding.

During the visit, the General Manager informed the committee that there were reasonable facilities in Enugu Airport that would enhance the upgrading of Enugu Airport to an international one. He maintained that the runway in the Enugu Airport remains the best in the country but only needed expansion to accommodate more aircraft and bigger ones. The recent provision of localizers and glideslides in the Enugu Airport are added advantage over the demand for the change of status.

Mr Speaker, Sir, however, the Airport Manager was of the opinion that the state Government should step in to complement the efforts of the Federal Government by providing good access road, pipe borne water, etc. to fully attract the presence of the Federal Government.

**B. INTERACTION WITH THE
COMMITTEE CHAIRMAN ON
AVIATION, HOUSE OF
REPRESENTATIVES HON.
DR. MARTINS OKE**

Mr Speaker Sir, on the arrival of the Committee members to Abuja on the 5th of August 2004, some members of the committee were opportuned to have met with the House Committee Chairman on Aviation, Hon. Martins Oke who represents the people of Igboetiti/Uzouwani Federal Constituency for briefing on the status of Enugu Airport.

Dr. Oke apprised the committee that he has been making frantic efforts in ensuring that the Ministry of Aviation responds earnestly in the upgrading of the Enugu Airport. However, he told the Committee that he felt very uncomfortable when he read in the Guardian and This Day newspapers sometimes ago over the press statement made by his colleague in the National Assembly, Senator Chris Nshii, that the Federal Government has dropped its plan to upgrade Enugu Airport. He informed the committee that as a result of this, that he organized a press Conference in Enugu with the Hon Commissioner for information and also another press conference with Senator Nshii to counter earlier press statements made by the Senator as he blamed the press for such misrepresentation.

**MEETING WITH THE HON.
MINISTER OF AVIATION, MALLAM
ISA YAGUDA**

The meeting with the Honourable Minister started at 12.15p.m. with the introduction of the Members of House Committee on Lands Housing, Works and Transport by Hon. Barrister Eugene Odo as was mandated by the Leader of the Team, Hon. Prince Ofor Chukwuegbo. Hon. Odo told the Minister that they had come to thank him for all his efforts in making sure that Enugu Airport was upgraded to an international one and equally pleaded with him to expedite action in making sure that work resumed immediately.

In his own response, Mallam Isa Yaguda, thanked the Members of the committee for paying him such a very

important visit. He informed the committee that he has been using his Ministry's allocation to install modern facilities in the Enugu Airport with the view of preparing the ground for the change of status.

Although, he was of the view that the Enugu runway should be expanded to accommodate bigger aircraft in order to realize this dream but complained seriously that financial constraint has been their impediment. He stressed that the Enugu Airport remains the safest Airport for the taking off and landing of aircraft in the country.

The Hon. Minister solicited the support of the Enugu State Government towards the provision of good access road, pipe borne water to the Enugu Airport, as the Federal Government cannot do everything.

During his speech, he equally informed the committee that the President of the Republic of Nigeria, Chief Olusegun Obasanjo, has approved the change of name of the Enugu Airport to Akanu Ibiam Airport to immortalize the great Hero.

Conclusively, before adjournment, the deputy Speaker, Hon. David Atigwe gave the vote of thanks and the meeting ended at 1.02p.m.

THE MEMBERS OF THE COMMITTEE PRESENT WERE AS FOLLOWS:

Hon. Prince Offor Chukwuegbo – Chairman
Hon. Barrister Eugene Odo – Member
Hon. Amu Felix – Member
Hon. Ani Donatus – Member

Hon. David Atigwe – Member
Hon. Nze Michael Onyeze – Member
Hon. Emmanuel Maduabu – Member
Mr Idike Ogbonna – Secretary

Also Mr Jonas Ugwuanyi served as the Chief Press Secretary.

Mr Speaker, Sir, the address of the Committee to the Hon. Minister of Aviation is hereby attached.

Thanks and to God be the Glory.

Yours in service
(Sgd) Hon. Prince Offor Chukwuegbo
Committee Chairman

Leader (Mr Anichukwu): Thank you Mr Speaker, may I move that this Report from Committee on Lands, Housing, Works and Transport be accepted for consideration at a later date to be determined by the Committee on Rules and Business. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have risen to second the Motion as moved by the Leader of the House (Mr Anichukwu).

Question put and agreed to.

ANNOUNCEMENT

Meeting

Mr Speaker: Honourable Colleagues, please we should meet in my office for a very important meeting. All honourable members should at the rising of the House move to my office for the meeting.

Computerization

The computerization of the staff of the House of Assembly is taking place this morning and I hope that the hon. Members will hurry up to meet with the authorities doing the computerization exercise.

Visit

The members of the House Committee on Youths and Sports will pay an official visit to the Ministry of Youths and Sports on Friday 20th August, 2004 departure time is 10a.m. from Enugu State House of Assembly Complex. Please be there and on time signed by Hon. Christopher Ugwu, Chairman.

Meeting

Members of the Committee on Rules and Business will meet on Tuesday, 24th August, 2004 at 10a.m. hon. Colleagues, I have not being able to receive a clear message from the office of Passages and Visa. I request that we adjourn till Tuesday (24/8/2004), this will give us gap instead of adjourning till Wednesday, we have enough time at our disposal. Assuming we adjourn till Thursday 26th August, 2004. we do not know the exact date and time we might be invited to Abuja so that it will not be difficult to reach each and everyone of us.

Change of Date

Please the meeting scheduled for Tuesday 24th August, 2004, will now take place on Monday, 23rd August, 2004.

Venue Room 113A. Signed by the Chairman (*Mr Anichukwu*).

Visit

The House Committee on Lands, Housing, Works and Transport will visit the NBL Amah Green Field. Every Member is expected to converge in Room 119, Chairman's Office for the take off. Signed Hon (Prince) Ofor Chukwuegbo, Chairman. That is after the meeting in my office, and they can go.

ADJOURNMENT

Leader: Mr Speaker Sir, may I move that this honourable House do now adjourn till 10a.m. on Tuesday 24th August, 2004. Thank you, Sir.

Mrs C. Ene (Udi South): Mr Speaker Sir, I have risen to second the Motion for adjournment as moved by the Leader of the House (*Mr Anichukwu*)

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 24th August, 2004 at 10a.m.

Adjourned accordingly at 11.55a.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 102

Tuesday
24th August, 2004

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

not later than four days
after receipt of the Printed Report

Produced by the Publications Department
Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Tuesday, 24th August, 2004
The House met at 10 a.m.

PRAYERS

Mr Speaker in the Chair

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings No. 23 of Thursday 19th August, 2004. I have gone through them and found them to be correct. However, I call for your comments.

Mr C. Enebe (Awgu North): Mr Speaker, Sir, I have gone through our Votes and Proceedings of Thursday 19th August, 2004 and found them to be correct. I therefore move for the adoption of the Votes and Proceedings. Thank you.

Mr O. Chukwuegbo (Enugu South): Mr Speaker, Sir, I have risen to second the Motion as moved by the hon. Member for Awgu North (*Mr Enebe*).

Question put and agreed to.

Votes and Proceedings of Thursday 19th August, 2004 accordingly adopted.

ORDER OF THE DAY
**Consideration of the Report from
Committee on Lands, Housing Works
and Transport**

**On a Visit to the Hon. Minister of
Aviation on 6th August, 2004**

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I move that the Report before this honourable House be now considered. Thank you.

Mr Enebe: Mr Speaker, Sir, I stand to second the Motion as moved by the Leader.

Mr Speaker: Honourable Colleagues, you will recall that the Committee mentioned sent in their Report during last week's sitting. It was deferred to a later date for consideration. And today, the Leader has moved a Motion that the House do consider the Report and it has been duly seconded. The Floor is open; Members are allowed to make their contributions on this Report. Thank you.

Mr Enebe: Mr Speaker, Sir, I have risen to contribute to the debate on the Report submitted by the Works and Housing Committee to this honourable House. First of all, I want to start by thanking the Committee Chairman and Members for a job well done. They were able to do their job according to specification. We equally thank the Almighty God for journey mercies because it is not easy to travel from here to Abuja and back without stories. We also thank them for this their Report. The Report itself is a means to an end and not an end itself. I have gone through the Report and one thing that is clear from that their visit is that the

hon. Senator Nshii, from what we discovered, was not really speaking the mind of the government of the day. The Minister has tried to explain things to the Committee. Part of what he explained was that there was need for the State Government to be a partner in this respect by constructing of a modern runway for the airport.

After looking at the report, I am of the opinion that the House Committee should continue in this direction. They should liaise with the Executive arm of government to find a way to achieve all those things that the Minister said the State government should do, and the House on its part should be very watchful and be very pro-active on issues concerning that Airport project because the moment you go to sleep, this international airport project will slip off our hands. I believe that the Committee should be given further mandate in this direction until we achieve the result we want to achieve. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have equally gone through the Report and the main thing that fascinated me was that the Committee was able to draw some serious words from the mouth of the Chairman of the Senate Committee on Aviation. If you go to page three, paragraph two, although he was of the view that the Enugu runway should be expanded to accommodate bigger aircrafts in order to realise its dream, but complained seriously that financial constraint has been their impediment. He stressed that the Enugu Airport remains the safest Airport for taking-off and landing of aircraft in the country.

This is a very powerful statement coming from the mouth of somebody who has an otherwise good thought of the Airport before. This gives me joy to commend the Chairman, Vice Chairman, and other Members of the Committee and I feel that a very nice job has been done there.

The composition of the Committee is actually an exposition of the most talented Members of the House. The Committee should be encouraged to follow-up actions until the realization of the intendment of this Motion, that is, up-grading the Enugu Airport to International Status.

Mr Speaker, equally if you go down there you will see that there is not much to be debated. In view of that I have no hesitation whatsoever that this House would adopt this Report as it will go a long way in actualizing the dream of the people of Enugu State. I, therefore, urge my Colleagues to adopt this all-important Report as a working document for both the House and the entire people of Enugu State. Thank you.

Mr J.U. Onoh (Enugu North): Mr Speaker, Sir, in the absence of further contributions I hereby move that the Question be put. Thank you.

Mr E. Maduabu (Awgu South): Mr Speaker, Sir, I wish to contribute to the Report. As most speakers said the issue is not going to the Minister and bringing the Report. The Minister emphasized much on the issue ... *(Interruptions)*

Deputy Leader: Point of Information! Mr Speaker, Sir, my information is that the

last speaker was a Member of the Committee who was physically present and had gone ahead to put it in writing. Telling us more on the Report they have written is a mere repetition, and there was a Motion before the House. *(Interruptions)*

Mr Speaker: The Deputy Leader should understand that despite the fact that there was a Motion that the Question be put, I can still use my discretion to allow the Motion to go on. Actually I had wanted somebody to talk on the Report.

Mr C. Enebe (Awgu North): Mr Speaker, Sir, my information is that being a Member of the Committee does not disenfranchise one from contributing to the Motion on the Floor of the House. One can throw more light or emphasize the issue.

Mr Speaker: Everybody is free to contribute whether he is Member or not. That is what I want to say.

Deputy Leader: It is only when there is confusion or clarification.

Mr Speaker: Well I do not know how true it is but nobody should be a judge over his case. The House mandated them to go to Abuja and they came back and gave us Report and we are now examining the Report. There is not basis for somebody who is a Member of the Committee to start contributing unless, probably, he wants to give us information which is not contained in the Report.

Mr E. Maduabu: Mr Speaker, Sir, Point of Information! I am induced to highlight certain issues to the House. It is based on the Report. I participated in the

visit to the hon. Minister, and then he was emphasizing on the issue of the State Government, that is, our own Government, to provide water and road, not tarmac. Somebody was saying that the tarmac should be widened; that is not what he said. The Minister was saying that the Federal Government is coming to extend the runway, which is the tarmac, but the only problem is resources; that the State Government should try and help them by constructing a road (one certain road), which they emphasized on.

I am urging the House to ...

Mr Speaker: In as much as the hon. Member for Awgu South (*Mr Maduabu*) has the right to contribute, he should not give us what is contained in the Report unless he has different ideas to put forward. According to the information I am getting now, they said that the hon. Member for Awgu South (*Mr Maduabu*) rose because somebody said that State Government should expand the runway which of course was not what the Minister said. The Minister was emphasizing on assess road and provision of water at the Airport, and not on the runway.

Mr Enebe: Mr Speaker, Sir, I just want to clarify this issue before the House: *A Committee Member cannot contribute on the issue!* There is no way. My position is that a Committee Member should contribute. For example, that particular Report brought to the House was not read in full. They did not read the full text of the Report. By the time we contribute here, it will be understood better. What I am saying is that everybody has the right to contribute to the Report.

Mr Speaker: The hon. Member for Awgu North (*Mr Enebe*) should please excuse me. Let us not deliberate on this matter too long. What I am saying is that if a Member has any fresh thing to tell us the person can go on and tell us, and not going into reading everything in the Report. It is mere repetition.

Mr Maduabu: That was not what I did, Mr Speaker; I reacted to a statement made by an hon. Member.

Mr Speaker: Order! I do not know why some people fail to take corrections in good faith. If I allow the hon. Member for Awgu South (*Mr Maduabu*) to say what he wanted to say and at the end of the day we go, it does not make sense. Somebody wants to protect what we are doing.

Deputy Speaker (*Mr Atigwe*): Mr Speaker, may I go further on the argument made by the hon. Member for Awgu North (*Mr Enebe*). Whether one is a Member of that Committee or not, one has the right to contribute on the Report before the House.

Mr Speaker: That is what the hon. Member said, and I do not know why we wanted to make something out of nothing. I said *Yes* on what the hon. Member for Awgu North (*Mr Enebe*) said, provided that the hon. Member will not go back and start telling us the story in the paper presented to us and duly signed.

If there is any other issue, like hon. Member for Awgu North said, if a Member has forgotten few things, and along the line, he wanted to bring up those issues so that we can incorporate it into the Report,

there is nothing wrong about that, but not when he wants to contribute on the Report, he starts repeating exactly what has already been read in the Report by the Chairman, that is what I cannot allow.

What the hon. Member for Awgu North (*Mr Enebe*) said is correct. If there is a Report, it does not exclude the views of the Committee Members. It is believed that all the Committee Members were there on the writing of the Report.

Mr J.U. Onoh (Enugu North): Mr Speaker, Sir, I rise to move that the Question be now put.

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

Main question put and agreed to.

Resolved: That the Report presented by the Committee on Lands, Housing, Works and Transport on a Visit to the Honourable Minister of Aviation on 6th August, 2004 be adopted.

Report accordingly adopted.

Mr Speaker: Honourable Colleagues, we have adopted the Report from the Committee, and just like most of us said, particularly the hon. Member for Awgu North (*Mr Enebe*), adopting this Report does not mean that the issue has come to an end. I wish to mandate the House Committee to liaise with the appropriate authority of the Government of Enugu State to ensure that all the facilities which the Minister requested the State Government to provide are provided.

The Committee should equally try as much as possible to endeavour to contact our Members at the National Assembly, especially our Representative who is the Chairman, House of Representative's Committee on Aviation, hon. Dr. Martins Okeh and of course all our Senators, to ensure that these things are accomplished as soon as possible. Thank you.

**Report from Committee on Lands,
Housing, Works and Transport on the
Visit to Nigerian Breweries Plc Ama
Green Field, Enugu**

*(Adjourned debate on question, 17th
August, 2004)*

Chairman (Mr Chukwuegbo): Mr Speaker, Sir, the House Committee on Lands, Housing, Works and Transport was mandated by the hon. Speaker on the 17th of August, 2004 to visit the NBL, Ama Brewery to ascertain the position of their loading bay and report back to the House.

Mr Speaker, Sir, the Members of the Committee visited the NBL, Ama Brewery on the 19th August, 2004 and carried out a very thorough and substantial inspection of the Company's loading bay under the leadership of hon. David Atigwe who was directed by the Committee Chairman hon. Prince Ofor Chukwuegbo to lead the delegation. However, during the visit, the Committee observed that the NBL, AMA Brewery has a loading bay but not spacious enough to accommodate all the long vehicles that queue up to load their drinks.

The Public Relations Manager Eastern Region of the NBL, AMA Brewery, Mr Nwana, blamed the dealers for the

congestion of the main road and for not adhering strictly to the *Resident Time* of the Management. He informed the Committee that, they have arranged with the transporters (dealers) to have parks within the vicinity of the company in order to accommodate their vehicles before coming in to load. Mr Nwana told the Committee that at present, one of the transporters is already developing a park for his vehicles.

Conclusively, hon. David Atigwe, thanked the Management of NBL, AMA Brewery for their high level of ingenuity and hard-work in complementing the efforts of the Federal Government and Dr Chimaroke Nnamani, the Executive Governor of Enugu State in providing democracy benefits to the people. He emphasized that the site of NBL, AMA Brewery in Enugu was a blessing to all and sundry and encouraged the management of the company to always live up to expectation.

The visit came to and end at 6.05p.m.

Thanks and To God be the Glory.

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move that the Report from the Committee on Lands, Housing, Works and Transport on a visit to the Nigerian Breweries Plc, Ama Green Field Enugu be accepted for immediate consideration by this honourable House.

Mr F.E. Amu (Nsukka East): Mr Speaker, Sir, I rise to second the Motion.

Question put and agreed to.

Mr C.O. Enebe (Awgu North): Mr Speaker, Sir, I have risen to contribute to this Report before this House. Mr Speaker, my contribution is based on the second paragraph of this Report on the front page in lines six to eight, where the Committee said that there is a loading bay but it is not big enough. And this is the major highlight in this Report.

Mr Speaker, Sir, in considering the issue of the loading bay, our major concern now is how to decongest the traffic on that road. I am of the opinion that the Nigerian Breweries Limited Plc (NBL) is a company that has been in existence for several years; therefore, anything one is going to tell them or suggest to them to decongest traffic on that road must have long term effect not ad-hoc. So, there is need to ensure that those trailers do not park on that road. It is either they are inside their loading bay or they are somewhere else. I am of the opinion that it is necessary that this House should encourage and urge the Nigerian Breweries Limited (NBL) to look for a parking site or a car park or a lorry park where those lorries ... *(Interruptions)*.

Several hon. Members: Loading bay!

Mr Enebe: No, I do not want to use bay. If one uses bay they will tell one that they have bay. We are talking of a kind of park may be opposite or adjacent to where these lorries can stay and then come out one after the other instead of parking along the road; it is not fair. They have a wall; it is inside that wall that is their compound; the major road is not their compound. So, they should acquire a land where these lorries can now stay and have that place for loading not in other places. If they are not

loading, what they will probably do is to be restricted within their wall. If they fail to do that we should urge them to acquire a land; these lorries will park there and from there they can now enter the factory to load. Thank you, Mr Speaker.

Chief Whip (*Mr Odo*): Mr Speaker, Sir, I am not contributing per se to the Report, but I wish to really draw hon. Members' minds to what really led to this issue. So, what necessitated the visit of the Committee to Nigerian Breweries Plc, Ama Green Field, Enugu was as a result of the peculiar technical point the hon. Member for Udi North (*Mr Njeze*) raised in respect of a Motion which was under debate by the Members as was articulated by the hon. Member for Awgu South (*Mr Maduabu*). The House stepped down the Motion and then mandated the Committee to go and verify whether or not there is a loading bay in Ama Breweries and now that the Committee has come up with its Report and since the Motion has not been withdrawn, the hon. Member for Awgu South (*Mr Maduabu*) should be mandated to borrow a leaf or rather correct the Motion he has articulated following from the Report of the Committee and now articulate the Motion and come forward. If we begin to talk about the loading bay or no loading bay, it is unnecessary, because we are not moving the Motion to establish the fact. It is the duty of the Mover of the Motion to go and put his house in order and come and move the Motion.

Mr M. Njeze (Udi North): Mr Speaker, Sir, I want to thank the Members of the House Committee on Lands, Housing Works and Transport for the very good job they did I thank them because they did the

job very well. And the Report is very succinct to explain very well that there is a loading bay in Ama Breweries. It has equally made us to understand that even the decongestion of the Amaeke-Ngwo/Eke Oghe Road he talked about is equally being taken care by the Management of the Ama Breweries; so their Report is very comprehensive.

The Report told us here that apart from loading bay the company has directed all its distributors to get their own parks and they even gave us an instance that one of the distributors is already building his own park. I want us to note that this Report is so good that it can help this House to save its image.

Moreover, in asking the Mover of the Motion to make any amendment, we should properly ask ourselves if there is need to re-present the Motion against the fact that the major intent of the Motion is to decongest that road and as the decongestion is already being taken care of since these people have been told to build their own parking space. We should equally think of what is obtainable in other places. There are breweries all over the country; I am aware that we have more than twenty-two breweries in the country.

In view of that I want to move a Motion that the Motion which was formerly on debate be laid to rest. ... (*Interruptions*).

Mr Speaker: This Report does not necessarily mean that the Motion is outrageous. No, the House mandated this Committee to do thorough investigation and find out whether there is a Loading Bay or not which of course, I am very

happy the House Committee on Works and Transport, went ahead and did this job and informed us that following the discussion they had with the Management of Amaeke Brewery they were meant to understand that there is an existing Loading Bay which according to them and according to the Report is not spacious enough to accommodate a good number of trucks.

Now, if we sweep this under the carpet we have not done justice to the Motion. I still believe that following what the hon. Deputy Speaker has just said, we have a clear picture of what is in Ama, we can now mandate the Mover of the Motion to recast his Motion accommodating the fact that *we are aware that there is a Loading Bay in Amaeke-Ngwo which they told us is not spacious enough to accommodate a good number of trucks, that we are now requesting you to go ahead and make good arrangement for Loading Bay that will accommodate a good number of trucks.* We are aware that they said they have even agreed with some individuals to provide their own parks; that does not end up there. When we were discussing informally we were able to understand some of the causes of the congestions. At the end of the day the Mover of the Motion will incorporate all these things into his Motion. We are not only talking about Loading Bay we have to look at the causes of the conjection. Is it because they do not have enough Loading Bay that can accommodate a good number of trucks or that people are not making use of this Loading Bay. If it is found out that they are not making use of this Loading Bay the Mover of the Motion can incorporate his own idea of what he wants the House to do; either ask them to ensure that these people do not park along the road

or if you load, the moment you come out from the factory you leave. I was told that some of them stay back in the factory after loading, they park there because they have to travel in the night. Now, the Mover of the Motion can equally say Ama Brewery should ensure that after loading they should leave the premises. They can line up there, up to Eke town, it does not bother anybody, provided they do not block the road. That is why I say there is every need for us to mandate the Committee to finish this job.

Mr C. Enebe (Awgu North): Information! Mr Speaker, my information is based on the procedure. The out-come of the Motion is very much alive. My next information is that there is no need to introduce another Motion. There is a Motion before the House, there is a Report as well. That is what the Report is all about. The Report is not to introduce a new Motion. You place the Motion and the report side by side and suggest what you think is possible based on what they have. When there is inconsistency between the Report and the Motion we vote accordingly and decide on what to do. Once a Motion is introduced to the House, that Motion is no longer the Mover's personal document, it belongs to all of us. I have a legislative right taking queue from the report of the Committee when fully adopted. As long as my contribution, amendment, or suggestion does not counter that Report and the House accepts it, it stands. So, let us not over-labour the Mover of the Motion by going back to rebuild the Motion again. Let us take the Motion side by side, make amendments, vote accordingly and pass it or otherwise depending on what we have agreed on. Thank you.

Deputy Speaker (Mr Atigwe): Thank you, Mr Speaker. I was the leader of the delegation. We were there and saw things for ourselves. We cannot, up till this moment, express what we saw there because that is the most modern brewery in the whole world.

Mr Speaker, talking about their resident time, they said that their resident time is 5.30 p.m.

We should not consider this Report side by side with the Motion; we have to finish with the Report. If the Report is accepted then we go into the full Motion. Again we forgot to put in the report that they invited all the Members of the House to come to Ama Brewery and see things for themselves. So, I am saying that we are all invited to come and see things by ourselves. The lands are there; but needs development. You know that they have just started. So, we have nothing whatsoever to indict that company about, Mr Speaker. When I went there I put it to them that we had come to see the wonders there.

Deputy Leader (Mr Anikwe): Observation! Mr Speaker, I want to observe that the intendment of the Motion before this House is to establish the various facts among:

- (i) For the Works Committee to establish whether there has been a congestion;
- (ii) To establish whether there was a Loading Bay

The hon. Deputy Speaker, will recall that this Committee Report which he said was all-embracing, has no recommendation whatsoever. The Committee only ended up

in making some findings. Just like the hon. Chief Whip (*Mr Odoh*) moved, I think the proper thing now to be done is to direct the Mover of this Motion to now look at the Committee's Report. This House must come with a Resolution to the Ama Brewery. That is the essence of it. The House is not intending to indict any Company.

I think that the proper thing to be done is to direct the Mover of the Motion to now look at the Committee's Report and propose more ideas/deliberations. The House has no need to visit the Company. If you watch the speech by the Chairman of the team (*Interruptions*).

Deputy Leader: If you listen to the Deputy Speaker (*Mr Atigwe*), he thanked the Management of Ama Brewery for their high level of ingenuity and hard work. In the second statement, he emphasized that the siting of the Nigerian Brewery Limited is a blessing to Enugu State. The big blessing should not be a big discomfort to Enugu State people. Mr Speaker, Sir, may I move ... (*Interruptions*).

Mr Speaker: Honourable Colleagues, let me make an appeal; we cannot be treating this matter out of context. There was a Motion on the Floor and there was a mandate. The mandate was not to find out the standard of equipment at the Ama Breweries or the standard of facilities at the NBL. We are particularly concerned with the Loading Bay and the congestion along that road. If an hon. Member visits there only to come back to say that NBL sitting is a blessing – we are aware that it is a blessing to have that kind of Breweries. Members should remember why we

decided to defer the debate. We decided to defer the debate in order not to ridicule the image of the House, by indicting the NBL without first of all finding the actual position of the facilities there. Again the NBL inviting the hon. Members of the House to the factory should be private; it is not meant to be discussed here, unless the invitation was to enable hon. Members to observe that they have enough Loading Bay. It is not proper to come there to inspect the facilities at Ama Brewery. Please let us not derail; let us just face the facts.

Deputy Leader (*Mr Anikwe*): Mr Speaker, Sir, may I move at this point in time that the honourable House do now ask the Mover of this Motion to reflect the ideas of the House and come up with the necessary facts. ... (*Interruptions*).

Mr Speaker: First of all, we have to finish adopting the Report as the document of the House. We will then give the document to the Mover of the Motion.

Deputy Leader: Mr Speaker, may I now move that the Report be adopted by this honourable House. Thank you, Sir.

Mr C.O. Enebe (Awgu North): Mr Speaker, Sir, I have a point of information. My point of information is that since the hon. Member for Ezeagu (*Mr Anikwe*) has made it clear that this Report has no recommendations, I want to suggest that the recommendations we have put forward should either be accepted or included to make the Report a full fledged one worthy of adoption. If the Report is adopted the way it is, without recommendations, the House will still be groping in the dark. So, I

suggest that the Ama Brewery should build a Loading Park where the vehicles should stay. From there they can now go and load. This will also complement their loading bay. If we put it, others should also include their own recommendations. You can then put the Question on them, the ones we accept will now form part of the Report. Then the Mover of the Motion can now make use of the Report with these recommendations for further action on the Motion. Thank you, Sir.

Deputy Speaker: Thank you, Mr Speaker, Sir, for protecting my seat. Mr Speaker, I had earlier said that it was a private affair between the House and the Brewery for such invitation for the House to come. They made it official and I am saying it again and I quote them.

Mr Speaker: Where is the invitation letter.

Deputy Speaker: They officially invited the hon. Members. They invited the House to come and see the most modern Brewery in West Africa ... *(Interruptions)*.

Mr Speaker: Honourable Colleagues, what I am saying is that some people wrote a Report to the House and we are about discussing and accepting the Report. *(Interruptions)*.

Deputy Speaker: Mr Speaker, Sir, I hope that I have the attention of my hon. Colleagues. This is a democratic dispensation and we are doing a democratic affair. They should allow me to express myself. The House should allow me to finish what I am saying and to buttress

what I am saying. These facts are not in the Report. ... *(Interruptions)*.

Mr Speaker: Did the hon. Deputy Speaker *(Mr Atigwe)* sign this Report?

Deputy Speaker: Yes, the Chairman signed it.

Mr Speaker: Let us not keep ourselves here. Since this Report was presented, it is expected that at the end of the day, we would have heard what the position of the Committee is. Now an hon. Member has raised a suggestion and I think that what we are going to do is to base our debate on the Report. If an hon. Member has anything to add to this Report which could serve as part of the recommendation or part of the prayers, they can bring such things up through a Motion that those suggestions should be incorporated into the Report. We take them one after the other and if we adopt them, on that basis we can now mandate the Mover of the Motion to look at the report and come up with an up-dated Motion. This is what we should do to avoid all these unnecessary arguments. At this point in time the only thing I will like to hear are ideas to be added to the Report. It should come in writing like a Motion and I will put a Question; if it is carried it becomes part of the Report.

Chief Whip *(Mr Odo)*: Mr Speaker, Sir, as we are considering the Report, I still want us to accept that the Committee has acted well based on the terms of reference given to it. The Committee was mainly directed to go and find out some key issues, which I believe they have come up with their findings. If you had asked the Committee to make a report with

recommendations, they would have equally done so. The Committee is competent. I am not quarrelling with making recommendations, but it now looks as if perhaps the Committee ... (*Interruptions*).

Mr Speaker: No! No! No! I did not say that, please. The Committee carried out the work they were supposed to do. The Committee's Report was based on the Motion which came to the House. So we still have to thank them for a job well done. But we cannot go ahead to debate on this Report without some additional statements.

Mr M. Njeze (Udi North): Thank you, Mr Speaker. Like I said, the Report is very good; it is perfect and correct. It is good to be adopted but if we are intent on achieving something for the State, I would want us to thank the Committee, officially adopt the report with some recommendations and suggestions. They submitted the Report and we now know that Ama Brewery has a bay. Based on the Report we now know that they have even appealed to the authorities to help them decongest the road.

We know that Ama Brewery do not have all the land in that area. They have a limited plot of land and they cannot extend beyond their own plot. They do not own the road we are now asking them to work on. We equally know that there is an authority because that road pass through a local government and that local government was the one asked to decongest 9th Mile Corner and they did it very well. I want to suggest that in the recommendation of the report, we should ask the Mover of the Motion to recouch this Motion: direct this request to the

Chairman of the local government to decongest that spot. If we can see Ama on its own side and if we can know that other Breweries all over the country do not take the responsibility of a local government, they do not extend beyond the boundaries of their factory, then it will not be proper for us to ask Ama to extend beyond their knit. Since there is an Authority that can handle that, let us include in this Report a recommendation that the House do direct the local government to decongest the Ameke -- Eke -- Oghe -- Akama Oghe road. Thank you.

Mr Speaker: Can we please listen? Let me ask a question. The Deputy Speaker was mandated by the Chairman, House Committee on Works, Housing and Transport to head the delegation to the Ama Breweries. Now the question I want to ask is this. In the Deputy Speaker's opinion, is this Report is a true reflection of what you saw? Are you convinced from all indications, that this report contains what you saw apart from the side attractions you witnessed.

Deputy Speaker: Thank you, Mr Speaker. I am happy you are trying to understand me better now. The Chairman is a human being. It is possible that I have forgotten some of these things. What we saw there was beyond our expression. None of the things we saw there was contained in this report.

Mr Speaker: Which means the report was not comprehensive?

Mr C. Enebe (Awgu North): Information. My information is that conventionally one can delegate authority

without responsibility. The person that can tell us whether we are withdrawing the Report or not is the Chairman of the Committee. It is the Chairman of the Committee that has responsibility of this report. What the Deputy Speaker exercised was the authority vested on him by the Chairman. Let us not operate as if we have two Chairmen in the House here. If he has anything against the Report, he can say it as a member. Let us forget about having a delegation. What do we have in the report? If the Chairman says that he wants to withdraw the report, we will listen to him, not the person who has reported to him.

Deputy Leader (Mr Anikwe): Further clarification, Mr Speaker. You will recall that the day you mandated the House Committee to make the findings, you gave them two specific assignments: To establish whether there is congestion, and to establish whether there is loading bay. The issue of asking somebody who led the Committee is irrelevant because he has no power to sign the Report. He went there to have entertainment. *(Laughter)*.

Mr Speaker: Based on the adoption of the Committee Report, the Mover of the Motion can now go back and recast this Motion, putting into consideration some of the issues raised by hon. Members. Possibly the Motion should come up again on our next Legislative day.

ANNOUNCEMENT

Meeting

Mr Speaker: Honourable Colleagues, we will meet in my Office on the rising of the House, please. All Members are

expected to attend. It is going to be a very short briefing. We should move straight to my Office for a very important message. Thank you.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, Sir, hon. Colleagues, I rise to move that the House do now adjourn till Thursday, 26th August, 2004 at 10 a.m.

Mr M. Njeze (Udi North): Mr Speaker Sir, I rise to second the Motion for adjournment moved by the Leader of the House. Thank you.

Question put and agreed to.

Resolved: That this House do now adjourn till Thursday, 26th August, 2004 at 10 a.m.

Adjourned accordingly at 1.02 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 103

Thursday
26th August, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Thursday, 26th August, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before us are our Votes and Proceedings No. 24, dated 24th August, 2004. I have gone through them and found them to be very correct. However, I wish to call for your comments.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our last sitting and found them to be correct. I therefore move for the adoption.

Mr D.A. Anih (Enugu South I): Mr Speaker, Sir, I rise to second the Motion as moved by the hon. Member for Udi South (*Mrs Eneh*). Thank you.

Question put and agreed to.

Votes and Proceedings of 24th August, 2004 accordingly adopted.

NOTICE OF MOTION

**DECONGESTING OF AMAEKE-
NGWO/EKE/OGHE ROAD**

Mr E.C. Maduabu (Awgu South): Mr Speaker, Sir, permit me to move the Motion standing in my name on the Order Paper:

That this honourable House do urge the Management of Nigerian Breweries Pl.C, Ama Green Field Enugu, to Decongest Amaeke Ngwo/Ekeoghe Road by ensuring that all Trailers are parked into the Company's Loading Bay.

Deputy Leader (*Mr Anikwe*): Mr Speaker, Sir, I rise to second that Motion as moved by the hon. Member for Awgu South (*Mr Maduabu*).

Mr Maduabu: Mr Speaker, Sir, the coming of Ama Green Field Breweries to Enugu is a blessing to the people of Enugu State in many ways: It offers employment opportunities to many Nigerians. The industrial base of the State has improved tremendously. The social, economic and commercial activities of the State have as well increased. The aesthetic view of Amacke Ngwo has been greatly enhanced by the beauty of the Brewing Company.

However, the coming of the company has as well brought its intolerable environmental impact to bear on the people of the State. This development has gone to confirm the saying that anything that has advantage must surely

have disadvantage. The one that surpasses each other depends on the management and control.

The giant lorries that throng the Company site on daily basis are enormous. Given the unruly behaviour of these lorry drivers, the Amaeke/Oghe Road is constantly blocked by these huge vehicles. When this happens it renders the only road impassable to vehicular movement. This situation in most cases lasts for hours until some of the lorries are taken into the Company's premises. People that use this road for their daily business trips are stocked at a place as long as the hold-up lasts. The line of motorcars and vehicles in most cases extends to ESCOLEY Oil filling station about a quarter of kilometers away thereby causing another hold-up along the very busy Ninth Mile/Nsukka road.

The management of NB Plc, Ama Green Field Enugu should control the excesses of the lorry drivers who carry their products from or bring their raw materials to the company. While the State Government is busy constructing alternative road to cushion the impact of the congestion at the company site, the management of the company should as a matter of urgency ensure that all trailers are parked into the company's premises to ameliorate the suffering of the people along this road. There are many undeveloped lands beside and opposite the company that could be acquired and developed for trailer parking purposes. Many companies have done this and it paid off positively; therefore, Nigerian Breweries Plc, Ama Green Field, Enugu, could as well do this.

The management of the great company should not allow the jubilation that greeted the arrival of this great Company to

snowball into a source of worry and discomfort to the people of this State.

Prayers:

1. That the management of Nigeria Breweries Plc, Enugu, should ensure that all trailers are parked into the Company's Loading Bay.
2. That the company should construct a new loading park to make up for the short-fall in her existing Loading Bay.
3. That the Chairman of Udi Local Government Area, Hon. Rev. Egwuonwu, should assist in decongesting Amaeke Ngwo / Eke Oghe road at NB Plc site, Enugu.

Be it moved and it is hereby moved.

May I use this opportunity to appeal to most hon. Members who have not got a copy of the Motion to have patience; it was due to the stay-at-home action going on in the State now. After, they will have a clean copy. Thank you.

Mr Speaker: Honourable Members, let me say that the hon. Member for Awgu South (*Mr Maduabu*) failed to produce enough copies for hon. Member because of National Electric Power Authority failure, not because of any industrial action or stay-at-home.

Deputy Leader: Mr Speaker, Sir, hon. Colleagues, I rise to speak in favour of this very important Motion before us.

If that premises is not enough for them they should acquire additional land. I know it is a professional organization. In Europe where they came from they cannot do this kind of a thing. Why do it in Nigeria here?

What we are talking about now are certain things that matter because our people say: When a bad thing happens all the time it becomes a routine. *Aruru ala gbaa aro obulu ome n'ala*. If we leave them to park the vehicles there, by the time another House will commence and call them to order, they will capitalize on it and would say: after all the other House did not say anything; the Government did not say anything; why are you disturbing us now. So, we have to really stand on our feet and ask them to decongest that road. They have no alternative; they have no option. That road is not part of their registered premises and they should not use it. They can only use it when it cannot inconvenience the people. Once it causes inconveniences, they should be called to order. I do not believe that anybody who has passed through that road would not appreciate what this Motion is talking about. I sincerely support this Motion and urge my Colleagues to equally lend their support. Thank you, very much.

Deputy Speaker (Mr Atigwe): Thank you, Mr Speaker. I am on my feet to support this Motion. I was there and I saw things for myself. This Motion, though timely is being treated at the wrong position. Mr Speaker, Ama Breweries as we have heard from all angles is for this State and for the whole nation. This is because it serves us; and other people from outside the country come there for trading. The congestion of the road is not caused by Ama Breweries' lorries or vehicles. We have road safety Commission

who takes care of our roads. By the time they take care of the road, the vehicles will move about thirty kilometers from the road. So, the Motion should be directed to the Commission not Ama Breweries, because we saw their parking space. They have sufficient parking space for those who meet their resident time. They are not liable for the vehicles that park outside the park. I was there, if one goes there he will see the parking space for the vehicle that meet the resident time. They told us that those who are there are on their own and not for them. Because after loading people come out there and park along the road. Anything can happen there and they have contacted the police for that. *(Interruptions)*.

Mr C. Enebe (Awgu North): Information! Mr Speaker, my information is that during our last meeting the Report of House Committee that visited Ama Brewery led by hon. Deputy Speaker *(Mr Atigwe)* did tell us, as part of their findings, that the Loading Bay is not spacious enough. I remember vividly that they asked him questions more than two times to disown that Report; he never did that so, he cannot tell us today that their Loading Bay is sufficient. It will be misinforming this House and trying to mislead us. Thank you.

Mr Speaker: I believe that before us is a Motion; let us equally agree that this Motion came up sometime last week or this week and the hon. Member for Udi North *(Mr Njeze)* raised up an issue that Ama Breweries Plc has a loading bay. It was for the sake of that that we decided to defer this Motion and we then mandated the House Committee on Lands, Housing, Works and Transport to visit the place and report back to this House. This was perfectly done. When we read the Report we discovered that

The major functions of this honourable House is to carry out those functions that will enhance the good governance of Enugu State. We will also believe that the democratic dividend that resulted to the establishment of this Ama Breweries are very much enormous as elucidated in the function. One would not continue to talk about economic values, social values and the other values associated with this establishment.

Mr Speaker, I believe that the Motion is particularly talking about decongesting the Amaeke, Ngwo-Eke-Oghe road. I wish to make it clear that this road is the major road leading to the greater Ezeagu Local Government and this is the major road that is tarred that can now connect both old greater Ezeagu and the rest of the Enugu State. It is better for one to go to that place and see what is happening.

This congestion if not curtailed this time around and if it is allowed to extend to December, would be more difficult for us.

So, Mr Speaker and hon. Colleagues, I am calling on you to see the effect of this congestion on our people and on the road. The users of the road will value it more if there is free flow of traffic along this particular road.

This is the junction adjacent to the main road leading from ninth mile to Nsukka. We know that this honourable House, early last year or towards the end of last year through a Motion brought by the former Speaker, (*Right hon. Enebe*) was able to call on the Chief Executive of Udi Local Government to decongest ninth Mile and it was successfully done. So, Mr Speaker, I use this

singular opportunity offered to us by this Motion to call on my Colleagues to do justice to this Motion by allowing it to be passed and then by allowing it to be implemented because by this we must have extended the oversight functions required of us by law in service to our people.

Mr Speaker, it is in view of this that I honourably plead with my Colleagues to allow this Motion to sail through. Thank you, Mr Speaker.

Mr C. Enebe (Awgu North): Mr Speaker, I have risen to support this Motion. The need to decongest the Amaeke/Ngwo road cannot be overemphasized. The Ama Green Field has come to stay. It is a Company, I believe, will last for many years. Now that they are starting, it is proper to put things in order. They have acquired the land and have invested a lot of money in the Company. Whatever they do from production to final sale of their product should be carried out within their premises. It is just like ANAMMCO. If they litter the road to Airport with vehicles that are waiting from panel beating or repairs, they have to be held responsible for any outcome. This is exactly what I mean. I believe that a Company as big as that cannot be ignorant of the inconvenience they are causing to the people who make use of that road. There is therefore the need for them to construct an additional parking lot for those lorries. In doing so, they will be able to create enough space for vehicles that ply that road. What if tomorrow another Company acquires land after their own and may be, they are producing vegetable oil or cement and lorries that come to pick their products continue in that manner; it means they will get to Oghe, that is the implication. So, they have to confine themselves to their premises.

there was no prayer or they did not ask for anything. So, we then said: okay we made our various inputs and directed the Mover of the Motion to pick up the Report and build up something that should be coherent with the Motion and bring up to the House again. I do remember too that when the Deputy Speaker was speaking he was trying to derail. I then called him and told him that he led the delegation and if he felt that he was not comfortable with the Report, he should withdraw it, but that was not done.

The argument is not whether Ama Breweries is an advantage to Enugu State of Nigeria. The argument is whether or not Ama Breweries has a loading bay, which we agreed they have, based on the information from the Committee. The people who represented this House including the hon. Deputy Speaker, agreed that Ama Breweries has a loading bay but not spacious enough to accommodate all the trucks. It was on that note that we said that instead of saying that they should provide a loading bay we should now say that they should ensure that the people should make use of the loading bay which has been provided by the Brewery. But I am surprised this morning that the Deputy Speaker is telling us a different story. However, this is democracy; he is entitled to his opinion. ... *(Interruptions)*

An hon. Member: The Deputy Speaker did not sign that Report. *(Interruptions)*

Mr Speaker: The Report was not signed by the hon. Deputy Speaker *(Mr Atigwe)* and I asked him to withdraw it and he refused. He did not withdraw it. He would have disowned it; he would have said his own point that day. He was there and when we wanted to adopt the Report by the

Committee, there was no dissenting voice or voices, and the Report was adopted.

So, please let us not derail. In a Motion or any argument we have opposers and proposers or supporters. If the hon. Deputy Speaker *(Mr Atigwe)* wants to oppose the Motion, he should wait for the right time to talk. But as far as I am concerned this is the period where I want to hear from those who are actually supporting the Motion. The hon. Deputy Speaker should please relax. When it is time for the opposing side he can then talk, please.

Deputy Speaker *(Mr Atigwe)*: Mr Speaker, please, I am not arguing with you. I have a legislative right to speak. I want to put my house in order, I am not against the Motion. ... *(Interruptions)*.

Mr Speaker: The Deputy Speaker, should listen; I am not against his putting his house in order but this is not the time for him to speak. ... *(Interruptions)*.

Deputy Speaker: Mr Speaker, I am not opposing the Motion.

Mr Speaker: You are opposing it.

Deputy Speaker: I am not opposing it. I want to arrange my house properly. Mr Speaker, you are aware I am not a Member of the Committee, I did not read the Report and I have no right to withdraw it but this is democracy I have to make my own contribution.

Mr Speaker: No! No! The hon. Deputy Speaker should understand that all of us are mature and when we are talking we should be very serious. He led a delegation to the place; he has all the right on that day to say

that what the Chairman signed was wrong; he has all the time on that day to say that what the Chairman signed or what was read before the House was wrong, and on that basis we would have withdrawn it or he would have declined; but having allowed us to adopt that Report and for him to start telling us now that he is not the author, sounds ridiculous and unbelievable.

Deputy Speaker: Mr Speaker, the Secretary to the Committee is here although he has no right to come up here and speak. I would have withdrawn the Report; I led the delegation but he did not show me the Report and because we are practicing democracy I have all the time in the world to explain myself here before this honourable House. *(Interruptions)*

Mr Speaker: The hon. Deputy Speaker should please excuse me; he cannot be talking against the Report while he is part of the Members that adopted the Report. *(Interruptions)*.

Deputy Leader (Mr Anikwe): And he never opposed it.

Mr Speaker: And he never said that he does not want the Report to be adopted. Somebody moved that we should adopt the Report and somebody seconded it and if he had wanted to oppose it what he would have done when I put the Question was to oppose it. And if he had a large number, he could even call for division; if his side won, that is okay. But he did not oppose it from the beginning till today. What is he opposing? What he is opposing is wrong because we have passed that stage. We have adopted the Report. We are talking of this Motion today; we are no longer talking about the Report.

So, if he has anything to talk about the Motion, he should do it and not the Report.

Chief Whip (Mr Odo): Information! Mr Speaker, Sir, I wish to say that the Deputy Speaker *(Mr Atigwe)* should be allowed to exhaust himself. In the first instance, he has not told anybody that he wants to oppose the Motion nor is he opposing the Motion but somebody can say one or two things to lay the foundation of what he wants to say. He has not come up openly to say that he wants to oppose the Motion. It is my belief ... *(Interruptions)*

Mr Speaker: Order! Excuse me. ... *(Interruptions)*.

Chief Whip: Mr Speaker, let me finish up ... *(Interruptions)*.

Mr Speaker: Order! The Chief Whip should sit down. Why I have decided to interrupt him is because he said that Ama Breweries has sufficient loading bay but he got up now and he is saying that the loading bay is not sufficient enough so which one are we arguing?

Deputy Speaker: Mr Speaker, Sir, I was laying emphasis on what was in the Report. If you bring the Verbatim Report of our last sitting, you will observe what I said during our sitting. You did not allow me to express myself very well. *(Interruptions)*.

Mr C.O. Enebe (Awgu North): Mr Speaker, Sir, for purposes of clarity on the issues of discussion, one should oppose or support the ideas. It is necessary that one should stand up to say *I have risen to support or to oppose*. So the House would like to know if the Deputy Speaker is

supporting or opposing. He cannot just stand to talk without focus.

Mr Speaker: I have said it before that if there is a Motion on the Floor of the House, we have to take side; it is either one is supporting or opposing the Motion. This is why I said that if the Deputy Speaker (*Mr Atigwe*) feels like giving the House information which will make the Report to be more useful, he can come up with such arguments. It will also add to what we must have heard from those in support of the Motion. I do not intend to stop him from talking. By the time every hon. Member must have spoken, there may be the need for the House not to allow the Motion to sail through. There are still lots of hon. Members who will like to talk on the Motion and I want the House to allow my hon. Colleagues to talk either to oppose or to support the Motion. There is no need for the Deputy Speaker (*Mr Atigwe*) to say that he wants to give the House elaborate report of what he saw on that day and yet he said that he is not opposing the Motion and that he is supporting it. So please let us know what we are doing.

Deputy Speaker: Thank you, Mr Speaker. When I started my speech, I wanted to speak on the Motion and you allowed me. As long as you allow me to speak, you should not disturb me again. I want to speak on the Motion and I will still make my points.

Mr Speaker: The Deputy Speaker should go on but he has just two minutes left. (*Prolonged laughter*).

Deputy Speaker: Thank you, Mr Speaker. Like I said they invited all of us to the Brewery. I said, that they do not have

sufficient parking space. I have told the House that the Ama Brewery should not be blamed in this matter. Let us address this Motion to either the Road Safety Commission, the law enforcement agents, or the Local Government Authorities. This is my own opinion on the Motion. So let the House direct this Motion to the real people that are concerned. (*Interruptions*).

Mr Speaker: What the Deputy Speaker is saying is clear – that Ama Brewery has Loading Bay, or Parking Bay, which as far as I am concerned is not sufficient; that the cause of the congestion at that road is not caused by Ama Brewery. It is caused by passers-by or by customers. He said that we should direct this Motion to other Authorities. This is why I differ at times. I believe that the House does not want to black-mail Ama Brewery. If one is not comfortable with the prayers, one would have moved a Motion for the inclusion of some of one's suggestions into the already existing prayers. It is simpler than going round and round. If he feels that the House has not included the Road Safety and the Police he can include that. Prayer three says *plus the Chairman of the Local Government* which he had mentioned. What I expected from him was that since the House was no longer saying that they do not have sufficient Loading Bay, then let us have some of the points raised as part of the Prayers, which could not have been of any argument. Now, if the Deputy Speaker (*Mr Atigwe*) actually wants this Motion to sail through, we can now request him to formally move a Motion for the inclusion of whatever he wants to include. If it is the opinion of the House that they be included, fine and good. I want the House to make progress, please.

Deputy Speaker: Thank you, Mr Speaker, Sir. As I am speaking now, I do not have the Motion before me. Since, I do not have it, we are going to make progress. The Motion belongs to the State. Even if I do not have the Motion, we have to allow it sail through. What I am saying is that let us leave Ama Brewery alone and talk about the Road Safety and the Police, because the Local Government Authorities have already been included in the Motion. We should also include that within their resident time, that all the vehicles involved should be moved into the premises of Ama Brewery as it will help to decongest the road.

Mr Speaker: Let me ask the Deputy Speaker some questions: Assuming we have a canteen here and lots of people come to this canteen to have their meal. During the lunch time the entrance of the House at Okpara Square is blocked. If somebody wants to talk to those people that parked their vehicles who will they refer to? Is it not the House of Assembly or the hon. Members of the House that they will be called upon to assist them because the customers are blocking the road. Do they go to look for another Authority to clear the road?

Deputy Speaker: Mr Speaker, Sir, I understand. I am on my feet, I will answer the question by myself.

Mr A. Chigbo (Uzo Uwani): Mr Speaker, Sir, you cited an example and I am asking: Is that road owned by House of Assembly or by State Government? That road is owned by a local government in the State and not Ama Brewery and that is why the Police and Federal Road Safety Commission should come in.

Mr Speaker: One cannot separate that particular point from Ama Brewery and the local government. There is no way. Two of them go hand in hand. It is a road that belongs to everybody; but because it is situated at that place and because those people who are blocking the road are customers, we have the right to say: *please, park well, do not block the road.* They have the right to do that. There is no two ways about it.

Deputy Speaker: Mr Speaker, may I move that the Police and the Federal Road Safety Commission be included in the Motion to help decongest the road.

Mr C. Enebe (Awgu North): Point of Order.

Several hon. Members: Order what?

Mr Enebe: Order No. 25. This is a Motion on notice. You should ask for the leave of the House.

Mr Speaker: It is a Motion on Notice. For one to move a Motion, one should seek for the leave of the House to suspend order No. 25 to enable him move the Motion in line with Order No. 25.

Deputy Speaker: Mr Speaker, Sir, a Motion has been moved and we are trying to make amendment on it.

Mr Speaker: If one wants to talk one should obtain permission and talk. I do not want side-talks or somebody to sitting down and saying *is a lie*. If one wants to talk either on point of information or observation, one can do that. The hon. Member for Enugu North (*Mr Onoh*) should please sit down I do

not want us to have any quarrel this morning.

Deputy Speaker: Mr Speaker, Order No. 25 says that *Notice shall not be dispensed with in the case of a Motion or in respect of any other proceeding for which notice is required except with the consent of Mr Speaker and the general assent of the Members present.* The amendment is within the Motion already moved by the Gentleman.

Mr Speaker: No. The Motion we are discussing is Motion on Notice and the amendment should come on notice.

Deputy Speaker: Mr Speaker, may I seek the leave of the House to enable me move a Motion for amendment accordingly.

Mr Chigbo: Mr Speaker, Sir, I stand to second the Motion.

Question put and agreed to:

Deputy Speaker: Mr Speaker, Sir, I beg to pray that the Police and the Federal Road Safety Commission be included in the prayer of the Mover of the Motion.

Mr C. Enebe (Awgu North): Mr Speaker, Sir, I have risen to re-direct the hon. Deputy Speaker to give us a Motion.

Deputy Speaker: I said I am praying.

Mr Enebe: No. The Deputy Speaker said he sought the leave of the House and we allowed him. He should now move a Motion.

Deputy Speaker: Thank you, Mr Speaker, for trying to protect me.

(Laughter). Mr Speaker, may I now move the Motion that we include the Police and the Road Safety Commission to help in the decongestion of Amaeke Ngwo/Eke-Oghe Road. That is my prayer.

Mr A. Chigbo (Uzo-Uwani): Mr Speaker, Sir, I rise to second the Motion moved by the Deputy Speaker (*Mr Atigwe*). Thank you.

Question put and agreed to.

Mr Speaker: Is the Deputy Speaker through now?

Deputy Speaker: That is what I want. I am not against the Motion. But Ama should not be there. Remove Ama (*Laughter*)

Mr Speaker: But is the Deputy Speaker satisfied with the other Prayers? (*Interruptions*).

Chief Whip (*Mr Odo*): Mr Speaker, I rise to support the Motion before the House. I need not to emphasize the importance of decongesting Amaeke Ngwo/Eke-Oghe Road that has been congested in view of trailers seeking to off-load and load the products belonging to Ama Breweries. But in doing that I really have to bring the attention of this House to the fact that the content of the Prayers, and the substance of the Motion itself are misleading. If you look closely at Prayers No. 1 and No. 2, you can see that Prayer No. 1, said that *the management of Nigeria Breweries Plc Enugu, should ensure that all trailers are parked into the Company's Loading Bay.* Prayer No. 2 now said: *that the company should construct a new loading park to make up for the short fall in her existing Loading Bay.* Meanwhile the caption of the entire

Bill is to decongest Amacke Ngwo/Eke Oghe Road. You see that the Mover of the Motion failed to understand, and even failed to appreciate what the Report of the Committee is trying to say. The Report of the Committee said that the Ama Breweries has a Loading Bay, but it is not enough. No matter how spacious the parking bay might be, there is no way it could contain all the vehicles. In other words, it has not solved the problem of decongestion. The loading or parking bay is specifically meant for trailers or vehicles coming in to stay on ad-hoc basis. So there is no way the place could be made as a garage where one could then go and park all the vehicles. So it is my view that Prayers Nos. 1, 2 have not in anywhere supported the decongestion of the Loading Bay that we are praying for. Now ...

Mr C. Enebe (Awgu North): Information, Mr Speaker. What the Prayers want to do is to bring all the stakeholders into focus. The Ama Breweries should be one of the stakeholders, in conjunction with the Local Government, the Police and the Road Safety. I do not know what we are trying to protect. Ama Breweries is the principal stakeholder. So if we involve the Police, why should they not do it. The PRO of Ama Breweries was once in the force but now a Director.

He even told us that some transporters are trying to build their own parks which means that they are appreciating the point that is there. They have appreciated it. By the time this Motion is passed you will then know that it is a public concern. The Police will come back and tell you that Ama Breweries do not have a Loading Bay.

Deputy Leader: Further Information, Mr Speaker. We believe that we are here to

carry out our responsibility of ensuring good governance. My point of view is that it is the chain of reaction of the activities going on at Ama Breweries that is the major result of the congestion. We should continue to ask ourselves whether this Motion was ever dreamt of before the commencement of work at Ama Breweries. You cannot separate a father and a child. The activities of Ama Breweries led to the congestion at this particular point in time. Why are you now saying that the Ama Breweries has no relationship whatsoever with the congestion. It is a total fallacy. If you refer to the Committee's recommendations. ...

Chief Whip: Point of Order!

Deputy Leader: Order number what?

Chief Whip: Order No. 26 (11).

Mr Speaker, the Order is stressing that a Member who has already spoken, should not be allowed to speak for the second time. Somebody can just erroneously hide under the canopy of Point of Information to react to the speech meant by a different person. Perhaps it is not in line with the whole thing. That is wrong. And I was not expecting you to have tolerated that.

Mr Speaker: The point of Order raised by the Chief Whip is upheld. ...

Deputy Leader: No! You cannot uphold it. There is no provision for such. No! No!!

Mr Speaker: The Deputy Leader should excuse me. *(Interruptions)*.

Deputy Leader: As a co-sponsor of the Motion, I can clarify at any point in time. Therefore, I talk under *point of clarification*.

There is no way you can tell me that. I have a right to point out any clarification.

Mr Speaker: My problem is that the Order should not be upheld. That is what I am saying. There is an Order and the Order is wrong. So you should declare it wrong. As a co-sponsor of the Motion I can give any clarification at any point in time. *(Interruptions)*.

Chief Whip: Mr Speaker, may you ask the Deputy Leader to withdraw the word fallacy used before this honourable House.

Deputy Leader: It is a fallacy.

Deputy Speaker: It is okay. Are you not the Deputy Leader.

Deputy Leader: That did what?

Deputy Speaker: Cool down, please.

Deputy Leader: I cannot cool down. They said that I cannot speak again in this Motion. It is not true.

Mr Speaker: The Deputy Leader should please excuse me. Since he is a co-sponsor of a Motion he is not expected to be recognized for the second time *(Interruptions)*.

Deputy Leader: Mr Speaker, Sir, we are talking of Information and clarification, and you are upholding a wrong Order.

Mr Speaker: Excuse me. The Deputy Leader is the co-mover of the Motion. I agree. He has the right to reply when he is given a chance, but not when he is not recognized. I do not like it. *(Interruptions)*.

Deputy Leader: Mr Speaker, I have the right of point of Order any time. Do not tell me that.

An hon. Member: Point of Information.

Mr Speaker: I do not want any information. The Chief Whip should go on to speak.

Chief Whip (Mr Odo): Mr Speaker, I have earlier on requested that we restrict the use of foul languages in this honourable House. For somebody to stand up and say that we are talking fallacy is unfair. Mr Speaker, that is incorrect before the honourable House. The hon. Deputy Leader should withdraw that word. *(Interruptions)*. He does not know what *fallacy* means. That is false reasoning. We were bringing him to order and he could not listen. He does not know the content of what he has said.

Mr Speaker: Order! Order!! Honourable Colleagues, I think the problem we have is that when somebody is corrected, he feels that he knows more than every other person. We are just here learning whether or not we have stayed for 10 or 20 years. Nobody knows more than the other. During a debate, I sincerely believe in a superior argument.

As a Sponsor of a Motion, the Rule is clear, he has the right to reply. I am not saying that the hon. Deputy Leader *(Mr Anikwe)* has no right to reply. I am saying that not when one is speaking, and he *(Deputy Leader)* feels that he is not supporting him very well, he will reply. When an hon. Member stands up to talk, he will reply. It makes nonsense of the whole thing.

In fact, there must be decorum no matter how somebody feels. After all without anybody supporting this Motion, it cannot sail through. When the hon. Member for Awgu North (*Mr Enebe*) stood up to speak, he said that he was not opposing, but that he stood up to support. There is only two things on which he addressed the House, and what he said is correct. There is no way we can separate the Ama Brewery from the road, and there is no way we can separate the road from the Ama Brewery. When I said this, the hon. Deputy Leader jumped up to address the House again, only to start saying that somebody is talking fallacy. That is very very unfair, we are not fighting here; we are brothers. So, the hon. Deputy Leader may now withdraw that word *fallacy*.

Deputy Leader: Mr Speaker, I have a reason for saying it.

Chief Whip: Mr Speaker, may you allow me to reply him. Let him not withdraw it (*Interruptions*). Mr Speaker, if he refuses to withdraw, let me give it back to him.

Mr Speaker: Order! Order!! No. The Chief Whip should not reply. May the Deputy Leader withdraw that word.

Deputy Leader: Mr Speaker, if somebody makes a statement that is false, it is fallacious. So, I stand by it. I cannot withdraw it.

Mr Enebe: Mr Speaker, question please! Mr Speaker, like you rightly pointed out earlier, we are here to learn. Nobody is an expert, so to say. Perhaps the need to withdraw this word *fallacy* may be necessary; but my question is the use of language at this point in time may help us. I

am aware of those who believe that *fallacy* means *rubbish*.

Mr Speaker: Order! The hon. Member for Awgu North should tell me what *rubbish* means. If somebody says that someone is talking *rubbish* what does he mean?

Mr Enebe: Mr Speaker, we are talking about *fallacy*.

Mr Speaker: But I am asking, if somebody says that someone is talking *rubbish*, what does he mean?

Deputy Leader: It means that the person is talking *jazz* (*Laughter*).

Mr Speaker: But that is a very good word, but nobody likes it.

Mr Enebe: Mr Speaker, what I am saying is that if *fallacy* means *untrue*, it is a non-issue; we ignore it, but if it means something else that is more than *untrue* perhaps it may be good for the hon. Deputy Leader to withdraw it. So, I do not know if anybody has a dictionary here; it could help us. We cannot just say *withdraw*; by the time we look at the actual meaning of *fallacy*, he himself may appreciate it, and find it convenient to stand up and say: *I withdraw it*, but if you do not know the meaning of the word I used in public and ask me to withdraw it, I cannot do that.

Mr Speaker: Can anyone tell us the actual meaning of *fallacy*? If not, can we now have a dictionary?

Mr J.U. Onoh (Enugu North): On Observation! Mr Speaker, I am trying to guide us on the reason the hon. Deputy Leader used that word *fallacious*, as regards

to the point of order raised by the hon. Chief Whip (Mr Odo). He raised Order No. 26(11) which says:

Except when the House be in Committee, no Member shall speak more than once on any pro-position before the House except in explanation if the Member then addressing the House chooses to give way or to a point of order or, in the case of the mover of a substantive Motion or of an order of the day, in reply, but any Member may second a Motion or amendment without prejudice to his right to speak at a later period of the debate if he does so formally by saying "I beg to second".

The statement made by the Chief Whip should have said that some rise in the guise of *Point of Order* or *information*. The Chief Whip would have quoted Order 26(12):

A Member may rise to a point of information or explanation on a previous statement made by a Member; and then attach the statements he made.

Mr Speaker: I have not listened to the Hon. Member for Enugu North (Mr Onoh).

Mr Onoh: Mr Speaker, the Point of Order raised by the Chief Whip was not correct, because Order 26(11) and 26(12) are not the same.

Mr Enebe: Mr Speaker, the hon. Member for Enugu North rose on Point of Information, and it is in the Rule.

Mr Speaker: Honourable Colleagues, let us hear the meaning of 'fallacy', it will guide us.

Deputy Leader: Mr Speaker, while looking for the meaning of *fallacy*, let us show the good relationship existing between the hon. Chief Whip and I. If ever I had used the word *fallacious* on him, I stand to withdraw it.

Mr Speaker: Order!! Honourable Colleagues, for the fact that the hon. Deputy Leader has withdrawn the word, let us make progress. So, there is no need consulting the dictionary.

Chief Whip: Mr Speaker, while commending the hon. Deputy Leader for withdrawing the word *fallacious*, may I continue my contribution.

Mr Speaker, I had earlier indicated that I am giving my support to the Motion. I am not comfortable with prayers Nos. 1, 2, and I just need some little amendment to prayer one. The prayer seeks to assume that the moment the loading bay is expanded, the problem of the congestion will wither away which is not the position. The position is that loading bay will be of assistance as to accommodate vehicles loading drinks from the very premises of Ama Breweries. Also efforts have to be made to decongest that road. In as much as Ama Breweries has some commitments on the road, they do not have sole responsibility to decongest the road. Some other agencies may come in. (Interruptions).

Mr Speaker: So what the Chief Whip is saying is that prayer one is not just an end in itself but it is a means to an end.

Chief Whip: Yes.

Mr Speaker: Okay.

Chief Whip: So, I am now talking of prayer No. 2 where it says that they should construct a new loading bay. Even if they construct a new loading park that can accommodate two thousand vehicles a time, it would not solve the problem because by the time the customers and marketers increase they will start to construct a new loading bay. But now I want to seek to read Order No. 25 ... *(Interruptions)*.

Mr Speaker: Please, let me come in. I believe that having included this prayer by hon. Leader *(Mr Anichukwu)* that prayer one should remain as it is, since we have now included the Police and the Road Safety. Even if they continue to expand their production and the customers increased, the last prayer means that the Police and the Road Safety can still do their work.

Chief Whip: I can agree with you but my quarrel in prayer No. 2 is that constructing new loading bay cannot solve any problem and now the Enugu State Waste Management Authority will be commencing their duties by Saturday, and nobody has said anything on that regard. And whether you like it or not the clearing of vehicles is an environmental issue and these people are going to commence their work and I am aware that they are going to inaugurate at least twenty people per local government by Friday. So these people have a job to do so as to really assist the Ama Breweries in the decongestion. If, for instance, we approve of this prayer No. 2 and say that we now urge them to construct a new loading bay to make up for the short-fall in her existing loading bay, it will not solve the problem.

So, may I seek to be in agreement with Order No. 25 so as to make amendment. The amendment reads thus for those who may wish to oppose or support:

That Enugu State Solid Waste Management be mandated to decongest Amaeke Ngwo/Eke Oghe Road by ensuring that all trailers are not parked along the Expressway.

This will assist us considering the fact that the terms given in the Enugu State Solid Waste Management Bill which we have just passed, will be a challenge to their job. ... *(Interruptions)*

Mr Speaker: Okay. I still feel that the amendment or additional prayer of the hon. Chief Whip is very correct but that has not affected the prayer No. 1 but I shall put that one.

Mr C.O. Enebe (Awgu North): I stand to second the Motion moved by the Chief Whip *(Mr Odo)*.

Question put and agreed to.

Mr Enebe: Information! Mr Speaker, I want to talk of *point of information or point of Order*. It will help us. I am one of those who believe that if we have a problem today, it could be endangered tomorrow.

According to our Rule 26(12) it says:

A Member may rise to a point of information or explanation on a previous statement made by a Member.

It is in our Rule. The point of information or point of Order should not be ruled out completely because if somebody stands up

and makes a mistake to say that today is Friday, a Member may stand up to correct him and say that today is Thursday and not Friday. It is very important to raise point of Order or point of Information to remind such a person who makes such mistake. Thank you.

Deputy Speaker (Mr Atigwe): Mr Speaker, I want to be protected by Rule 26(13). It says:

A member who has spoken to a question may again be heard to offer explanation of some material part of his speech which has been misunderstood; but he must not introduce new matter.

Mr Speaker the point I am making is that I said that there is sufficient loading bay in Ama Breweries ... *(Interruptions)*

Mr Speaker: Order! Excuse me, the hon. Deputy Speaker may vote against the Motion when we put this Question. He should have given us the sufficient information he is giving now. The Committee would have completed action on this matter. It is telling us that they have sufficient loading bay and some are saying that their loading bay is not sufficient enough. We heard you very well and when we started putting a Question on the Report you got up and supported the prayer; you did not say you reject the prayer.

Deputy Speaker: Thank you Mr Speaker. My reason, even Christ Himself told His Disciples to pray, and when the Disciples started to pray and fell asleep, Christ said: *wake-up and pray so as not enter into temptation*; that is when Christ saw that they were sleeping.

Mr Speaker: Okay

Mr M.N. Onyeze (Igbocze North 1): Mr Speaker, Sir, I stand to support the issues. The intent of the Mover of this Motion is very clear. And it is something that is affecting some people; it may not be affecting all of us. But it is something that the road is being closed by the influx of these vehicles. So the intention is very, very clear and if this Motion is passed, nobody is going to lose anything because it will help us to make those people work well.

Once there is an industry there must be an externality side effect. And it is the duty of that industry to take care of the side effect, how it affects the entire society. Just as some other speakers have pointed out, it is an environmental problem. It is now affecting all of us whether or not you stay there.

Mr Speaker, I support this Motion because we accepted the Report. Page one, paragraph one did state by the Committee that the Loading Bay is not sufficient. Therefore, there is nothing wrong in requiring those people to expand their Loading Bay. If we pass this Motion in combining prayers No. 1 and No. 2, it is just to make the road decongested whether they are having a new outfit or traffic warden or equipment just as you have in many companies. As a matter of fact, police and other external forces should be the last resort. If we go and involve police and all the other external forces without first of all throwing the challenge to the company, we are running away from the problem. It is the company that will now say, go out and catch any driver that blocks the road. They can do it; that is why we have to read the Report

along with the new Motion because they have not worked it at all.

Referring to the last stage of that report also, the leader of the delegation and all the Committee members should live up expectation. When we go to banks and other places we do actually see the men that are in charge of security and other matters. We should throw the challenge first to the company so that if they fail, it becomes clear that they have failed. But I think this is a very nice challenge that they should face.

So, Mr Speaker, I urge my hon. Colleagues to look at the merits of this Motion and the challenges being thrown to Ama Brewery. We are not indicting the Company, so let us make progress.

Mr Speaker: Honourable Colleagues, I do not want to repeat what the hon. Member for Igboeze North I (*Mr Onyeze*) has just said. In fact, in prayers Nos. 1, 2, we are not in any means indicting Ama Brewery. We are aware that they have Loading Bay and we are aware they wish to have it expanded. We are now asking them to expand their Loading Bay and good a thing we are told, based on the Report, that they have even gone ahead to ask some private transporters to construct parks which means that they are already aware that there is always a congestion there. So, I do not see the reason some people will be thinking that we are trying to pass this Motion indicting the Ama Brewery.

Mr Onyeze: Mr Speaker, the intention of this Motion is very clear and I therefore move that the Question be put.

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

Main Question put and agreed to.

Resolved:

1. That the Management of Nigeria Breweries Plc Enugu should ensure that all trailers are parked into the company's Loading Bay.
2. That the Company should construct a new Loading Park to make up for the short fall in her existing Loading Bay.
3. That the Chairman of Udi Local Government Area, Hon. Rev. Egwuonwu, should assist in decongesting Amaeke Ngwo/Eke Oghe road at Nigeria Breweries site, Enugu.
4. That the Enugu State Waste Management Authority be mandated to decongest the Amaeke Ngwo/Eke Oghe road by ensuring that all Trailers are not parked along the road.
5. That the Police and the road Safety Commission be urged to ensure that the Amaeke Ngwo-Amaeke Oghe-Eke road is decongested accordingly.

ANNOUNCEMENT**Meeting**

Mr Speaker: Honourable Colleagues we shall meet on the rising of the House for a short briefing.

ADJOURNMENT

Leader (Mr Anichukwu) Mr Speaker, may I now move that the House do now adjourn till Tuesday 31st August, 2004 at 10 a.m.

Mr Maduabu E. (Awgu South): Mr Speaker, in seconding the Motion for adjournment, may I use this opportunity to thank the hon. Members of this great House for a job well done on the Motion. I like the brain racking which the Motion has elucidated, and the way it was anchored.

Like some people said, we are in the learning process and we are here to give services to our people and this is exactly what we have done. We did not do this in order to indict the Company or to make it impossible for the Company to operate; rather it is to see to the well-being of our people which is what the people are clamouring for. Once more, I thank all the Members for the support given to the Motion. Thank you.

Question put and agreed to.

Resolved:

That the House do now adjourn till Tuesday 31st August 2004, at 10 a.m.

Adjourned accordingly at 1.06 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 104

Tuesday
31st August, 2004

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Tuesday, 31st August, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 25, dated Thursday, 26th August, 2004, are before the House. I have gone through them, and found them to be correct. However, I need your comments. Thank you.

Leader (Mr Anichukwu): Mr Speaker, Sir, I have risen to say that Prayer No. 1 on the Votes and Proceedings looks as if there is a little omission and it should read thus: -

That the management of Nigerian Breweries PLC Ama Green Field, Enugu, should ensure that all trailers are parked in the company's loading bay.

Mr Speaker: The Leader should note that if we put are parked ... I feel that what is there is correct. Is he alright?

If he is okay, may someone formally move for the adoption of the said Votes and Proceedings.

Mr D. Anih (Enugu South I): Thank you, Mr Speaker, Sir I have equally gone through the Votes and Proceedings of Thursday, 26th August, 2004 and found them to be correct. I therefore move for their adoption. Thank you, Sir.

Mr E.C. Maduabu (Awgu South): Mr Speaker, Sir. I have risen to second the Motion for the adoption of the said Votes and Proceedings of Thursday 26th August, 2004. Thank you Sir.

Question put and agreed to.

Votes and Proceedings of Thursday 26th August, 2004 accordingly adopted.

NOTICE OF A MOTION

**Closure of Sub-Standard Private
Nursery/Primary Schools in
Enugu State**

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, may I move the Motion standing in my name: That this honourable House do call on the State Ministry of Education, to close down all existing sub-standard Private Nursery/ Primary Schools in the State.

Chief Whip (Mr E. Odo): Mr Speaker, Sir, I have risen to second the Motion as moved by the Deputy Leader of the House (Mr P. Anikwe).

Deputy Leader: Mr Speaker, Honourable Colleagues, it has become pertinent at this point in time for an effective and efficient education foundation for our youths. Education, which is a process of developing the stupendous potentialities latent in an individual through which he makes a qualitative jump into a more profound realm of human existence, is the highest industry for the present administration of Enugu State.

Mr Speaker, Sir, you will recall that it is the responsibility of the State Ministry of Education to ensure that qualitative education is being imparted on our people. The bedrock of this qualitative education is at the

Nursery/Primary School system. An abuse of this quality is a negation of the noble course of total human emancipation, which is the cardinal objective of education.

Mr Speaker, hon. Colleagues, it is a known fact that what is prevalent in most of these private nursery/primary Schools is an eye-sore. A very good percentage of these schools are being operated at either car garages, with no windows or even blackboards, or in batchers. It is difficult to believe that meaningful learning can take place in such environment. Learning which is a relatively permanent change in behaviour as a result of experience or practice cannot occur under this atmosphere. Mr Speaker, hon. Colleagues, the attitude of most of these proprietors/proprietresses in terms of soundness is better imagined than observed. A very good percentage of them do not possess basic education qualifications to be teachers not talk of owning and managing an education outfit.

Furthermore, the exorbitant fees charged at these substandard schools cannot be underscored by any measure of standards. The cut-throat charges go a long way to exposing them as only being there to exploit the society.

It is in view of the afore-said facts that I urge my Colleagues and this Honourable House to resolve as follows:

1. That this honourable House do call on the State Ministry of Education to close-down these substandard Private Nursery / Primary Schools.
2. That the State Ministry of Education should inspect any private Nursery / Primary schools

seeking approval before authorization.

3. That the personnel to be engaged in such schools must have the requisite qualifications.
4. That the fees in such schools should be considerate to conform with the poverty reduction thrust of the State Government.

Be it moved and it is hereby moved.

Chief Whip (Mr. Odo): Mr Speaker, Sir, I have risen to second this timely Motion. The dangers of sub-standard primary and secondary schools cannot really be over-emphasised. This is an era we are witnessing a situation where somebody who has First School Leaving Certificate will be a proprietor of a nursery or primary school. I have once seen somebody who did not make his O' level papers and yet, he is a proprietor of a secondary school. And most importantly the environment under which these people study is not something to really write home about. Some of them operate in car garages and warehouses. Some of them operate even under trees. The justification for establishing the school is not to increase the intellectual quotient of the very student they are teaching; for them, it is a means of alleviating poverty at the expense of the people they are bringing up.

Mr Speaker, I think at this time this honourable House should rise to the challenges associated with this phenomenon. The problem as it relates to sub-standard primary and nursery schools should equally be attributed to the Ministry. In the first instance, a lot of them have been operating without approvals. Those who were approved were not properly monitored to the extent of recruiting the caliber of staff that are meant to

be working in the very places and to the extent of moderating the charges that ought to be paid by the individual students. For instance, most of the primary and nursery schools apart from the exorbitant charges they subject the pupils to, have equally taken under contract to buy the educational materials and even uniforms. This ugly incident aside from siphoning the economy of this State, has led to the production of half-baked First School Leaving Certificate holders and one finds out that a lot of them cannot favourably compete with others by the time they go to write Common Entrance Examinations thereby fumbling when they finally get into secondary schools.

So, Mr Speaker, I think we shall be doing ourselves and the various constituencies we are representing a favour if we can support this Motion by condemning entirely the concept of using this medium to look for money, or using this forum to make sure that poverty is being alleviated.

The only way one can achieve this is, in the first instance, by trying to close down all sub-standard primary and nursery schools and aside from closing it down, perhaps the Ministry ought to set a Special Board meant to oversee and look after the private primary and nursery and even secondary schools so as to have a criteria through which they can now conduct examinations for people who are wishing to enter into that school. What I mean in this sense is that the aspect of being a private institution should be a nomenclatural issue but then the supervisory role will have to be the responsibility of the government. A Board should be set up to assess the standard of the schools to know if it meets the environmental demands of our present society and also meets the academic requirements as compared to public schools.

Now we have condemned severally the high charges being made at private schools without even knowing that what happens in the schools is something more outrageous. So, I think it is time we really sanitise the educational industry; not really on the pages of newspapers but by going into practice to come up with a lasting solution that could make us feel really like we are doing something for the generation yet unborn.

So, Mr Speaker, I think it will be in the interest of the entire people of Enugu State if we should give this Motion a speedy passage. Thank you.

Mr Nze M. Onyeze (Igboeze North): Mr Speaker, Sir, may I seek the leave of the House for the application of section 25 of the standing order of the House to enable me make some fundamental amendments in the Motion.

Deputy Speaker (*Mr Atigwe*): I stand to second the Motion.

Question put and agreed to.

Mr Onyeze: Mr Speaker, Sir, this is a very important Motion and I feel that the main Motion should include *post primary schools* after *nursery, primary*. That is to say that *this honourable House do call on the State Ministry of Education to close down all existing sub-standard private, nursery, primary and post primary schools in the State*, and that also affects prayers one and two. So may I move that this honourable House grants that the Motion now reads that: *This honourable House do call on the State Ministry of Education to close down all existing sub-standard private, nursery/primary and post primary schools in the State.*

Mr E.C. Maduabu (Awgu South): I second the Motion.

Question put and agreed to.

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, I have risen to support the Motion that the State Ministry of Education closes down all existing sub-standard private Nursery, Primary and Post-Primary Schools in the State. We are aware that the education the child receives at the early stage is very very fundamental because it is very difficult to bend a tree. If a child does not have the opportunity of going to a well regulated Nursery or Primary School, the child will find it difficult to conform with other conventionally formal institutions in future.

If one goes around, like the Mover of the Motion pointed out, one will see that the environment under which thousands of children in the State receive early education is very very appalling. They are denied teaching aids and even qualified teachers. If they stay there for three to four years before going to a good school with good curriculum and qualified teachers, they will find it difficult to fit in there, and that is where their failure in life starts. So the education of the child at the early stage is very very fundamental.

Fortunately, there is no Public School that one goes now that one does not see a teacher that will take care of children from the age of one to five years before they will start doing their primary one. So parents should be well informed that there is no need taking their children to quack schools. Just as quack hospitals were closed down, we should encourage the Ministry of Education to close down all sub-standard schools. What we see in Olympics and other competitions is not learnt over-night. People who go to most of these Private Schools do not have anything to

do with sports. They only learn cramming and how to memorize things. They do not do sports and they do not have facilities for anything; and you do not expect somebody who has never played football throughout his stay in primary school or secondary school to come and be *Kanu Nwankwo* when he goes to University to play football. People should learn all these things in Primary and Post-Primary Schools.

Like I have pointed out, just as the National University Commission regulates Private Universities and other educational institutions, there should be such Board in each State so that it should not be fire-brigade approach, i.e. the Commissioner for Education running out from time to time to say *close that school*, and when he gets back to his office it ends there. There should be a Board that is charged with the responsibility of inspecting and supervising all the Private Schools in the State from Nursery to Post-Primary on daily basis. They should look at the teachers, their curriculum, their educational facilities and their sports facilities, so that any child who is said to be in school is actually receiving real education; education that is whole and entire.

Mr Speaker, Sir, I feel that this Motion is very very timely. When we talk of fighting poverty without giving the children proper education, we might be wasting our time. When we are talking of sustainable development without giving the children proper education, we might be wasting out time. The only way to fight poverty and disease is to give the child good education at an early stage so that even if he drops out because of financial difficulties he will find it easy to pick up anytime he gets the resources. When you talk of development without properly educating the children, that development cannot be sustained because somebody might be carrying the money in his

bags but he might be full of ignorance in his own person; he cannot sustain even the infrastructural facilities that are put on ground by Government.

My hon. Colleagues, I urge you to give this Motion the attention it deserves so that it will have easy passage. All of us stand to benefit if this Motion is passed and the prayers are carried out by relevant Ministries. Thank you.

Princess E. Ogbu (Udenu): Mr Speaker, Sir, as a citizen of this State, and having goodwill and love for the next generation, we take it upon ourselves to support our children by giving them good education. The Motion moved by the Deputy Leader is timely and necessary. Being part of everyday life in our society and knowing the goings-on in these sub-standard Schools I feel that such schools may end up ruining the career of our future hopes, that is, our failures. These children are children of tomorrow, and we have to tackle it as something very very important.

Mr Speaker, Sir, Education should be planned in such a way that it should make for better tomorrow for our children. We are planning for these children to pass through schools, and for schools to pass through them. If we are talking about good education, we should have qualified teachers in a qualified environment, and I think our children best deserve it.

Mr Speaker, Sir, I strongly support this Motion moved by the Deputy Leader and at the same time I am urging my hon. Colleagues to also consider this Motion very necessary and give their support. Thank you.

Leader (Mr Anichukwu): Thank you, Mr Speaker, I have risen to give my support to this Motion. I believe that there is no amount of support to this Motion that will be too

much, because it is believed that any house built on rock is solid. I am speaking from experience because I was a teacher before. So, Mr Speaker, this Motion is very extensive and refined. The Motion is not saying that all private Schools should be closed down, but sub-standard private schools should be closed down, because when there is any public examination, some people will attend the examination by proxy. If one happens to have visited any of the centres during the WAEC examinations, one would flash his mind back to the chaotic environment. While they pay for the examination, they make provision for a huge sum of money for *sorting*. I hope that many of us know what I mean by *sorting*. All these boil down to poor and weak foundation.

Within the school teaching environment now, it is only trained teachers who are allowed to teach in the primary schools; by this, I mean classes one, two, and three. In those days we were having auxiliary teachers. Some of them who were graduates were only allowed to handle the senior classes.

So, it is seriously an eye-sore when you visit some of the sub-standard schools; not only that the proprietors do not even have school certificates, some of the teachers in the schools did not even attend secondary school, and it is because they lost their job in the public schools that they now resort, as the last alternative, to look for job in private schools.

Mr Speaker, why I like this Motion is that it is like every other Motion that is being passed by this honourable House. The aim has always been to make sure that the society gets the best. We cannot be talking about poverty eradication when we have not talked about our children; it will be very weak if it is not in control.

I believe that the Ministry of Education has got a lot of job to do because in as much

as the sub-standard nursery and primary schools are being closed down they must design extra programmes to make sure that those who meet the standard conform with the curriculum content of the Ministry of Education. Efforts should be made for periodic check to make sure that the standard is maintained.

So, Mr Speaker, we cannot be talking about poverty eradication when we do not focus our mind on education which is supposed to be the bedrock for overall development.

I know that if I speak on this Motion for more than 30 minutes, the Speaker, will allow me because the advantages are inexhaustible. Do we talk of the exploitation of the masses. Out of ignorance, we just go to the nearest school without checking the standard; and no matter the amount fixed for the school fees, we gladly pay it. At the end we get disappointed because of the low standard, and we become the loser.

Mr Speaker, at this point in time, I am urging my hon. Colleagues to give this Motion easy passage so that once again, the people we represent will show their gratitude that we are their effective Representatives in this honourable House. Thank you.

Mr E.C. Maduabu (Awgu South): Mr Speaker, hon. Colleagues, may I beg for the leave of this honourable House to move in line with Order 25 of our Standing Order, additional Prayer to the Prayers.

Mr Onyeze: Mr Speaker, Sir, I rise to second that Motion made by the hon. Member for Awgu South (*Mr Maduabu*).

Question put and agreed to.

Leave of the House accordingly granted in line with Order 25.

Mr Maduabu: Thank you, Mr Speaker. I hereby move that additional prayer be added, thus: *that the Ministry of Education should establish a Board that will be in charge of the Supervision and control of private nursery, primary and secondary schools in the State.*

This will enable them to ensure that the standard of both teachers and the schools are in line with the educational standard of the State.

Mr Speaker: Honourable Colleagues, I want us to reframe that Motion very well. I think that what the hon. Member for Awgu South (*Mr Maduabu*) was trying to say is that *a Board should be set up to monitor the activities of these private nursery, primary and secondary schools*; and what I am equally trying to say on what he said is that the same criteria which the Ministry of Education is using in judging and determining the establishment of public schools should be applicable to private schools. That is to say that if one has a criteria which one uses in establishing or recruiting teachers for public nursery, primary and secondary schools, the same criteria should be applicable to the establishment and recruitment of teachers in private nursery, primary and secondary schools. Am I right?

Mr Maduabu: Mr Speaker, you are right; so that there will be standard.

Leader (*Mr Anichukwu*): Mr Speaker, is the proposed Board going to be a Board within the Ministry of Education or from outside?

Deputy Leader (*Mr Anikwe*): It is going to be from outside.

Leader: How are salaries going to be determined?

Mr M.N. Onyeze (Igboeze North I): The Board should be an independent Body; even though it is going to be under the Ministry of Education, it should be independent and not the permanent type of a Board just like we have the State Schools Management Board. The salary should be paid by the Government because that is the contribution the Government should make towards ensuring qualitative education for these private sectors.

Mr M. N. Njeze (Udi North): Information! Mr Speaker, my information is that there are already in the Ministry of Education, Departments that are in charge of private nursery, primary and secondary schools to the extent of inspection, approval and registration. However, they do not delve into the quality of teachers. The Board we are talking about needs a Bill to be established. But we can ask the Ministry of Education to include it as part of the functions of the Post Primary Schools Management Board to supervise the Private Post Primary Schools, and then the Enugu State Primary Education Board to oversee the Private Primary Schools; and then the Ministry of Education supervisory Division to oversee the nursery schools. The Enugu State Primary Education Board (SPEB) can also control child care and nursery schools.

I feel that when he is framing the Motion, it should be framed in such a way that the House should ask the Ministry of Education to mandate its appropriate authority to ensure that the teachers recruited into nursery, primary, and post primary schools should have the requisite qualifications before they can be accepted. Thank you.

Mr Onyeze: Information! Mr Speaker, the information I want to give is that we have just visited the Ministry of Education and we raised the matter and told them that they should have a separate Board and they said that they are going to work on it. And it is very difficult to ask the Chairman of the PPSMB (Post Primary Schools Management Board) to go and look for the private schools. They complained that the work is too much and that it is cumbersome because there are other dimensions. So, we have already been discussing with them.

Mr Speaker: Well, since you are discussing with the Ministry of Education and if the discussion is something that can work out well, and if it is in order, let us make progress.

Please, let me have the proposed amendment.

Chief Whip (Mr Odo): I read: *That the Ministry of Education to establish a Board to monitor and control the Private nursery, primary and post primary schools in the State to be in line with the criterion set by its counterpart in the public schools.*

Mr E. Maduabu (Awgu South): Mr Speaker, I hereby move a Motion that the Ministry of Education do establish a Board to monitor, supervise and control the Private Nursery, Primary and Post Primary Schools in the State to be in line with the criterion set out by its counterparts in the public schools.

Mr Onyeze: Mr Speaker, I wish to second the Motion moved by the hon. Member for Awgu South (*Mr Maduabu*).

Question put and agreed to.

Mr Njeze: Mr Speaker, I am in support of this Motion for closing down of all existing

sub-standard nursery, primary and post primary schools in the State that are private and even if there are public ones that are sub-standard they should equally be closed down, but I do not think that there is any. I support this Motion because when one looks at the society where we are living in and look at the standard of education being given out to our children and equate them with what we used to have in the olden days one will discover that one does not need any adviser to tell one that the standard is low.

When we recall the level of supposedly clandestine activities going on in our universities, activities that are no longer in consonance with the desires of our society, things like what the hon. Leader of the House called *sorting*; the obtaining of marks by force or what you may call cult activities, we discover that these vices are partly because of the poor standard of education at primary and secondary school levels. The purpose of education at the nursery, primary and post primary levels, to a large extent, in the private schools, are not achieved. The major aim is not just to learn arts and sciences, but also for the individual to be developed mentally and physically. In other words he needs sporting activities and above all ethical training.

You may discover that most of the private schools do not even teach moral instruction; it is not even in their curriculum.

For a child who is passing through his developmental stage the first four years forms his character command. Some of them enter nursery school at the age of two; some of them may not be up to two, because some attend pre-nursery, that is, those that go to nursery school at the age of one year or nine months. So one discovers that most of one's time is spent in the school.

When one looks at some parents one begins to wonder what they really want for their children. Sometimes you would not blame them because they will tell you that they are trying to conform with the society and what society are they conforming with? They are conforming with the norm that has been allowed by the Government, because if the Government does not allow these sub-standard educational institutions to exist, the average individual would not take it as a norm. I am an Igbo man and in Igbo land there is a saying that if an evil endures for a year, it becomes the custom of the people. This evil of sub-standard schools in our nursery/primary and some private post primary schools has existed for more than a year; so it has become a norm.

However, it was reported in one of the books that in Heaven an Angel is an Angel when he changes whatever evil he sees at any point in time he sees it. This House will do Enugu State a big duty if at this point we recognize that this thing is an evil in our society; that it is eating deep into the lives of the society and if we allow it, it may one day destroy us. We should now decide to let the Executive stand firm and close down every sub-standard private nursery / primary and post primary schools. It is said, though in a very jovial way, but it is true that there are those who can perform and excel but who cannot teach. This statement is most true in these sub-standard private schools because majority of the teachers are those who cannot teach; those who have been declared unfit by public schools, that is, retired teachers. When a man is tired he should go and rest and take care of his grand children, but you discover that if you go to these private schools almost 80% of their head teachers are retired teachers. Then the other teachers are those who are either awaiting to complete their WAEC results or have sought for jobs in public and private institutions that required

standard but could not meet up and then they resort to teaching. So, I believe that we will be doing our State a big duty if we pass this Motion and I thank the Mover of the Motion.

However, we know that Nigeria is running a free economy and I remember that when we passed the Bill on African Thinkers University we said that we were not going to discuss the fees to be charged or the salary to be paid to workers because it is a private institution that knows how best to make its money and how to distribute its wealth. I believe that the standard of private nursery / primary and post primary schools should equally be given that same privilege of being a private institution and being able to source its fund and paying their teachers because we should remember that if we ask them to reduce their fees what we are alternatively saying is that they should employ those who are not qualified because those who are qualified will charge high; they will charge what the normal teacher in public schools charge. And if you charge less from pupils or students in the schools it then means that they will not meet up with the amount they are going to pay, so they end up having sub-standard employees and the turn-out will be sub-standard.

I want to plead with the honourable House to suspend order No. 25 of the House to enable me move a Motion for the removal of prayer No. 4 so that the benefit of this Motion will be properly harnessed.

Mr M. Onyeze (Igboeze North I): Information, Mr Speaker Sir! What prayer No. 4 said is considerate. It is not pegged. And that considerate means *that the fees a student will pay or whatever salary that will be paid to teachers will be considered before fees are pegged*. So, prayer No. 4 is not saying anything about pegging it to minimum

or to higher level. So, expunging it, is not necessary.

Mr J. Obidinma (Oji River): Information, Mr Speaker! I want to inform the hon. Member for Igboeze North I (*Mr Onyeze*) that the hon. Member for Udi North (*Mr Njeze*) is not talking about how to reduce fees in schools.

Mr Njeze: Mr Speaker, I thank the hon. Member for Igboeze North I (*Mr Onyeze*) for his information and I welcome it very well and I am going to use it; it is going to help me in what I am saying. So, the information that has just been brought before the House is quite in order. Prayer No. 4 says that *fees in such schools should be considerate to conform with the poverty reduction thrust of the State Government. Considerate here means do not charge to a certain extent, do not charge beyond what parents can afford*. You should be considerate, do not charge too much. What I am saying is this: In view of the seriousness of this Motion bringing in *considerate* or *inconsiderate* waters down the strength of this Motion. Let us forget everything about fee; we should expunge prayer No. 4 entirely. Let the economy decide.

I am aware of certain private schools parents have started withdrawing their kids because of the exorbitant fees being charged and I know some where parents are now sending their kids because of the moderate fees they charge. But what I am saying is that this is a free economy; let each school charge according to the quality of what parents feel their children are getting because in reality these private schools started thriving during the Military era because the public schools became business centres where teachers come and market their wares and go away; they were not teaching. So, these private schools started springing up and parents want the best

for their children and they started sending their children to private schools. But now that high standard has returned in public schools; if you go to public schools you see that the number of pupils have increased and in most private schools the number of pupils are reducing almost on a yearly basis. As long as public schools are improving and maintain high standard I assure you that the intent of this Motion will be carried out. I want us to still maintain our stand that this House should not delve into fees for private schools just like we agreed on the issue of African Thinkers University that we won't talk about the fees they charge or the fees they pay. Let us not talk about fees here. What I am saying about *considerate* or *inconsiderate* is just a mere semantic. So, let us forget what I am praying the House to suspend Order No. 25 to enable me move the Motion for prayer No. 4 to be expunged from the Motion. Thank you.

Chief Whip (Mr Odo): Mr Speaker, Sir, I want to assist the Deputy Leader of the House in moving this Motion on the issue of *considerate* as x-rayed in prayer No. 4. It does no harm in either of the issues. If you are not considerate, you are inconsiderate. I want to address the issue: *to conform with the poverty reduction thrust in the State*. Poverty in itself is a relative term. What appears to be poor to another person might appear to be rich to the other. For instance somebody who has, may be, several mansions can describe somebody with three vehicles, as a poor man. It is a relative term. One does not have to interpret it to mean the least person in the society. So it is my thinking that the prayer has nothing to do with whatever fees the private secondary / primary / nursery schools charge in their own schools. *(Interruptions)*.

Mr Speaker: Honourable Colleagues, this Motion does not actually require any argument. The hon. Member for Udi North

(Mr Njeze) should move a Motion asking for something, so that I will now put a Question on his request. I know that this is democracy, and that the rule of law is always allowed. Please let the hon. Member for Udi North *(Mr Njeze)* formerly move the Motion.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, you would have allowed the hon. Member for Udi North *(Mr Njeze)* complete his statement. I mean you should have allowed him ... *(Interruptions)*.

Mr Speaker: If the hon. Member for Oji River *(Mr J. Obidinma)* was listening very well, he would have toed our line. We are in democracy which is the rule of law. What I expected was to know if he is supporting the Motion. Even if he start to argue on this matter till next year, every hon. Member has got something to say either in favour or against the matter. So the hon. Member for Udi North *(Mr Njeze)* should formerly move a Motion and I will then put the Question, and the result will end the matter.

Mr M. Njeze (Udi North): Thank you, Mr Speaker, Sir. As we all know, logic is the oil with which the food of thought is swallowed. Based on what my hon. Colleagues have said, I think I should reconsider my stand, therefore can I now move that the Question be now put.

Mr Speaker: The hon. Member for Udi North *(Mr Njeze)* has abandoned his good friend, i.e. the hon. Member for Oji River *(Mr Obidinma)*. *Prolonged Laughter*.

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

Main Question put and agreed to.

Resolved:

1. That this honourable House do call on the State Ministry of Education to close down these sub-standard Nursery, Primary and Post Primary schools.
2. That the State Ministry of Education should inspect any private nursery, primary and post primary schools seeking approval before authorization.
3. That the personnel to be engaged in such schools must have the requisite qualifications.
4. That the fees in such schools should be considerate to conform with the poverty reduction thrust of the State Government.
5. That the House of Assembly calls on the State Ministry of Education to close down all existing sub-standard nursery, primary, post primary schools in the State.
6. That the Ministry of Education do establish a Board to monitor and supervise and control all private nursery, primary and post primary schools in the State to be in line with the criteria set out by its counter-parts in the public schools.

Mr J.C. Obidinma (Oji River): Mr Speaker, Sir, I have risen to second the Motion for adjournment as moved by the Leader of the House.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 2nd September, 2004 at 10 a.m.

Adjourned accordingly at 12.34 p.m.

ADJOURNMENT

Leader (*Mr J.N. Anichukwu*): Thank you Mr Speaker, Sir. May I move that this honourable House do now adjourn till Thursday, 2nd September, 2004 at 10 a.m. Thank you, Sir.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 105

Thursday
2nd September, 2004

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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Produced by the Publications Department
Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Thursday, 2nd September, 2004
(*The House met at 10 a.m.*)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 26, dated Thursday, 31st August, 2004 are before us. I have gone through them and found them to be correct. However, I need your comments.

Mr C. Ugwu (Enugu East): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings and found them to be correct. I therefore move for the adoption of the Votes and Proceedings.

Mr F. Amu (Nsukka West): I have risen to second the Motion

Question put and agreed to:

Votes and Proceedings of Thursday, 31st August, 2004 accordingly adopted.

NOTICE OF MOTION

**Ban on Illegal Market Unions/Associations
in Enugu State**

Deputy Leader (*Mr Anikwe*): Mr Speaker, Sir, I have risen to move a Motion standing in my name: that this honourable House do urge the Executive to ban all existing illegal market unions/associations in Enugu State. Thank you.

Leader (*Mr Anichukwu*): Mr Speaker, Sir, I have risen to second the Motion as moved.

Deputy Leader: Thank you, Mr Speaker. The free market policy of Enugu State is seriously being threatened. What obtains today in our markets cannot be explained. A situation where for instance, every household item and even ordinary food item has a market union. An overview of these illegal market unions can only be imagined than discussed. To mention but a few, it is baffling to hear that even Broom Dealers Association is included; Palm Kernel Union, Onions dealers Association or Union, Green Vegetable Union, Pepper dealers union, etc. This is a mockery to the consciousness of our culture which indicates that the good people of Enugu State are very industrious, hard working and egalitarian.

Mr Speaker, Sir, the socio-economic implications of these illegal market unions are enormous. It makes it absolutely uneasy for one to take any services on autonomy of negotiations while seeking to procure an item in the market. By this, both men and women now conspire to fix prices of goods and services in our markets under the auspices of market union. There is no one single item in the market that has a stable price because of obnoxious associations or trade unions. Mr Speaker, the funny aspect of these illegal unions is that they travel to the hinterland and obtain these products at very cheap prices only to come to our markets and form unions to sell them. If the producers of these commodities and services operated through such unions then one imagines what would have befallen us today.

Mr Speaker, there is a central body recognized by law: Enugu State Traders Association; an affiliate of Nigeria Labour

Congress (N.L.C). Therefore, the continuous existence of these illegal market unions will be an overlap. The inflation of prices of all the food items is as a result of these illegal market unions.

It is therefore in view of these facts that I urge this honourable House and my hon. Colleagues, to resolve as follows:

1. That this honourable House condemns in its entirety the existence of all the illegal market unions/associations in Enugu State.
2. That this honourable House hereby call on the Executive to ban all the illegal market unions/associations in Enugu State.
3. That the House Committee on Commerce and Industry should liaise with relevant Ministries and parastatals to actualize these objectives.

Mr Speaker, I want to use this opportunity explain further on illegal market Trade Unions. For instance, we have Enugu State Trade Union Association; we have them existing in all the markets in the State. If you come to the New Market Enugu, we have the branch. At Ogbete main market, we have the same branch there. If you go to Obollo Affor or any other part of the market up to 9th Mile Corner, there are some branches existing; just as we have in the National Union of Road Transport Workers and the National Union of Road Transport Owners. These are the Constitutionally approved Trade Unions. We have them existing in all the Branches but not forming either Tipper Dealers Union, in terms of vehicles or Bus Drivers Association

or Taxi Drivers Association; these are the illegal Trade Unions.

On the issue of illegal market unions as contained in the Motion, Mr Speaker, it is our great responsibility as honourable Members to make Laws for the good of the State. We make the Laws, the Judiciary interprets the Laws, the Executive executes the Laws. We cannot condone illegality as this will be an abomination on our constitutional responsibility as hon. Members. It is in view of this, Mr Speaker, that it is hereby moved.

Leader (Mr Aniichukwu): Mr Speaker, Sir, the Motion is self-explanatory. We are just doing our honourable job here by putting more emphasis and more information that will guide this honourable House in considering the Motion. Mr Speaker, Sir, the Sponsor of this Motion has itemized those Unions recognized by Law. This is because in an organized society, the organized citizens have to live and work in an organized environment.

Mr Speaker, I wish to inform this honourable House of an ugly incident that happened last month during the *August Meeting* of Women in various places. You can imagine my own mother coming to the market to buy salt among other things; only God saved the situation when she was not allowed to buy the salt because she refused to pay a token of money in support of salt Association in my own town. If we look round, we will see that we have the Association of Barrows; Association of this or that; and on information, just yesterday's evening, I was made to understand that in less than one month, there is going to be a great problem in this State; that there is conclusive arrangement to have Spinsters Association of Enugu State. *(Laughter)*. This is not a

laughing matter. Any action whatsoever must always have chain reaction.

In the future there may be Bachelors Association whereby a young man who wants to find a partner and live according to God's decree might be frustrated in getting married because the money he might use in getting a wife will be spent on an illegal association. One of the responsibilities of this honourable House is to make sure that the society in which we live must maintain an organized system. We were given the mandate by some people to stay here and if such things are going on we can not just pretend that it is not our business. The confidence which people have in us is actually demonstrated by the way we look; the way we listen, and the way we see things going on. We must go round to protect the youth, the children, the adults, and the society in general.

Mr Speaker, this information will be of great help to us because if by today you are not involved, by tomorrow you might be involved, and embarrassment can come in any way and any how. So, Mr Speaker, I believe that this honourable House will be doing itself very much great honour by trying to avert danger. Two days ago we passed a Motion by which we called on the appropriate Authorities to close down sub-standard / illegal nursery, primary and post primary schools. Just a day after the Motion, we got feedback from people who are watching us, and they were saying *yes*, we are actually representing them. In the same vein, Mr Speaker, I believe, we are not saying all the Unions, because some of the Unions like Road Transport Workers Union are organized unions. (*Interruptions*).

Mr Speaker: What is happening there? You know that the Mover of the Motion has

not even allowed people to contribute to the Motion.

An hon. Member: May be he is campaigning towards it. (*Laughter*).

Mr Speaker: Okay. Go ahead.

Leader: Thank you, Mr Speaker for protecting me.

If this Motion is considered worthy and passed by this honourable House, I believe that the Members will equally get commendations from the good people of Enugu State that we represent. The children, the bachelors, the spinsters, and even the old and the young, will have the freedom to do purchases at reasonable prices without unnecessarily increasing the prices of *ose, ugu, salt*, and the likes.

So, Mr Speaker, I am now appealing to my fellow hon. Colleagues to please accept the Motion and get it passed. Thank you.

Chief Whip (Mr Odo): Mr Speaker, Sir, on the Motion before us, I wish to observe that the formation appears to run contrary to the Constitution of the Federal Republic of Nigeria. If we could read Section 40 which states that:

Every person shall be entitled to assemble freely and associate with other persons, and in particular, he may form or belong to any political party, trade union or any other association for the protection of his interests.

So, this is very cardinal to what we are discussing here, and if there is something on the contrary, we might be... (*Interruptions*).

Mr C. Ugwu (Enugu East II): On information! Mr Speaker, my information is to say that the Chief Whip (*Mr Odo*) should either speak in favour or against the Motion. He should have allowed those who want to speak in favour of the Motion to finish.

Mr Speaker: Noted. The information that the Chief Whip is given us is very fundamental. If there is anything we are doing that is going contrary to the Constitution of the Federal Republic of Nigeria, we have to avoid it. So, it is a piece of information that he is giving us and the information will guide us.

He is not speaking as a person on the Motion, his argument is anchored on the Constitution. What I expect at this point in time is for us to explain whether what we are doing runs contrary to the Constitution. So, I want hon. Members to react to Section 40 as canvassed by the Chief Whip.

Chief Whip: Mr Speaker, I have not finished. So, Mr Speaker, the rationale behind it is that it would appear very difficult to understand what constitutes an illegal trade union and a legal trade union, that is the problem there.

There is no trade union that is called illegal trade union, and there is none that is called legal trade union. If one would now read it in consonance with this provision, one will find out that the organisations that have reared their heads manifested as a result of, may be, the popularity they have given to themselves, or the recognitions they have got from well meaning government parastatals.

I would urge you, Mr Speaker, to invite our Colleagues to reconcile this Section so that we know whether or not we are moving on.

Mr Speaker: Honourable Colleagues, the issue now is for us to establish if this Motion runs contrary to the 1999 Constitution.

Deputy Leader: Thank you, Mr Speaker. The issue before us, that is, that Section of the Constitution the Chief Whip quoted is even a further protection to this Motion. Everybody has a right to belong to an association for his own interest. Every trade or dealer has a constitutional protection under a forum which has been legalized by law. It is unbelievable for one to say that there is nothing like legal or illegal association. We have to name the Nigeria Bar Association (NBA); this is a legitimate union. We do not have any other thing other than that recognized by law. We have the market traders' association legalized by law, and this Motion is saying that all the illegal ones should subsume themselves into the one legalized by law.

Chief Whip: Which law?

Deputy Leader: There is an existing law on trade unions. Mr Speaker, for instance, we have even National Association of Nigeria Students. We do not have any other thing other than that; that is a trade union.

Mr Speaker: Order! The hon. Deputy Leader (*Mr Anikwe*) did mention broom association, green vegetable association. Now my question is: are these ones enjoying the protection of an existing trade union? If they are existing, under which umbrella are they existing.

Deputy Leader: Yes, Mr Speaker, today in Enugu State, for instance, we have Chief O.C. Peters Okoye as the Chairman of Enugu State Market Traders' Union. We have all these people represented in that union; we

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 1st June, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 77 of Tuesday 25th May, 2004 are before us. I have gone through them and to the best of my knowledge they are correct. However, I need your comments. Thank you.

Mr D. A. Anih (Enugu South I): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our last sitting and found them very correct. Therefore, I move for their adoption.

Mr A. C. Nnadi (Igbo-Etiti West): Mr Speaker, Sir, I have risen from my place to second that Motion for the adoption of the Votes and Proceedings. Thank you.

Question put and agreed to.

Votes and Proceedings No. 77 of Tuesday 25th May, 2004 accordingly adopted.

Mr Speaker: Then, our Votes and Proceedings No. 78 of Thursday 27th May, 2004 are before us, I have carefully gone through them and found them to be correct. However, I need your comments. Thank you.

Mr M. Onyeze (Igbo-Eze North I): Mr Speaker, Sir, I have equally gone through the records of that day and I also observed that there was only seven Members in the House when the Motion was moved that the Quorum was not formed, and the Speaker adjourned the sitting.

What I am saying is that what was recorded is correct, and I therefore Move for the adoption.

Deputy Whip: Mr Speaker, Sir, I have risen to second that Motion. Thank you.

Question put and agreed to.

Votes and Proceedings No. 78 of Thursday 27th May, 2004 accordingly adopted.

ANNOUNCEMENT

Appreciation

Mr Speaker:

1. Honourable Colleagues, I wish to thank those of us who made it this morning; we made it quite on time. I keep on saying that we can as well come to the Chambers by 10 a.m. and do our sitting and go home or go out for our various businesses. So, at least I am happy this morning that we have been able to turn out on time. Thank you very much.

I do hope that coming Thursday, we are going to have more Members, and those of us here should try to come on time.

I thank hon. Members for coming early enough today.

Meetings

2. The House Committee on Health will meet with me on the rising of the House in my office. I have very important assignment for them, and I want to hand over that assignment to them in my office.
3. There will be a meeting of the Joint Committees on Health and Judiciary, Ethics and Privileges tomorrow, 2nd June 2004. Time is 10 a.m. Venue is Room 014, Chairman's office. It was signed by Mr Onah Fabian, Chairman.

When I said Order Paper No. 1, I know you may be wondering why we are having No. 1. The idea is that we have completed the first Session. What I mean is that we have completed our first one year in office. So I wish to express my happiness to all the hon. Members and of course the staff of this Assembly for their cooperation throughout our first year in office. I wish to request that this second year we should try as much as possible to be more vibrant and more committed. I am happy again that today is the first day of the month and the first day of our second year. The way and manner all of us rushed to the Chamber this morning shows that we are going to be more committed this time around. I thank you for all your support and cooperation. I pray and hope that Almighty God will continue to shower His blessings upon us. In an Assembly like this, once we believe in dialogue what we do is to work hand in hand with each other. I believe that we are

brothers and sisters and whatever affects one person affects all. We have to work together because I believe that united we stand and divided we fall. So, I thank you for your cooperation which we have enjoyed throughout our first year in office. I wish you all the best.

I hope that this time around, we will continue to have lots and lots of democracy dividends. I hope that this time around our welfare will improve. Thank you.

Reminder

I still want to remind the House Committee on Health and Judiciary that there was assignment given to them and they ought to have reported out this morning. I am appealing to them once more to endeavour to come up with their report as soon as possible, otherwise, we go into Committee of the Whole House and discuss it. Thank you.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move that this honourable House do now adjourn until 10 a.m. on Thursday, the 3rd day of June, 2004. Thank you.

Mr F. E. Amu (Nsukka East): Mr Speaker, Sir, I hereby second the Motion as moved by the Leader.

Question put and agreed to:

Adjourned accordingly at 10.18 a.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

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THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 74

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 13th May, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Hon. Colleagues, our Votes and Proceedings of Tuesday, 11th May, 2004 is before the House. I have gone through them and found them to be very correct. However, I need your comments. Thank you.

Mrs C. Ene (Udi South): Mr Speaker, I have also gone through the Votes and Proceedings of 11th May, 2004 and to the best of my knowledge, they are correct recording of what transpired during our last sitting. Therefore, I move for the adoption of the said Votes and Proceedings. Thank you, Sir.

Mr J. C. Obidinma (Oji River): Thank you very much, Mr Speaker, for recognizing me. The Motion moved by the hon. Member for Udi South (*Mrs Ene*) is perfect. I therefore second the Motion.

Question put and agreed to.

Votes and Proceedings of Tuesday, 11th May, 2004, accordingly adopted.

NOTICE OF MOTION

INCLUSION OF IDOMA LANGUAGE
IN ENUGU STATE BROADCASTING
SERVICE - ESBS -
RADIO/TELEVISION PROGRAMMES

Deputy Speaker (*Mt Atigwe*): Mr Speaker, Sir, may I move the Motion standing in my name: That this honourable House do urge the State Governor, His Excellency, Dr Chimaroke Nnamani to direct the Chief Executive of ESBS Radio and Television to include Idoma language in the State Radio/ Television programmes.

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, I beg to second the Motion as moved by the Deputy Speaker. Thank you, Sir.

Deputy Speaker (*Mr Atigwe*): Mr Speaker, Sir, permit me to draw the attention of this honourable House to Section 39 (1) of the Constitution of the Federal Republic of Nigeria, 1999 which states to wit:

Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

Furthermore, may I, with due respect, refer you to Order No. 2 of the adopted Standing Orders of the Anambra State House of Assembly as applicable to Enugu State House of Assembly, which states inter alia:

The business of the House shall be conducted in English, but the House may in addition to English conduct the business of the House in Igbo or other languages spoken in the State

as the House may by resolution approve.

Mr Speaker, Sir, these inferences as deduced from the above references buttress the point to freedom of expression which effective communications in a group of people will always provide. It is an established fact that Idoma language is distinct from the Igbo and Igalla languages in Enugu State. These languages are three major languages used by these distinct groups of people. The importance of language to the people needs not be over-emphasised. However, not all are privileged to have gone to school or benefited from the actualization of the times.

Everyone knows that not everybody is privileged to go to school. This group of people I call Idoma are part of my Constituency. They constitute one third of my Constituency.

The Idoma programme is the only yearning gap which the people are desirous to be scheduled in the State radio/TV. The benefits to the people outweigh whatsoever envisaged cost. The freedom of the people of Idoma to express their opinions, culture and elicit information from the government will be an improved facilitator to the people's cultural development.

Mr Speaker, we have a dance called *Computa dance*. If you watch this dance, you will not be looking for disco. It is there. Mr Speaker, Sir, and my hon. Colleagues, I invite your good conscience and understanding to this sincere request of the people of Idoma whom I represent and urge you to resolve as follows: -

PRAYERS:

- (1) To convey a Resolution of the Enugu State House of Assembly to His Excellency, Dr Chimaroke Nnamani, the Governor of Enugu State drawing his attention to the need of including Idoma language in the State Radio/ TV programme, in line with the other languages - Igbo and Igala.
- (2) That the Chief Executive of the Enugu State Broadcasting Service and Television be directed to adjust its local programmes to accommodate Idoma speaking people in social education, and information programmes.
- (3) That the government of Enugu State is urged to ensure compliance.

Be it moved and is hereby moved.

Chief Whip (Mr Odo): Point of Order! Order No. 28 (1); It says, that *During a sitting, all Members shall be formally dressed and shall enter or leave the House with decorum.*

I wish to remind Mr Speaker that the hon. Member for Uzo Uwani (*Mr Chigbo*) is not properly dressed, and I urge that this honourable House orders him to go out of the Chamber.

Mr A. O. Chigbo (Uzo Uwani): Mr Speaker, I oblige (*Laughter*).

Mr Speaker: Let me make it clear. I have said it times without number. If an hon. Member is coming to this Chamber, he

should be prepared for business. We are not kids. I am happy he has complied. Any other day, any hon. Member who is not properly dressed will not enter the Chamber at all. I will just ask the Sergeant-at-Arms to send that person out.

Yesterday, even though we did not have sitting, the hon. Member for Uzo-Uwani (Mr Chigbo) came on suit. Today, he decided to fly jumper because he is going to a Restaurant or may be a beer parlour.

Mr M. Onyeze (Igbo-Etiti North I): Mr Speaker, Sir, permit me to second the Motion as moved by the Deputy Speaker (Mr Atigwe) with regards to urging the State Government to introduce Idoma language in the broadcasting service.

Idoma people like he pointed out, are indigenes of the State found in Igboeze North, specially in Ette community. They number about 100,000 and they now host the headquarters of one of the newly created local governments. That is Igboeze North-West with headquarters at Ode-Ette. That is to say that Ode-Ette is in Idoma land in Enugu State.

Mr Speaker, Sir, the State government has done a lot to show the people of Ette and indeed Idoma people that they are part and parcel of us. One of such things is the recent siting of the local government headquarters in their land. Again, the present administration, under the leadership of our able Governor gave them a hospital. They have a hospital now, a general hospital in that Idoma land. They have a model school. There are three of such schools in the State. One is in Mpu; one is in Agbani; the third one is in Ette. They

have a gigantic water project. They have Rural Electrification.

In fact, the State has done a lot for them but unfortunately, the villagers who are predominantly farmers do not even know who are bringing these things, because these farmers do not understand English.

So, there is need to communicate with them effectively through the State Radio and Television. One can imagine people having a Local Government Headquarters without being able to communicate with their State. The ordinary workers there, cleaners and other staff of lower cadres, do not even know what we are doing in Enugu because they do not understand what we are saying in English language or Igalla language. If you look at all the investments there, and there is no way you can let the people know who are doing it, you will find out that there is need to reach the people.

Secondly, Sir, these people are human beings like us. We are teaching people about HIV and other things on Radio and Television. There is no way to educate them because they do not understand English language or Igalla. They do not know what they are talking about AIDS; they do not know what they are talking about UBE, they do not know what they are talking about anything. So, there is need for us to show them sense of belonging and because of this communication gap the Idoma people in Ette have been agitating from time to time to join their kith and kin in the Benue and Kogi States.

Mr Speaker, Sir, I believe that if this honourable House passes this Motion showing them sense of belonging, there will be a relief, in fact, there will be celebrations

in the local government headquarters today because they have been brought to the fold, they have been brought in, to know what we are doing. If we put ourselves in their shoes they are human beings like us and they have been contributing a lot in the development of the State. The Ette community farm is supposed to be the biggest government owned farm in the State apart from Ada Rice and they gave the land free to the Government. The farm is still there up till today and any willing citizen of the State can go there and farm freely it is given to the State. So, there is need for us to give these people a sense of belonging. So, Mr Speaker, Sir, I urge my hon. Colleagues to give this Motion a favourable consideration so that we can give them a sense of belonging and carry them along in whatever we are doing and give them proper education in modern way of life, and how to prevent diseases, etc. Thank you, Mr Speaker.

Mr Speaker: Before you continue with your contribution, I want to make an appeal. In a debate like this I expect that it flows very well. The rule of debate has given everybody the opportunity to speak both for and against the Motion. So, I want everybody to comply to the Rule. I do not want a situation where somebody will deviate from the Rule. So, let everybody confine himself to the context of the Motion on the Floor.

I wish to appeal to you that if anybody wants to differ from the Motion he should allow those in favour of the Motion to speak first. However, I do not think that anybody is against the Motion. But I would like anybody who wants to speak against the Motion to speak last. Thank you.

Leader (Mr Anichukwu): Thank you, Mr Speaker I have risen to align myself with this Motion. In the first place, what the Mover intends to ask the Speaker to do is to ask the ESBS to draw a programme that can accommodate the Idoma people with their language. It is not strictly the intentional adjustment to favour a particular section of people of Enugu State. Secondly, Mr Speaker, there is one pertinent issue the hon. Member for Igboeze North I (*Mr Onyeze*) mentioned which I want this honourable House to take serious. As the saying goes, it is only those who wear the shoes that know where it pinches. We are all aware of the political situation in Igboeze North local Government Area. The two Representatives of that local government area have spoken and we have heard what they have said and they want us to confirm it by giving approval to this Motion first. We all know the particular situation of Igboeze North; they have been agitating for a long time, they have complained times without number that they are not fully accommodated in Enugu State. I am sure they had really gone to court to buttress their demands that they should be made to join their kit and kin in Benue and Kogi States.

Mr Speaker, the State Government is not taking this matter so lightly because Enugu State is not so big that we can stand in this honourable House and lose a fraction of the indigenes of Enugu State. Because some of their agitations could be that they are not remembered in infrastructural development, etc; sensibly enough, the creation of the programme of this nature will cost virtually nothing. We will make them have a sense of belonging. It will make them know that Enugu State has actually started accommodating them.

If the request is going to have any financial involvement, that could be an impediment. Idoma people are accommodating, they are not too violent. I think the only thing they are asking is just to accommodate them. We should remember that they are part and parcel of Enugu State. And this their little request which I feel is not too much will enter their minds and they will say, OK, we are happy these people now know that we exist, these people know that our language will be transmitted even within and outside the country. And it will go to a very great length to sustain their lives. The people of Igboeze will be praising Enugu State and will be happy with this honourable House that such Motion has come to make people happy.

So, Mr Speaker, I believe that this few point will go a long way towards making Idoma people and the people in general very happy, and show that we are still one. Thank you.

Chief Whip: Mr Speaker, Sir, I have risen to support this Motion on the Floor. Mr Speaker, you can recall that when the Mover of the Motion was citing Section 39(1) of the Constitution, part of Section 39(1) appear to fall under the fundamental human rights of individuals as was guaranteed by the Constitution. These rights as itemized from Sections 34 to 40 are not negotiable rights. It is something that individuals are entitled to. It is like some of the provisions of the Sections are saying that individuals have right to life, right to dignity of labour. So, part of these rights, otherwise called natural rights, is what we are discussing here today.

The Idoma speaking people of Enugu State cannot be seen to be existing in vacuum. In the first instance, the State Government is embarking on development programmes, creating access roads, schools, and hospitals. You can imagine where a school is established and you can imagine as well the problems the teachers could face.

Moreover, Mr Speaker, there are similar occasions in other States, in the Federal Capital Territory that is meant to be a *no-man's land*, they were appealing magnanimously for the accommodation of Gwarri people who appear to be the most privileged. So, in Radio Nigeria, Abuja, you see Gwarri programmes being conducted in Gwarri language. It does not mean that the Gwarri people may have even the facilities to pursue their rights.

In Plateau State they have accommodated the minority tribe called Birom in their own radio stations, so also in Rivers State as in the case of Kalabari. I think we are lucky in Enugu State because we have only three languages, that is Igalla-speaking people, Idoma and very prominent among them, the Igbo language. So, I think these people, if we could value their votes, and their numerical strength in terms of census, we should also appreciate the fact that they are the indigenes of this State and accordingly accord them the individual rights to enjoy as other tribes.

Mr Speaker, it is my wish that hon. Members support this Motion so as to carry the Idoma speaking areas of Enugu State along. Prominently, in Benue State we have two major languages, that is the Idoma and Tiv, and you may be surprised to know that apart from the fact that there is no Igbo

speaking area in Benue State, they still have Igbo programmes on their television and radio, let alone a situation where a tribe has been carved out within the auspices of the State.

If I could take you a little bit farther, if the British Broadcasting Corporation (BBC) can be generous enough to conduct Hausa programmes in far away London, why can't we be a little bit magnanimous to accommodate people who virtually share the same ancestral background as a result of the geographical carve out of a State known as Enugu State.

Mr Speaker, I should crave your indulgence and that of the Members of this honourable House to really support this Motion so as to carry all the various tribes in this State along. Thank you.

Mr D. A. Ani (Enugu South I): Mr Speaker, Sir, I am not purely against the Motion, but it is supposed to be directed to the appropriate quarters. This House is not meant to decide for Enugu State Broadcasting Service (ESBS) who they will include in their programmes.

Then like what my Colleagues rightly said, the Chief Executive knows that they are existing by siting some infrastructures like hospital, roads, electricity and other things, showing that they belong to Enugu State. Then I am suggesting that if these things will be carried out, the Idoma people, have trained individuals who can channel that programme to appropriate quarters.

Again, I am saying that if such programmes should be going on like Nkanu Ogbuzuru-Ogbuzuru and Nsukka Dejenu,

they need to pay. Once the money is not there, they will not have that programme. So, I am saying that the programme should not be over-emphasized. Thank you.

Mr Speaker: Honourable Colleagues, incidentally, the two hon. Members that sponsored this Motion came from Igboeze North and they know the need of Igboeze North people. I do not know the authority that some hon. Members are talking about other than that they are the people representing them in this Assembly.

I am not trying to be biased in any form. I am only trying to explain issues, because I remember the time the hon. Member for Enugu South I (*Mr Ani*) brought a Motion asking the Government to go and construct a bridge and a culvert, we did not ask him to wait until we decide it with the appropriate authority. We are aware that you are representing your people and you are always right to fight for your people. You cannot wait until the whole people of Enugu South march to Government House or to ESBS or to Ministry of Works to get what they want. So, let us make progress.

Mr A. Nnadi (Igboetiti West): Mr Speaker, Sir, I wish to disagree completely with the contents of this Motion. In Nigeria today, we have three major languages. We have the Igbo, Yoruba and Hausa respectively. I do not think that if any of the media houses wants the inclusion of these languages in their programme activities, that it will be done by the Resolution of the State Assembly or National Assembly. Almost all the media houses I know are profit-oriented and it depends on your terms of agreement on whatever you want them to put on their programme for you, they will charge you for these services.

I am saying that by this, the Sponsors of this Motion failed to understand that ESBS is a business establishment.

Mr Speaker: I will not be biased. I want to give the House information. Let us be fair to ourselves. The difference between advertisement and programme inclusion is that in advertisement you pay. I am sure that this Igalla people have Radio Air-time that they do not pay. I am sure that when we talk of air time, they do not pay. Even, if we are going to kill this Motion, that does not mean that if they have something to advertise they will not pay. So let us go ahead.

Mr Nnadi (Igboetiti West): Mr Speaker, Sir, thank you very much for re-directing our opinions. Let me just go to what you have just said. Here in Enugu State, we have Igbo Language spoken by our people and we have Igalla, and of course Idoma. The inclusion of Igalla in programmes for ESBS/TV activities was not done by the people of Enugu in the then Anambra State House of Assembly. If Idoma people and their representative at the State House of Assembly really want their language to be included in ESBS, their duty is to convince the management of ESBS to know its importance. *(Interruption)*

Mr Speaker: Honourable Colleagues let us equally believe that the Motion is very clear. The ESBS is not mandated by any law to accept this our Resolutions. I hope hon. Members are getting it. Can the hon. Member for Igboetiti West *(Mr Nnadi)* please, listen.

Mr Nnadi: Yes Mr Speaker, I am listening, Sir.

Mr Speaker: What I am saying is that the Motion we are passing here is just a prayer, it is not a law. The ESBS has the option to call on the two Sponsors of the Motion and dialogue with them, on what to do. Let us not preempt ESBS or preempt the validity of the Motion. In Nigeria we have three major languages Igbo, Hausa and Yoruba. I am sure that if any sections of Nigeria that has different languages is actually forgotten to be included in programmes of broadcasting service, there is a way it could be allowed.

Mr A. Nnadi (Igbo Etiti West): Excuse me, Mr Speaker.

Mr Speaker: The hon. Member for Igbo Etiti West *(Mr Nnadi)* should please sit down and listen to me. He should not tell me to excuse him. Let us be fair to ourselves. I am not contributing. I do not have the right to contribute but I can always guide *(Interruptions)*.

Mr A. Nnadi: Mr Speaker, Sir, I thank God that I really understand the whole ideas of the Motion. I am not talking outside the ideas. Like I rightly pointed out, if any particular programme has to be included in ESBS/TV, it is the duty of the Sponsors of such programmes to go and liaise with the management of ESBS, like I had said it is a business preempted establishment. They are there to make the people happy. It is therefore open for the people to sponsor programmes to them. It depends on how much you can offer in payment for the services the ESBS will render to you, that it why it is there. I do not see it appropriately for the State House of Assembly to pass a Resolution before the language of the people is included in the media House

within the State. I want to let you know that here in Enugu, we have twenty four constituencies and Igboeze North II, like the Sponsors of this Motion rightly pointed out, that the Government of Enugu State has done so much for the people by sitting the Local Government Headquarters in their area, by making available to them a good drinking water, and medical services/facilities and many other things. They still want the same Chief Executive to go and urge the management of ESBS for the inclusion of a language of a very insignificant group (*Interruptions*).

Deputy Speaker: Mr Speaker, Sir, Point of Order, the hon. Member for Igboetiti West (*Mr Nnadi*) is abusing my people.

Mr Speaker: What order?

Deputy Speaker: He is abusing my people (*Interruptions*).

Mr Nnadi: Mr Speaker, Sir, they are small in number. If the Sponsors of this Motion are truly representing their people, they should have done it without obtaining the consent of this House. The people of my own constituency are getting things done without bothering the House. So I am of the opinion that this Motion should be placed aside. Thank you, Mr Speaker.

Mr Speaker: Actually, I do not have any right to contribute to this debate. My duty is to guide you. Let us look at these things, I do not want to show any sign of sentiment. Let us look at this Motion, let us not say because it is from Igboeze North, I am sure that similar Motions could come from your various Constituencies here.

An hon. Member: Point of Order!

Mr Speaker: What Order?

Chief Whip (*Mr Odo*): Mr Speaker, Sir, Order No. 26 (12).

Mr Speaker: I am very happy for one thing. This morning each time the Chief Whip (*Mr Odo*) points the House to Order, he reads out the relevant Rules. His quoting the Order is in the best interest of the House.

An hon. Member: At times, it used to be wrong (*Laughter*).

Chief Whip: Mr Speaker, Sir, I insert Order No. 26 (12) and it says that: *A*

member may rise to point of explanations or information on a previous statements made by an hon. Member.

I want to put it clear, irrespective of the fact that people are free to differ in their opinion, that it is out of context for somebody not to really appreciate, perhaps the functions of the State House of Assembly, and it is a variation of law that Motions can be passed in respect of any laws made by the House. If the House can make laws to establish ESBS/TV, because I am sure there is a law establishing the body, the House can pass a Motion in respect of anything that affects ESBS/TV. Mr Speaker, if you look at Section 4(7) of the Constitution and it states:

That the House of Assembly of a State shall have powers to make laws for the Order and Good Governance of the State or any part thereof with respect to the following matters:-

- (1) *Any matter not included in the Exclusive List, set out in the Part I of the Schedule of the Constitution;*
- (2) *Any matter included in the concurrent list, set out in 1st Column of Part II of the Schedule of the Constitution;*
- (3) *Any matter with respect to which it is empowered to make laws in accordance with the Sections of the Constitution.*

If the House can make laws establishing ESBS; if the House can make laws governing the State, it is my thinking and belief that the House can as well pass a Motion of this nature so that we do not stand here and appear as if we do not know what we are here for. Somebody can speak against a Motion, but not as to undermine the intention of what we are doing here. Thank you, Mr Speaker.

Mr Speaker: You see, there is something I was trying to find out. I was trying to see somebody raise objection on what the Chief Whip (*Mr Odo*) has just said. If you look at our Rules, during a debate, a person is not allowed to speak more than once. Either in support or in opposition. But the Chief Whip (*Mr Odo*) quickly pointed out the Order, trying to explain things which ordinarily we could not have allowed him.

Deputy Leader (*Mr Anikwe*): It is because you allowed him. He is not the Mover of the Motion.

Mr Speaker: He is correct. He quickly, used Point of Order and that has covered him to make his contributions.

Deputy Leader: That Order does not empower him. That Order empowers the Mover of the Motion.

Mr Speaker: It is not true.

Deputy Speaker (*Mr Atigwe*): Point of Explanation under Order no. 26 (13). Mr Speaker, Order No. 26 (13) says, *that a Member who has spoken to a Question, may again be heard to offer explanation of some materials, part of his speech which must have been understood. But he must not introduce new matters.*

Mr Speaker: That is correct. Is that clear? It is clear. A Member has right to stand up and make explanations, provided that whatever he says does not bring in another issue.

Deputy Leader (*Mr Anikwe*): Thank you, Mr Speaker, and honourable Colleagues, I am not part of the notion that a Motion should be killed. I am particularly part of the notion that the ingredient of the Motion should be first understood.

I am very much happy that the two Sponsors of this Motion are equally the corresponding Representatives of Igalla people in Enugu State (*Interruption*)

Deputy Speaker: Idoma people.

Deputy Leader: Even Igalla people in Enugu State. The simple question is that somebody made a reference to it and it was not addressed. Please, I want to know from them whether Igalla language came into ESBS as a result of a Motion from the House. I want to know before I can continue.

Mr Speaker: Let me answer it. What I want you to understand is this: this Motion I believe is *Motion on Notice*. It is not *on Urgent Public Importance* and I am sure that most of you got the Motion more than 2 or 3 days ago. You stood up and told us that you are not actually opposed to the Motion.

Deputy Leader: Not to kill!

Mr Speaker: You see, if we are to comply with the Rules of this honourable House, you ought to have made your position known to the honourable Speaker before now.

Deputy Leader: Mr Speaker, I would only do that if I am having an amendment or prayers. Not when I have an opinion. I should bring it to you.

Mr Speaker: It is not opinion. You are telling us that you are not opposing it.

Deputy Leader: I said that I am not of the notion to kill. That is what I mean. Somebody could come into this house to kill a Motion but somebody can come and oppose a Motion.

Mr Speaker: How do you kill a Motion? You kill a Motion by speaking against a Motion, by opposing the Motion.

Mr Onyeze: Mr Speaker, Sir, I want to respond to the question raised by the hon. Deputy Leader of the House. I want to remind him that we had our Independence in 1960 and that we have not had legislative Houses for up to 16 years. Many decisions were made during the Military Era and the privilege of having democracy is having people to speak for their people.

I want to remind him that the Military has ruled this country for about 28 years and decisions to include Igalla language was taken during that time. The Military have ruled this country for so many years and people now have people to speak for them and that we are speaking for Idoma people. If we did not have democracy, we cannot come here to speak for our people.

Deputy Speaker: Furthermore, Mr Speaker, we are the Representatives of our people. We are from the people, we are of the people, and the Representative of Ezeagu (*Mr Anikwe*) should speak for Ezeagu people. He is not from my people. May be he is from his people and not of his people. Because I am from my people and I am of my people, that is why I am making sure this is the problem they have.

I quoted the Constitution. I cited the Constitution.

Deputy Leader: No need! No need.

Deputy Speaker: I even adduced more evidence to refer you to Section 97, which you have not denied. You have not challenged the Constitution on that. And again, denial of somebody's rights, like in Child's Right to Education is an infringement on his fundamental right. We should not infringe on this people's right. I refer us to Section 34 which talks about *Rights to Dignity of Human Person*, Section 35 talks about *rights to personal liberty*, 36, *right to fair hearing*, 37, *rights to private and family life*, 38, *right to freedom, thought, conscience and religion* 39, ...
(Interruption)

Mr Speaker: The Deputy Speaker needs not read the Constitution. He should cite the Constitution and that area should apply to what we are doing. He is going off – point.

Deputy Speaker: Section 39 again says right to freedom of Expression. Section 40 right to peaceful association if the people do not understand you how can they associate with you Yoruba says *Edeyo edewu mojewa*. The language that is not understood brings trouble. That is why they are having some troubles because they do not understand us; we do not understand them. Now we want you to let them to understand what we are doing. Now, we are fulfilling promises. We are not making promises. During the campaign we made promises. This is the time to fulfill promises. This is the time to give democracy dividends to this very people. On our campaign, His Excellency made a policy statement. When I read the punch it said: *after the election we should do something for Idoma language to be included in the programme.*

Deputy Leader: Mr Speaker, what I am trying to establish there is what the hon. Member for Igboeze North I (*Mr Onyeze*) said when he was making his contribution. Has the Government of Dr Chimaroke Nnamani instructed elected people to include Idoma language into ESBS Radio/TV? (*Interruption*) ... what I am trying to say here is that we should not first of all count *two* before counting *one*. The implication of this Motion is that there was an attempt and appeal for inclusion of Idoma language and they refused. That is why I am saying for the inclusion of Idoma language they will change their method; they should understand it, they should come

to appreciate the fact that the inclusion of Idoma language is a negotiated agreement.

What if we move this Motion today, we have even the Yorubas agitating for inclusion into ESBS. Tomorrow, we may have the Hausas. If you even listened over the Radio ESBS today, there was one community where the non-indigenes were demanding for inclusion of a ward where they had a Chief and they said please, we have now met the Ezza people and the women agreed they had a big colony that qualified them to be recognized as a distinct ward.

What I am saying here is that we should not try to jump a law. Passing this Motion here presupposes that an attempt was made and rejection came by ESBS management. It is an indictment to the ESBS to come up as a Motion. I know very well that we have many dialectical language programmes. In Radio Nigeria, we have 32 dialectical programmes. What we are talking about here is dialect.

Mr Onyeze: No!

Deputy Leader: If it is not dialect, you are representing them, speak to them. You had a campaign there and they voted for you; what language did you use, was it Idoma language? So, Mr Speaker, I am saying that this honourable House should not whip the food is ready. There should not be a Motion asking that the food should be shared when the food is ready. Do you understand what I am saying. The ESBS is available and ready for any inclusion of any language. I mean, coming up as Motion presupposes that there is something wrong. That is my own contention, Mr Speaker. So, this Motion should not come on the Floor of

the House. Imagine, asking the Chief Executive of the State to now direct the ESBS management to include Idoma language. That will be negation of the idea of a negotiated settlement. Thank you, Mr Speaker.

Deputy Speaker: It is clear that what we are trying to do that we should no longer infringe on people's Constitutional right as Sections 39(i) and 97 say. And again, even the Rules we are using in this House is clear on that. So, Mr Speaker, I have made my points like I said earlier as Yoruba adage puts that language that is not understood brings trouble. So, I am praying as other people representing their people have prayed when they have problem in their Constituencies. I am praying as we are gathered people prayed and their prayers were heard.

For my people, Idoma people, part of my Constituency; they were truncated to this part of the country in the year 1929, and this is the only thing that will make them not to go back where they are thinking of going. It is for them to be heard here and they begin to hear our own here. When they are heard in the Radio and Television, effective communication will be achieved and that is what we are praying for.

This inclusion will far outweigh any cost. Imagine at your door post you see a transformer you do not know who brought it. When you see a sign board they say, this signboard shows that Idoma people don't know anything because they don't understand. But if they hear over the ESBS Radio or Television that transformer in their door front is from Enugu State Government, then you know it is part of democracy dividends. If they know very

well that the hospital there within them is brought by Dr Chimaroke Administration they will appreciate it and next time the votes you will harvest there I think, you cannot talk about it. With this, Mr Speaker, I move that the Question be put.

Mr F. Amu (Nsukka East): Mr Speaker, I want to move that this Motion be stepped down. There are some loop-holes in this Motion. I want the loop-holes to be corrected before coming into this house. Please, I move that this Motion be stepped down for necessary action. Thank you, Mr Speaker.

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

Main Question put and the House divided by roll call

Ayes: 6 Noes: 7

Ayes

Agbo Dennis
Ugwu Christopher
Odoh Eugene
Onyeze Michael
Atigwe David
Anichukwu John

Noes

Ani Donatus
Ofor Chukwuegbo
Anikwe Paul
Nnadi Alfred
Amu Felix
Onah Fabian
Eneh Chika (Mrs)

Question accordingly negatived.

ANNOUNCEMENT

Mr Speaker: Please I want to bring this to everybody's notice.

1. The sitting arrangement is overdue for changing.

Meeting

2. Honourable Colleagues, we shall meet in my office on the rising of the House for a brief discussion.
3. I wish to remind hon. Members that two hon. Members sponsored a Motion this morning and it was negated, and they are not complaining. They have taken it in good faith. If tomorrow it is somebody else's turn, the person may start raising dust here and I will not be happy with that.

I can remember that in 1999, I put forward many Motions that were killed and I did not complain. I took it in good faith I was not bothered. That should not stop one from bringing other Motions. If a Motion is killed try to create more, at least one day, one or two shall scale through.

That this Motion was negated this morning does not mean that the hon. Members cannot sponsor other Motions. I wish to thank most of you for, at least, there is an atom of commitment this week and I hope that next week there

will be more commitment than this week.

- I want everybody to buckle up, to work hard, it will be the issue of Bills, and like I rightly told you, we want to role out Bills and on the issue of sharing the cost of the publication, we can assist you to pay the cost, so that you will not have any reason not to come up with a private Member Bill. I think we have Private Member Bills, and if any hon. Member has a problem he should let me know.
4. I wish to appeal again to hon. Members; we saw what happened to the hon. Member for Uzo Uwani (*Mr Chigbo*) this morning when he was asked to leave, he quietly walked out. If that happens to any other hon. Member, he should do that like a sports man.

At least, we sit twice a week, if you have about two suits and two traditional wears, you can wear anything to your office on any other day, but if an hon. Member is coming into the Chamber, he should look different. If we look at my left and right hand sides, I mean the staff of the Chamber, I am always impressed with the way they appear. The three people in front of me (*Clerk-at-Table*), there is no day they do not appear the way they appeared this morning. Look at my right hand side (*Official Reporters*), the same thing.

So, let us try to observe the dressing code; let us try to comply. The mode of

dressings is in the Standing Order of this honourable House. Thank you.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, Sir, I rise to move that this honourable House do now adjourn until 10 a.m. on Tuesday 18th May, 2004. Thank you.

Deputy Speaker: Thank you, Mr Speaker, I stand to second the Motion for adjournment, and in doing so, I thank the hon. Members for contributing effectively to the Motion presented to this honourable House. Again urge them to have a re-think in future because there is no error in begging to give my people their right under the Constitution.

Mr Speaker: If you beg somebody and he said no? *(Laughter)*. I think everybody understands.

Deputy Speaker: So, they should have a re-think because it will look foolish if the press carries it that we cannot allow our people to have their right under the Law that is their fundamental human right under the Constitution.

Next time, I will continue to beg and ask until fellow hon. Members have a change of mind. I will continue to beg for them until they are heard.

Mr Speaker: May be the Deputy Speaker did not think very well today, what you need to do now is to do extra work. It was just one vote difference, assuming the vote was seven for and seven against, I would have cast mine either in favour or against.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Tuesday 18th May, 2004 at 10 a.m.

Adjourned accordingly at 12.23 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 80

Thursday
3rd June, 2004

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Approval of Votes and Proceedings

Message from the Governor

Screening of Commissioners Designate

Matter of Urgent Public Importance

Announcement

Adjournment

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 3rd June, 2004
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings of Tuesday 1st June, 2004 is before us. I have gone through them and found them to be correct. However, I welcome your comments. Thank you.

Mr F. E. Amu (Nsukka East): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of Tuesday 1st June, 2004 and found them to be correct. I therefore move for their adoption.

Mr A. O. Chigbo (Uzo Uwani): Mr Speaker, Sir, hon. Colleagues, I have risen from my seat to Second the Motion for the adoption of our Votes and Proceedings of Tuesday, 1st June, 2004. Thank you.

Question put and agreed to.

Votes and Proceedings of Tuesday 1st June, 2004 accordingly adopted.

A MESSAGE FROM HIS EXCELLENCY,
THE GOVERNOR OF ENUGU STATE

Office of the Secretary to the State
Government, (Abuja Building),
Enugu 2nd June, 2004

Ref: HES/SSG/M.260/632

The Hon. Speaker,
Enugu State House of Assembly,
Legislative Chambers
Enugu.

Dear hon. Speaker,

NOMINATION OF COMMISSIONERS

His Excellency, the Governor of Enugu State, Dr Chimakon Ogbonna Nnamani has approved the nominations of the following persons as Commissioners:

1. Mr James Ademu
2. Arch. Innocent Agbo
3. Dr Pat Asadu
4. Mr Chinedu Onuh
5. Mr Ogbonna Ike
6. Engr Dike Nnadi
7. Chief Ayogu Eze
8. Dr Martins Chukwunweike
9. Dr F.S.A. Uzor
10. Chief J.C. Udeh
11. Barr. Sullivan Chime
12. Engr Festus U. C. Ugwu
13. Mr Clement Okwor
14. Hon Affam Nnaji
15. Princess Peace Nnaji

Consequently, he has directed me to respectfully request the honourable House to kindly give the nomination expeditious consideration to enable them to attribute their quota to the building of the State.

I am further directed by His Excellency to convey to you and the entire hon. House the assurances of his highest regards.

Signature
Dr Eni Shere
Secretary to the State Government

Leader (Mr Anichukwu): Mr Speaker, Sir, my hon. Colleagues, may I move that the Message from His Excellency the Governor of Enugu State be accepted for consideration at 2 p.m. today. Thank you, Sir.

Chief Whip (Mr Odo): Mr Speaker, Sir, I wish to second the Motion, as moved by the Leader of the House, that we step down sitting till 2 p.m. (this afternoon) for the consideration of the message from the Governor of Enugu State. Thank you.

Mr Speaker: What the Leader of the House (Mr Anichukwu) did was to accept the Message from the Executive Governor of Enugu State for consideration. There are two different issues. We are still sitting, so, the Chief Whip can just Second the Motion, and I will put the Question then he can go ahead to move a Motion that we step down proceedings until 2 p.m. today.

An hon. Member: Mr Speaker, Sir, the Leader of the House (Mr Anichukwu) said 12 noon.

Mr Speaker: No. The Leader said 2 p.m.

An hon. Member: The Leader of the House should have moved a formal Motion for the acceptance of the Governor's Message.

Mr Speaker: Honourable Colleagues, what I expected is for the Leader of the House to accept the Message from His Excellency for consideration by the House. The issue is that I do not want us to contradict ourselves. If we were to handle it, we would have considered it immediately, but since we are going to consider it at 2 p.m., there is nothing wrong if we say that we accept the Message from the Governor for consideration at 2 p.m. Then whoever is to Second the Motion will do so. The Leader can move again that we step down proceedings until 2 p.m. Then it will be seconded and a Question will be put. So somebody should Second the Motion moved by the Leader of the House (Mr Anichukwu), that we accept the Message from the Governor for consideration of the House at 2 p.m.

Deputy Leader (Mr Anikwe): Thank you, Mr Speaker. I have risen to second the Motion as moved by the Leader of the House, for the acceptance of the Governor's Message for consideration at 2 p.m.

Question put and agreed to.

Governor's Message accordingly accepted for consideration at 2 p.m.

ANNOUNCEMENT

Mr Speaker: The only announcement we are going to make is that of time constraint, I do not know how we are going to communicate the nominees. However, I am aware that 80% of those in the list were Executive Council members before. I am sure that some of them might be around now.

In any case, if you know any of them, try to get in touch with him or her before 2 p.m. They are very easy to reach. Some of them have been at various levels in government. Some of them are already at various levels of appointment in the present government, so they are known.

Leader (Mr Anichukwu): Thank you, Mr Speaker. May I move that this honourable House do step down its proceedings until 2 p.m. this afternoon to enable Members conduct the interview for the Commissioners Designates.

Deputy Whip: Mr Speaker, I have risen to second the Motion. Thank you.

Question put and agreed to.

Sitting suspended at 10.30 a.m.

Sitting resumed 2.30p.m.

Leader: Thank you, Mr Speaker. May I move that the House do now resume sitting to continue with the contents of the Order Paper.

Chief Whip: Mr Speaker, I stand to second the Motion as moved by the leader that this House resumes as was scheduled.

Question put and agreed to.

Leader: Thank you, Mr Speaker, may I move that the House do resolve itself into a Committee of the Whole House to enable us consider the names of the Commissioners-Designates sent in by the Governor of Enugu State.

Mr C. Ugwu (Enugu East I): Thank you, Mr Speaker. I rise to second the Motion as moved by the Leader of the House.

Question put and agreed to.

SCREENING OF THE COMMISSIONERS DESIGNATE

Considered in the Committee of the Whole House

The Chairman: Honourable Colleagues, you are aware that we decided this morning to step down the proceedings of the sitting to enable us to reconvene at 2 p.m. to enable us attend to item No. 4 on the Order Paper. That is the screening of the Commissioners' nominees sent in by the Governor of Enugu State, Dr Chimaroke Nnamani.

At this juncture, we have fifteen nominees and having agreed that we are going to screen fifteen of them, we have to start from No. 1 on the list. But I want to appeal that for the fact that one of them was an hon. Speaker of this Assembly in the year 2000, I think the best thing is to call him in first. He is hon. (Dr) F.S.A. Uzor. After that, we will start from No. 1 down to the last number. Is that O.K.?

Several hon. Member: It is O.K.

Thereupon hon. (Dr) Uzor was ushered in.

The Chairman: Honourable Colleagues. Honourable Doctor F.S.A. Uzor has been invited

as an appointed Commissioner of Enugu State Government and on that note, the Commissioner designate is here before us, you can now ask him questions as the normal thing. However, Dr Uzor is a one-time Speaker of the Enugu State House of Assembly and incidentally, the Chairman of Enugu Local Government and before now a Commissioner in Enugu State Government and today again he is here for screening for yet another opportunity to serve the people of Enugu State. Thank you.

Deputy Leader (Mr Anikwe): Thank you, Mr Chairman. This is a very articulated examination of a personality before us. It is always said that birds of the same feather flock together and once a Speaker, always a Speaker; just like *once an hon. Member always an hon. Member*. The gentleman before us is not only a committed gentleman but an hon. Member with a difference. Mr Chairman, may I move a Motion that this my brother, who is equally a Member by tenure of his office, Speaker emeritus of Enugu State House of Assembly, simply takes a bow and leaves the Chamber. Thank you, Mr Chairman.

Mr C. Enebe (Awgu North): Thank you, Mr Chairman. I have risen to second the Motion as moved by the hon. Deputy Leader of the House (*Mr Anikwe*).

Question put and agreed to.

Mr F. S. A. Uzor, the Commissioner-designate accordingly took a bow and left the Chamber.

The Chairman: Honourable Colleagues. We have before us Mr James Ikechukwu Ademu. I can remember that this is the second time he is appearing before this honourable House. Am I right?

Several hon. Member: Yes, you are right!

The Chairman: He appeared as a Commissioner of Enugu State Electoral Commission. He is before us now based on our invitation which has to do with confirmation of his appointment as Commissioner in Enugu State

Government, you can now ask him your questions.

Mr C. Enebe (Awgu North): Mr Chairman, while we wait for his file to be ready may I humbly ask Mr Ademu to just give a run down of himself in a nutshell. Thank you.

Mr J. Ademu: Mr Chairman Sir. I have been invited to attend this screening by this honourable House; that is why I am here. My names are James Ikechukwu Ademu. I am from Ogwurugwu in Uzo-Uwani Local Government Area of Enugu State. I was born on 10th November, 1969. I have constitutionally concluded my Masters programme in public Administration at University of Nigeria Nsukka. Before then I did my diploma in political science at Ahmadu Bello University, Zaria. Presently I am an Electoral Commissioner with Enugu State Independent Electoral Commission. Thank you and God bless you all.

Leader (*Mr Anichukwu*): Thank you, Mr Chairman. I have a simple question for Mr Ademu. We know by your experience you are well versed in conducting elections. Now, which Ministry do you think you will perform best if you are given the office?

Mr Ademu: Mr Chairman, Sir, I have submitted my Curriculum Vitae. It is left to the appropriate authority to fix me where I am properly fitted. Thank you.

Mr D. Ani (Enugu South I): Thank you, Mr Chairman. Mr Ademu, I understand that you are working at the Independent Electoral Commission. Will you resign or do you intend to combine the two functions.

Mr Ademu: They are two different portfolios. If I succeed and I am given another office I do not see the necessity or the need of maintaining the other office. Thank you.

Mr A. O. Chigbo (Uzo Uwani): Mr Chairman, Sir, may I move that the person standing before you Mr James Ikechukwu

Ademu, Commissioner-Designate, takes a bow and leaves the Chamber. Thank you.

Mr F. Onah (Nsukka West): Mr Chairman, Sir, I rise to second the Motion moved by the hon. Member for Uzo Uwani (*Mr Chigbo*).

Question put and agreed to

Mr James Ikechukwu Ademu, Commissioner-Designate, accordingly, took a bow and left the Chamber.

The Chairman: Honourable Colleagues, before you is Arch. Innocent Agbo, Commissioner-Designate. He is here based on your invitation, following his nomination as Commissioner in Enugu State Government. His C.V. is before you. So you can ask him questions.

Mr C. O. Enebe (Awgu North): Mr Chairman, Sir, I rise to move a Motion before this honourable House, asking them to allow Arch. Innocent Agbo to take a bow and leave the Chamber, having served this State as the former Secretary to the State Government. (SSG). Thank you

Deputy Speaker (*Mr Atigwe*): Mr Chairman, Sir, hon. Colleagues, I rise to second the Motion that was moved by the hon. Member for Awgu North (*Mr Enebe*). Thank you.

Question put and agreed to.

Arch. Innocent Agbo, Commissioner-Designate, accordingly, took a bow and left the Chamber.

The Chairman: Honourable Colleagues, before you is Chief Ayaogu Eze, Commissioner-Designate. He is here on your request, following his nomination as Commissioner in Enugu State Government, by His Excellency, the Governor. You can ask him your questions. Thank you.

Mr M. Njeze (Udi North): The former Commissioner for Information, Chief Ayaogu Eze, you have been a Commissioner several times

in the Government of Enugu State. During certain functions, you muddle the Protocol, or mixed-up or omit it, when it comes to referring to Members of the House of Assembly. Is it an act of omission or an act of intent, or is it a neglect or an act of ignorance? Thank you.

Mr Ayogu Eze: Mr Chairman, Sir, hon. Members, I will request this honourable House to give me the grace to put the records straight. To the best of my recollection, whenever I have an opportunity especially when it comes to my department, I always know that in order of protocol, the hon. Members of the House of Assembly come before the Executive Council Members. May be because we are expected to be hundred percent accurate in our work, we could not follow the order. I wish to say that if there is an occasion where mistakenly, I did not observe the protocol, I have to apologise. Thank you.

Deputy Leader (Mr Anikwe): Thank you, Mr Chairman, Mr Ayogu Eze (Commissioner-designate), I get worried when I observe that as the mouth-piece of Enugu State, for all your jobs have been in the Information Ministry, how do you appreciate being in that position without a single Newspaper owned by the State functionally in production?

Mr Ayogu Eze: Mr Chairman, Sir, even as we are speaking in this Chamber, there is a Technical Team looking at the machines of the Daily Star. We have been trying since we came in to put Daily Star back because we need it as one of the information dissemination in Enugu State.

Luckily, in the past few weeks we got a commitment with a foreign partner, established a Task Force and we have spent about eight million Naira (N8m) to put Daily Star back.

As I was waiting to see His Excellency this morning I was informed that the Agency has sent a team there to assess our request on the ground. So, I will make sure that what we have requested for is what we received. I am happy to say that one of the team members is Mr Innocent

Okparadike. He called me to say that they would soon inform me about some of their findings.

So, I must surely ensure good job from them, and the Governor is ready to match the agreement with the foreign partners by providing all the need and other requirements. Thank you.

Mr C. Ugwu (Enugu East II): Commissioner designate, going through your Curriculum Vitae (CV), you stated therein that you have HND and Masters in Public Administration, but surprisingly none of them is attached to the C.V. you presented to us. How can we know that you have all the papers mentioned?

Mr Ayogu Eze: Mr Chairman, Sir, I just thought that what is required is the C.V., but if the papers are required, I assure you that without delay I will produce them. Thank you.

Mr C. O. Enebe (Awgu North): Mr Chairman, what I want to ask the Commissioner designate is what effort will he make if he is back as the hon. Commissioner for Information, to ensure that the Legislature, that is, debate of this honourable House is fully covered?

Mr Ayogu Eze: Mr Chairman, Sir, that was the question I thought that the Leader (*Mr Anikwe*) wanted to ask, but that was what hon. Enebe has now asked. (*Laughter*).

Then, what has come into my mind is to say that I am making a commitment because once it is said, it cannot be pressed back. I am making a commitment that one of the best things is to create an Assembly Gallery that will be carried by the FRCN and the ESBS, so that activities of this Assembly will be covered. I will have to talk to them because of the nature of Television, it will not be possible to sustain it on regular basis, but I am going to make sure that something is done.

In addition to that we have a programme that is called *Enugu State Now* that comes on air in Radio Nigeria on Mondays between 12 noon and 1 p.m. and that is open to the Speaker and

Members of this Assembly. It is not designed exclusively for the Executive arm.

So, I am going to liaise with the Chairman, House Committee on Information to see how we can come up with a regular programme that will adequately cover the operations here. I am hoping that this will be if I get back to the Information Ministry.

Mr F. E. Amu (Nsukka East): Mr Chairman, Sir, the Commissioner designate, having answered the questions posed to him successfully, I now move that he takes a bow and leaves the House.

Mrs C. Eneh (Udi South): Mr Chairman, Sir, I rise to second that Motion. Thank you.

Question put and agreed to.

Mr Ayogu Eze (Commissioner designate) accordingly took a bow and left the Chamber

The Chairman: Honourable Colleagues, before you is Barr Sullivan Chime. He is here on your request and you can now ask him your questions.

Deputy Leader: Barr Chime, I have this question for you. You will recall that recently, this honourable House passed a Bill on Law Reform in Enugu State. We would like to know the extent of your involvement with the House Committee on Judiciary on this assignment? Thank you.

Mr S. Chime (Commissioner designate): Mr Chairman, Sir, hon. Members, actually the process is on going, we have just got Law Revisors, and the contract execution has not been signed. The Governor recently approved an amount of money to enable the production take off.

So, as we are here now something is being done. Thank you.

Mrs C. Eneh (Udi South): Mr Chairman, Sir, Mr Sullivan Chime, having been holding this position since 1999 without any problem; I hereby move that he takes a bow and leaves and Chamber.

Mr A. C. Nnadi (Igbo Etiti West): Mr Chairman, Sir, I second the Motion.

Question put and agreed to.

Mr S. Chime took a bow and left the Chamber.

Deputy Leader (Mr Anikwe): Thank you, Mr Chairman. Mr Ogbonna Ike you have worked as Commissioner for Human Development and Poverty Reduction. The magnanimity of His Excellency is clearer than the issue of poverty reduction to the extent that there is a programme following the law passed by this honourable House on soft loan given to motorcycle riders who applied in Enugu State. What happened to that programme i.e., that well intended idea to subsidize and infuse the thought of thrift to the tune of twelve million Naira? In your opinion, do you think that programme succeeded or failed?

Mr Ogbonna Ike: Mr Chairman, Sir, in my opinion, I think the programme is a considerable success. The programme is still in progress. As at today, we have given out five million Naira to more than hundred applicants and applications are still pending. The first part of the programme had been completed because most of these people do not want to pay their counterpart fund to the bank. So, it is still going on. Thank you.

Mr Enebe (Awgu North): Mr Ike, you are welcome. I have gone through your curriculum vitae and I have not seen a place you mentioned that you have been a Commissioner before. You only mentioned all other appointments and professional bodies you belonged. Why did you not mention it. I am aware you are now in your Ministry. What is your Ministry doing and what is its achievement.

Mr Ogbonna Ike: Actually, the whole plan of our Ministry is to tackle poverty and we spent a

lot of time and some of you will remember that you participated in a think-tank, the whole idea being to reduce poverty and we have started this in five or six areas. Since then we have completed projects in two communities at Eha-Amufu and water reservoir at Okpatu. We are also doing a lot of work in conjunction with the Ministry of Agriculture to increase productivity to cultivate cassava and oil palm giving them access to credit. There is also plan to have small and medium scale industries established in the rural areas. We work extensively with other Ministries to achieve the overall goal of the Ministry of Human Development and Poverty Reduction. We coordinate the affairs of other Ministries towards poverty reduction. We are also playing an important part in the School Meals Programmes. These are some of the major areas that we have focused on, in this present dispensation.

Mr J. C. Obidinma (Oji River): Thank you, Mr Chairman. I have equally gone through the Curricular Vitae of Mr Ogbonna Ike and observed that his date of birth, state of origin, and local government area were omitted. Were they omissions or what?

Mr Ogbonna Ike: Mr Chairman, I am sorry. Yes, it was an omission. I was born in Enugu State, at Uvuru, Umuora, old Nsukka local government area.

Chief Whip: Mr Chairman, Sir, permit me to recollect that when we screened the hon. Commissioner in the past, it was so obvious that the former hon. Commissioner did not know the Constituency where the hon. Member representing him comes from. Apart from that, the local government area of origin of the hon. Commissioner was not known. Then my question is having imposed enormous duties which virtually cut across the Ministries, I want to know the extent to which you have been able to make several Ministries in this State, non-governmental organizations, civil societies, inter-Ministerial organizations get involved in your functions considering the fact that it cuts across local government areas. Thank you, Mr Chairman.

Mr Ogbonna Ike: Mr Chairman, we have been able to make-up in different ways. We involve all the Ministries and Civil Servants in development and all our Poverty Reduction strategies. They are also involved in information dissemination as well as development and eradication strategies is also being handled. Internationally, organisations like UNDP as well as other bodies are very much interested in our programmes and they have expressed their desires and willingness to facilitate the programmes of Poverty Reductions in Enugu State.

Mr M. Onyeze (Igbo-Eze North I): Thank you, Mr Chairman. My Question is apart from associating yourself with almost everything that is happening in all the Ministries, you are aware that our poor people are living in the rural communities. They are our indices for measuring poverty in any society. For example, the per capita income is the amount of money that people use for whatever they are doing. Ninety percent of the rural dwellers are outside Enugu here. What efforts have you made to reach them and tell them that you are there to help them. For example in this credit schemes, how many people can you tell the House, have been able to receive credit facilities from your Ministry? (*Interruptions*). In a nutshell my question is have you made yourself available to the rural dwellers? How far have you gone towards improving their welfare particularly in providing them with credit facilities, so that their per-capita income will rise and thereby improve their soup-pot, i.e, what they put on their table for feeding etc. Have you made yourself available to the rural dwellers or you are just associating with the Ministries?

Mr Ogbonna Ike: Mr Chairman, Sir, yes, we have made ourselves available to the rural dwellers. For instance, some months ago when we were commencing the women's Micro Credit Scheme, we took a tour of the three Senatorial Zones and met with rural women in all the three Senatorial Zones. We also had communication with all the communities about their Community Development Councils. We get feedbacks from them on a regular basis. We have community development officers that are resident in LGAs, as

well as Cooperative Officers. One of our departments is Cooperative Department and these Cooperative Departments have officers in each of the Local Government Areas that give us feedback from the rural areas. In addition to that I also make trips myself to the different Communities from time to time to find out what they needed and to look at what their developmental needs were.

Mr Onyeze: My question specifically, how many people have you helped with getting credit facilities in the rural areas? Can you explain the numbers?

Mr Ogbonna Ike: Mr Chairman, Sir, we have not effectively commenced disbursement of our Micro Credit Scheme. We are expecting to begin with the Women Micro Credit Scheme. It was just last month that the money was approved. We are still working on getting the groups together, sensitize them, and organize a type of training for the women that will be receiving these facilities. The disbursement has not yet been made.

Mr F. Onah (Nsukka West): Mr Chairman, having answered the questions put to him, may I now move that Mr Ogbonna Ike (*Commissioner-designate*) takes a bow and leaves the Chamber.

Mr F. Amu (Nsukka East): Mr Speaker, I rise to second the Motion.

Question put and agreed to.

Mr Ogbonna Ike accordingly took a bow and left the Chamber.

The Chairman: Honourable Colleagues, before you is Dr Patrick Asadu. You may ask him your questions.

Mr Chigbo (Uzo Uwani): Mr Chairman, Members of the Enugu State House of Assembly, former Commissioner for Agriculture, and Natural Resources, this honourable House will like to know if by the grace of His Excellency, you will like to go back as the Commissioner for Agriculture and Natural Resources.

Dr P. Asadu (*Commissioner Designate*): Mr Chairman, distinguished Members of the Enugu State House of Assembly, it is a pleasure to be in your midst. It is also a privilege to be nominated by His Excellency for confirmation, if you so please. As a public servant and as a former Commissioner, my wish is for His Excellency to deploy me to any ministry he thinks I will be of most benefit to the good people of Enugu State.

But like your question suggests, if His Excellency decides that I should go back to the Ministry of Agriculture and Natural Resources, I will put in more energy and even more innovation in running that ministry. Precisely, it is a core Ministry to the economy of this State.

Mr Enebe (Awgu North): Dr P. Asadu (*Commissioner designate*), my question is that you are aware that one of the basic needs of man is food. An adage says that: *A hungry man is an angry man.*

Having been the Commissioner for Agriculture in this State, I want you to tell this House the efforts you have made in the past to ensure that agriculture which has to do with food, thrives. There is a feeling that our State needs food to feed our people. Secondly, what were the high points and low points of your last tenure. Thank you.

Dr P. Asadu: Thank you, Mr Chairman and honourable Members for the opportunity again. I will say that I was the Commissioner for Agriculture in the past one year, I have been working with the active support of His Excellency the Governor to be able to re-focus the Ministry, reform a lot of inefficient systems and come up with a policy document on where agriculture should be heading in Enugu State. What we have been able to achieve, working in conjunction with the Ministry of Poverty Reduction and the DFID is to reduce where the government should directly intervene in agriculture to specifics.

Instead of our being *Jack of all Trade and Mastering none*, we want a situation where, may be before the year 2007, if we implement the

we are trying to place it on Enugu map that Agriculture should not be looked down upon. So, if all these House Members were there it will send a message to the village farmer. So, we did not gain by not inviting you rather we lost. And I can now explain why we did not have quite some hon. Members except those who are from that area. Accept my apology, Sir.

Mr F. E. Amu (Nsukka East): Mr Chairman, having answered the questions very intelligently and exhaustively, may I now move that Dr Asadu takes a bow and leaves the Chamber.

Mr M. Onyeze (Igbo-Eze North I): Mr Chairman, Sir. I beg to second the Motion that the Commissioner designate takes a bow and leaves the Chamber.

Question put and agreed to.

Mr Asadu accordingly took a bow and left the Chamber

The Chairman: Honourable Colleagues, before you is hon. Afam Nnaji. He is here on your request following his nomination as a Commissioner-designate. You can now proceed with your questions.

Mr C. Nnamani (Nkanu West): Thank you, Mr Chairman. Honourable Afam is my brother and the hon. Commissioner for Youths and Sports. I hereby move a Motion that he should be allowed to take a bow and leave. I thank you.

Mr M. Njeze (Udi North): Thank you, Mr Chairman. May I beautifully second the Motion that hon. Afam Nnaji takes a bow and leaves the Chamber.

The Chairman: Before he leaves, I wish to appeal that as a Commissioner for Youths and Sports let him try as much as possible to improve on the position of sports in Enugu State. Thank you.

Question put and agreed to.

Honourable Afam Nnaji accordingly took a bow and left the Chamber.

The Chairman: Honourable Colleagues, before you is Chief Mrs Princess Uzamaka Peace Nnaji. You can ask her your questions.

Mr A. C. Nnadi (Igbo-Etiti West): Thank you, Mr Chairman. The Commissioner-designate, I do not intend to overlabour you but I carefully went through your Curriculum Vitae where you recorded the schools attended. It is about five schools but you have not showed us that you are the true owner of those Certificates or attached documents in the V.C. I do not know what is wrong.

Mrs Nnaji: Mr Chairman, when they told me to appear for this interview I was told to send my Curriculum Vitae, I did not know that I am supposed to send in my Certificates.

Mrs C. Eneh (Udi South): Mr Chairman, I know Mrs Nnaji very well. She is our great woman leader. I therefore move that she takes a bow and leaves the Chamber.

Leader. Mr Chairman, I have risen to second the Motion as moved by the hon. Member for Udi South (*Mrs Eneh*).

Question put and agreed to.

Mrs Nnaji accordingly took a bow and left the Chamber

The Chairman: Honourable Colleagues, before you is Dr Martins Chukwunwike, Commissioner-designate, He is here based on your invitation following his nomination as Commissioner in Enugu State Government. His C.V. is before you. So you can ask him questions. Thank you.

Deputy Leader (*Mr Anikwe*): Dr Martins Chukwunwike, having gone through your C.V., you stated clearly your steady growth in terms of appointments. I am particularly interested in your recent appointment as a Director of Community

agenda we plan for ourselves. Enugu will be noted as the major producer of specific agricultural products, not just for the people of Enugu State, but for other States and international markets. Specifically speaking, we are categorized as a major rice producer. Before I came into the Ministry, we were rated as minor rice producer, because successive military administrations allowed Adarice and other Rice Projects in the State to go underground. Working with His Excellency, we have been able to attract the Federal Government to come into canalising the Adarice. That is a multi-billing Naira project and the Technical Team from the Federal Ministry is still working on it as I am talking now. And one of the cardinal things His Excellency challenged us even as we came into the first tenure was to see how we could establish Rice Mills in rice producing areas of Enugu State. That objective is just about to be realized, because for the first time in Enugu State, we are able to acquire one of the most modern rice mills that you can have in any part of the world and about two or three weeks ago, we were calling on rice millers to come to us. That is for rice.

The other place we have been trying to focus is cassava. We are trying to say *do agriculture the way you want it*. But the government is channeling its resources because of its meager nature to specific intervention programmes. For food crops, we chose rice and cassava. For cash crops, we chose cashew and oil-palm; for animal products, we chose poultry and piggery. And we have specific intervention programme working with DFID, the Federal Ministry of Agriculture, FAO, and we have set targets which says that between now and month 'x', we will do this specific project, we expect this specific objectives and I have the feeling that if that document which the Ministry will also try to get across to Members of the House for their own input, is eventually adopted and used, agriculture in Enugu State will be a different thing. I hope we will be able to make some impact.

The high points of my stay in that Ministry is fixing a work force that had assumed that government was not interested in agriculture.

That the State Government is interested in infrastructure, education, Science and Technology and not in agriculture. We have been able to make our workers both in ENADEP, in Fertilizer, in other sub-sectors and even in the Ministry to know that we have to work to prove to the Governor that agriculture is the main stay of an economy that is not oil-dependent, and I believe that we are on course. I was going to start the first plantation planting since M. I. Okpara. I was going to start that programme on Tuesday, just before we were dissolved. I also believe that that programme was on air. So what we did in the Ministry was to define what one can fund, notice gaps between Federal and State programme, and talk to DFID to see whether they will assist us to make sure that we have a cosmopolitan view of agriculture. Thank you.

Deputy Leader (Mr Anikwe): Mr Asadu, I have this question for you: Recently when you were there as Commissioner for Agriculture, the Executive Governor of the State mapped out Agricultural launching or planting season, that is, commencement of the planting season was launched and you considered it not appropriate to invite the House Committee on Agriculture? Do you believe that it is only the day your name appears again for clearance that you are due to appear in the House or do you not think that the House has an over-sight function in any Ministry where you find yourself today? Thank you.

Mr Asadu: Thank you, Mr Chairman and other distinguished Members. I am being informed for the first time that the House Committee were not informed about the planting season because I as a Commissioner issued circulars inviting not just House Members but even important stakeholders' (let me just use that word for whatever it is worth). So, if in the beurocracy there was that miss in sending invitations to the appropriate Committee not just to the Committee on Agriculture who are our Supervisors in the Ministry but other House Members, then I have to apologize and let me accept the responsibility as a head of that Ministry. But if I were given the opportunity I will also present copies of what I sent out. One is that

Development Council (C.D.C). How far is C.D.C. in Enugu State? Thank you.

Dr M. Chukwunwike (*Commissioner-designate*): Well, the (C.D.C) Community Development Council was set-up in the year 2000, by His Excellency, the Executive Governor of Enugu State, Dr Chimaroke Nnamani. The essence was to bring developments to the Rural people, and to that extent the objective has been achieved. All of our pilot projects have been completed, and we are now into the second phase of the Projects implementation and more projects in other Communities. The Pilot Projects completed are Isu-Awa Education project; it was really commissioned by His Excellency. We have also completed the Eha-Amufu Cottage Hospital and Okpanku. Those are the work that we have finished already. The last two are waiting for commissioning. We hope to be more aggressive this time in order to reach other Communities. That is how far we have gone, Sir.

Mr A. C. Nnadi (Igbo-Etiti West): Dr Martins Chukwunwike, Commissioner-designate, you know that you are a Medical Doctor by training, am I correct?

Dr M. Chukwunwike: Yes, Sir.

Mr Nnadi: Now, assuming that we give you this job, we have two other Medical Doctors we are equally going to screen as Commissioners-designate. Where in the Ministry do you think you are going to be suitable, assuming one of the Medical Doctors take-over Ministry of Health? Thank you.

Dr M. Chukwunwike: I don't know whether it is for me to allocate Ministry for myself. But if my C.V. is acceptable to the honourable House, which ever Ministry that is allocated to me, I think, I will do my best to discharge duties there.

Mr Njeze: Dr Martins Chukwunwike, what Public Service experience do you have?

Dr Chukwunwike: Well, I worked at the Nnamdi Azikiwe University Teaching Hospital as

a resident Doctor when I was doing my post Graduate degree. I also was a Member of Mbarabo North Constitutional Committee. And I did medical conference in those Communities. I am to accommodate any other duty.

Mr Enebe: Mr Chairman, Sir, may I move that Dr Chukwunwike takes a bow and leaves the Chamber.

Mr J. Obidinma (Oji River): Mr Chairman, Sir, I rise to second the Motion that was moved by the hon. Member for Awgu North (*Mr Enebe*). Thank you.

Question put and agreed to.

Dr Martins Chukwunwike, accordingly took a bow and left the Chamber.

The Chairman: Honourable Colleagues, before you is Engr Dike Boniface Nnadi, Commissioner-designate. He is here based on your invitation, following his nomination as Commissioner in Enugu State Government. His C.V. is before you. So, Members are free to ask him questions.

Chief Whip: Mr Chairman, Sir, the Commissioner designate (*Engineer Dike*), appears to be an engineer of excellence so to say. He is one we have all known to belong in one way or the other to the party we ourselves belong.

Mr Chairman, may I move that he gives a summary of his curriculum vitae and there after takes a bow and leaves.

The Chairman: What the Chief Whip moved is not a Motion.

Mr Enebe: Mr Chairman, it is a Motion.

Chief Whip: Mr Chairman, what I said is this, I moved a Motion that he gives a summary of his C.V. and thereafter takes a bow and leaves.

Mr Enebe: An observation. My observation is that the Motion of the Chief Whip should come

one after the other because if in the course of his answering the question we are not satisfied, another question may come up, then he cannot take a bow and leave.

The Chairman: So, the Commissioner designate (*Mr Dike*) may give us the run down of his C.V., thereafter somebody can move the second Motion.

Mr Dike Nnadi (Commissioner designate): My names are Engr Dike Nnadi and my town of origin is Ekeokwu Ekwegbe. I was born on 13th April, 1960; I did my primary education at St. Patrick's School, Ekeoku Ekwegbe; I did my secondary education at College of Immaculate Conception (CIC) Enugu. I had my University education at the then Anambra State University of Technology, Enugu.

I am a holder of First School Leaving Certificate, WASC, a Bachelor Degree in Civil Engineering. My place of primary assignment under the NYSC was at the Governor's Office, Sokoto State.

After that I came down to the South, I had my first employment with YOKS Consultant. It is a Civil Engineering Firm headed by currently the Chairman of the Nigerian Society of Engineers, Engr D.E. Oke.

Later I was employed by El-shadai Computers as a Manager. Subsequently, I was employed by NOKAN Ventures as the Project Manager.

Deputy Speaker (Mr Atigwe): Mr Chairman, I beg to move that the gentleman before us takes a bow and leaves. Thank you.

Mr A.C. Nnadi (Igbo-Etiti West): Mr Chairman, Sir, I beg to second that Motion that hon. Dike Nnadi (*Commissioner designate*) takes a bow and leaves. Thank you.

Question put and agreed to.

Mr Dike Nnadi (Commissioner designate) accordingly took a bow and left the Chamber

The Chairman: Honourable Colleagues, before you is Mr J.C. Ude one of the Commissioners designate. May you ask him your questions, please.

Deputy Leader: Thank you, Mr Chairman. The gentleman standing before us was a former Commissioner under the first session of this administration. He is also the man who is incharge of all the campaigns within the party that brought all of us here, and having served in the previous administration as Hon. Commissioner, and as an architect of our being here, by our great party, may I move that Hon. J. C. Ude simply takes a bow and leaves the Floor of this House.

Mrs C. Eneh: Mr Chairman, Sir, I have risen to second that Motion. Thank you.

Question put and agreed to.

Mr J.C. Ude (Commissioner designate) accordingly took a bow and left the Chamber.

The Chairman: Honourable Colleagues, before you is Engineer F.U.C. Ugwu. You are free now to ask him your questions.

Mr O. Chukwuegbo (Enugu South): Mr Chairman, Sir, having gone through his curriculum vitae, and of course I believe every one of us have equally done so, I stand to move that Engineer Ugwu takes a bow and leaves.

Mr Enebe: Mr Chairman, Sir, before I second the Motion may I ask the Commissioner designate before us that if he is sent back to the Ministry of Works, how long will it take him to work the road in our quarters.

Engineer Ugwu: Mr Chairman, Sir, we have already made proposal concerning road network in the legislative quarters and the drainage system and that has been submitted to His Excellency. We are awaiting his response for us to start work.

Mr M. Njeze (Udi North): Thank you, Mr Chairman. I wish to second the Motion but after the former Commissioner has answered this

that the majority of them, about nine of them we have just screened were former Commissioners. They have held positions in the last government in just few months or one year or thereabout. They have been able to distinguish themselves in their different Ministries. I take particular interest in the appointment of Engr Dike Nnadi because during the last elections, I worked closely with him at Awgu to ensure that our party PDP, wins the elections. He was so instrumental to the success recorded at Awgu to the extent that I have been looking forward to this day. I therefore thank almighty God and the Governor for rewarding hard work.

The youngmen really did a lot of job for us. I will not end my speech without mentioning the re-emergence as a Commissioner of our one-time Speaker, hon. Dr F.S.A. Uzor. I say this because most of the time hon. Members leave the House of Assembly, the next visit you will hear that the person's corpse is being brought to the House of Assembly. This is a young man who within such a short space of time has attended screening here, the other time and he is here again. I believe that all these are happening because he has being able to do the job as the governor wants him to do it.

I equally want to also to mention about Dr Martins Chukwunwike, who recently, was the Coordinator of CDCC in Enugu State. Dr Martins Chukwunwike happens to come from my own constituency and as far as I am concerned, with his due sense of duty and responsibility, I can confidently vouch for his ability to deliver, if eventually the House confirms his appointment. The same goes to other designates like Barr Sullivan Chime and Chief Ayogu Eze. So, Mr Speaker, without wasting much of your time, I am of the opinion that we go ahead to confirm these Commissioners-designate, so that the wheel of Enugu State will not ground to a halt. Thank you, very much.

Chief Whip: Mr Speaker, Sir, I have risen to show my appreciation with the caliber of personalities being forwarded to this honourable House for appointment as Commissioners. In the first instance, the people who were forwarded are

people with sound Curricula Vitae and people who have excelled in their fields of different endeavours and it is my belief that having made tremendous success from where-ever they have been prior to their appointment as Commissioners-designate, they must have done well there. It is my hope as well that they should continue and will keep the flag flying.

Mr Speaker, Sir, this is one of the first times intellectuals are really being imported into the government of Enugu State because if you watch the Curricula Vitae of the Commissioners-designate at least ninety five of them are graduates of up to Masters Degree level. I believe that the academic in put they have really made towards the growth of the society could be transferred into the political engineering of this state. Mr Speaker Sir, I wish also to commend the Executive for doing the State proud by the appointment men of credible character, and I also wish that the Commissioners-designate will discharge their duties effectively. I am praying also that the functions to be allocated to the Commissioners should be made to appear in a technical formular, by allocating people with the subject matter for which they have excelled excessively into their fields of endeavour.

Mr Speaker, Sir, on grounds of these I wish to say a big congratulations to the Commissioners for passing through these hurdles of cross-examinations and interviews. Thank you, Sir.

Deputy Leader (Mr Anikwe): Mr Speaker, I have risen to make contributions about these gentlemen we have just screened. I have to commend immensely His Excellency, the Executive Governor of Enugu State for one particular thing demonstrated in this appointment. If you watch out clearly, you will discover that 100% of these people are actually party functionaries and party loyalists. People that have contributed immensely to what we are today, the enthronement of this present administration.

Do we talk of the women Leader of the PDP, indefatigable, all-dogged woman of the party, or do we talk of Nnadi, who has been there as the old

question. You have just told us that the proposal for the repair of the road is awaiting the Governor's approval. As an experienced Engineer, before your proposal scales through; if you are returned to the Ministry of Works, before the proposal comes out, is there no way, as an experienced Engineer, you can use existing tippers and pay loaders and graders in your Ministry to have a temporary repair pending when the approval comes out.

Engr Ugwu: Mr Chairman, Sir, presently, we do not have reliable equipment in the Ministry and even if we have, we still need money to buy gasoline, engine oil and other things. We shall still pay for latrite, which we shall bring into the place and it is also necessary that a nice work and final work according to the design we have made is adhered to so that we do not have a repeat after heavy rain.

Mr Njeze: Mr Chairman, Sir, having answered the questions may I second the Motion moved by the Chairman, House Committee on Works that he takes a bow and leaves.

Question put and agreed to

Engineer F.C.U. Ugwu accordingly took a bow and left the Chamber.

The Chairman: Honorable Colleagues, Mr Clement Okwor is here. You can ask him question.

Mr M. Onyeze (Igbo Eze North I): Mr Chairman Sir, the curriculum vitae of the Commissioner-designate is before all of us. You are all aware that he was a one time Secretary to the State Government and just up to few days ago, hon. Commissioner for Education. You are all aware of his outstanding achievements in those places he had worked, I therefore, move a Motion that he takes a bow and leaves.

Mr C. Ugwu (Enugu East II): Mr Chairman, Sir, I rise to second the Motion.

Question put and agreed to

Mr Clement Okwor accordingly took a bow and left the Chamber.

The Chairman: Honourable Colleagues, before the House is Mr Chinedu Onuh, you can go ahead and ask him questions.

Mr A. O. Chigbo (Uzo Uwani): Thank you Mr Chairman. My Colleagues, hon. Members of this great Parliament, it is said that the sweetness of the food is in the eating. My respected Colleagues, I am appealing that the youngman before us should take a bow and leave because he is well known to all of us.

An hon. Member: The hon. Member for Uzo Uwani (*Mr Chigbo*) has not moved any Motion. (*Interruptions*).

Deputy Leader (*Mr Anikwe*): Thank you, Mr Chairman, may I now Move that Mr Hilary Chinedu Onuh, simply takes a bow and leaves the Chamber.

Mr F. E. Amu (Nsukka East): Mr Chairman, Sir, I rise to second the Motion moved by the Deputy Leader (*Mr Anikwe*) that Mr Hilary Chinedu Onuh takes a bow and leaves.

Question put and agreed to.

Mr Onuh accordingly took a bow and left the Chamber

Leader: Mr Chairman, Sir, I pray that Committee reports progress.

Mr Speaker resumed the Chair

Mr C. O. Enebe (Awgu North): Mr Speaker, Sir, I have risen to say my views on what we just experienced. First of all I will like to express my happiness with the State Government i.e. the Executive Arm of Government for appointing mostly youngmen into this yet to be formed Cabinet. I say this because the future of this State belongs to the youths, and you will agree with me

party Chairman of Igbo Etiti, who laboured and fought the opposition there to a stand-still, or we you talk of J.C. Ude, the Campaign Manager who packaged and worked for every existing community in the nooks and crannies in Enugu State? Who else will he talk of that have not done one thing or the other i.e. contributed immensely to the party. by this, His Excellency has demonstrated that he who works will definitely eat.

If you have patience, your own time will come. This exemplary appointment to my mind are very much suited. To my own understanding, they merit this appointment. I urge my Colleagues, to confirm these appointments without delay.

Mr Speaker, therefore may I move that the Question be put for the confirmation of these nominees as screened. Thank you.

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

Main Question put and agreed to.

Resolved: That this honourable House today, 3rd day of June 2004, confirms the appointment of the Commissioners-Designate as sent to this honourable House by His Excellency the Governor of Enugu State, Dr Chimaroke Ogbonnia Nnamani.

**MATTER OF URGENT PUBLIC
IMPORTANCE**

**Congratulatory Message to the
President of the Federal Republic of
Nigeria, Chief Olusegun Aremu
Obasanjo for the worthy Appointment
of Prof. Chinedu Ositadinma Nebo as
the Vice Chancellor of the University
of Nigeria (UNN) Nsukka**

Mr A. O. Chigbo (Uzo Uwani): Mr Speaker, I have a matter of urgent Public importance. In view of this matter, Mr Speaker, may I seek the leave of this House to suspend Order No. 25 of

this House, which says; *That every Motion must be on notice;* to enable me bring the attention of this House to this all-important matter.

Mr Enebe: Mr Speaker, observation; I have an observation to make.

I am personally not against this Motion, but I want to point out to the Sponsor of the Motion that the caption is not properly couched. It says: *Congratulatory Message to the President of the Federal Republic of Nigeria, Chief Olusegun Aremu Obasanjo for the worthy appointment of Prof. Chinedu Ositadinma Nebo as the Vice Chancellor of the University of Nigeria Nsukka.* The Congratulatory Message should go to the beneficiary, Prof. Chinedu Ositadinma Nebo and not Mr President. Thank you.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, the word congratulation can go to express positive feelings when somebody has done something good, and also to somebody who has received something. So I believe that we are congratulating the Head of State for doing something good.

As a matter of fact he has done something good and we can appreciate it by saying *congratulations*. I do not see anything wrong by using the word *congratulation*, instead of *thank you*.

Chief Whip: Mr Speaker, I think that the observation raised by the hon. Member for Awgu North (*Mr Enebe*) is unnecessary considering the fact that he aligns himself with the intents of the Motion. It is my thinking that if the caption is not phrased the way it should be, all he needs do is to make an amendment.

May I second that Order No. 25 of this honourable House be suspended.

Mr Speaker: So it is very clear that the observation canvassed by the hon. Member for Awgu North (*Mr Enebe*) is premature. (*Laughter*).

Question put and agreed to.

Order No. 25 accordingly suspended to enable the hon. Member for Uzo Uwani to move a Motion on Matter of Urgent Public Importance.

Mr Chigbo: Mr Speaker, Sir, my respected Colleagues of this Parliament. It is a thing of joy. The eagle has landed. My Colleagues, it is the appointment of Prof. Chinedu Ositadinma Nebo, the son of the soil as the Vice Chancellor of the University of Nigeria (UNN) Nsukka.

Chief Whip: Point of Order! The Motion has not yet been seconded.

Deputy Leader (Mr Anikwe): Mr Chairman, I have risen to second the Motion as moved by the hon. Member for Uzo-Uwani (Mr Chigbo).

Mr Chigbo (Uzo-Uwani): Mr Speaker, Sir, my respected Colleagues of this great Parliament, it is a thing of joy, the eagle has landed. My Colleagues, it is the appointment of Prof. Chinedu Ositadinma Nebo, the son of the soil as the Vice Chancellor of the University of Nigeria Nsukka. It is on this note, that I wish to remind you people that since 1960 when the University was founded till today 2004, 44 years now, that nobody from this State (Enugu State) where the University is situated has ever been the Vice Chancellor which has severely affected our people from employment quota, admission of our sons and daughters, promotions in the Institution, and even departmental heads. It is based on this singular opportunity given to us that I am delighted and enjoin the hon. Members of this great House to resolve as follows:-

1. That the Enugu State House of Assembly and in fact, the entire people of the State hereby congratulate the Head of State Chief Olusegun Obasanjo for the appointment of professor Chinedu Nebo into the exalted position of Vice Chancellor of University of Nigeria Nsukka which we are clamouring for since 44 years now.
2. That the Enugu State House of Assembly hereby felicitates with our

dynamic Governor for his untiring efforts in seeing this dream come true.

3. That we, the hon. Members of this great Parliament hereby urge our son to always go ahead with his hard work and good omen which contributed in one way or the other in realizing this long awaited dream; by this act the sky will be his limit.

Be it moved and it is hereby moved.

Deputy Leader: Thank you, Mr Speaker. If you watch out, the success of the Motion actually has to go to the man who made it possible. That man is the man who has power to appoint. He is the Head of the Federal Republic of Nigeria. It is an honour done to Enugu State and to this honourable House. And as you know, such an honour is not just on a platter of gold. I am particularly happy for the doggedness of His Excellency the goal-getter, dynamic Governor of Enugu State for standing behind this and to make every effort to actualize this long dream of having an indigenous Vice Chancellor in the University situated here in Enugu State.

Mr Speaker, you will recall that Professor Nebo as a person himself was the former Deputy Vice Chancellor (DVC) of ESUT and a reverend, a man of God. He was just promoted a Venerable in Anglican Communion. I believe it is actually the manifestation of divine intervention because I believe in my mind, a divine intervention can lead to divine dividends. That is what we are having today by the grace of His Excellency, Mr President and by the grace of His Excellency, Dr Chimaroke Nnamani, the Executive Governor of Enugu State and most importantly, by the grace of the Almighty God we are today talking of Vice Chancellor of Enugu State origin taking charge of the famous number one University, University of Nigeria, Nsukka. Mr Speaker, this Motion does not require long speech. I call on my Colleagues to quickly pass this Motion. I therefore move that the Question be put. Thank you.

Chinedu Nebo into the exalted position of Vice Chancellor of Vice Chancellor of University of Nigeria Nsukka (UNN), which we are clamouring for since 44 years now.

2. That the Enugu State House of Assembly (ENHA) hereby felicitates with our dynamic Governor for his untiring efforts in seeing this dream come true.
3. That we the hon. Members of this great Parliament hereby urge our son to always go ahead with his hard work and good omen which contributed in one way or the other in realizing this long awaited dream; by this act the sky will be his limits.

ANNOUNCEMENT

Meetings

Mr Speaker: There will be a meeting of the House Committee on Education, Friday 4th June, 2004, by 12 noon. The venue is Chairman's Office, room 212. All Members of the Committee are expected to attend the meeting and crucial matters are really to be discussed.

Public Hearing

The Members of Joint Committee on Health, Judiciary, Education and Privileges are invited for Public Hearing on the Bill titled *Accident Victims Immediate Treatment Bill No. 7, 2004* as follows: Date is Friday 4th June, 2004, Time 11 a.m. Venue is conference Hall, House of Assembly Complex. Signed by hon. F. Onah, Chairman.

Meeting

The House Committee on Rules and Business will be having their normal meeting on Wednesday, 9th June, 2004, by 11 a.m. in Chairman's Office. Room 123A. signed by hon. J. Anichukwu, Leader, Chairman of House of Committee on Rules.

Honourable Colleagues, you will recall that some-times ago, when the former Leader was appointed an Ambassador, I did announce that the Deputy Leader should continue to act until we have new Leader. Now that the House has got a new Leader, we have actually take off that the Leader should be the Chairman, Rules and Business.

ADJOURNMENT

Leader: Mr Speaker, Sir, hon. Colleagues, I stand to move that this honourable House do now adjourn until 10 a.m., Thursday, 10th June, 2004.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, my hon. Colleagues, I rise to second the Motion for adjournment. Thank you.

Question put and agreed to.

Resolved: That this House do now adjourn till Thursday, 10th June, 2004, by 10 a.m.

Adjourned accordingly at 5.05 p.m.

Mr Enebe: Mr Speaker, I have risen to speak on this on-going debate as it affects this Motion before us. Incidentally this is a Motion on a matter of Urgent Public Importance and it is not a Motion under notice and after my contributions I will offer one or two amendments. I stand by saying that Professor Nebo who was the DVC (Deputy Vice Chancellor) of ESUT and has now been re-appointed the Vice Chancellor, Nsukka, his appointment speaks well about ESUT as a University because if he could be elevated from DVC in ESUT to head UNN, what it really means is that the ESUT has always been in a safe hand. I equally want to state that it is a thing of joy, like the Sponsor said, for an indigene of Enugu to occupy this position today.

We are all aware that it is part of democracy because all these while, if not for democracy I don't think we would have been able to have gotten this job and for those of us that are representing our people it is our duty to appraise things as they happen. It is on this note that we are giving support to this very important Motion and we are urging our sons and daughters in other areas of endeavour to try as much as possible to break new grounds so that the youths who are coming after us will now know that Enugu man can climb to any height in this country.

Before now we are mere partakers at Nsukka University but today our own son is the Vice Chancellor. It behooves on all of us, both those who are within the University Community and those who are outside, to ensure that this appointment is sustained because something that is good is bound to face challenges. In no distant time, I am not praying for that, but if our people do not guard their mouth, you may discover that some people in that system may not be comfortable with this. So, we have to watch it and advise the new V.C. to play the game according to the rules.

Mr Speaker, the issue of my moving for an amendment has nothing to do with challenging anybody's credibility or qualification. What I merely try to do is to ensure that anything that is given to this House can get to anywhere. It can

get to internet so that we have to look at things properly in terms of how we fix our words here and there. So, Mr Speaker, under the first prayer, in the caption, I would have preferred that we amend it to say *a message of Appreciation to the President*. Then, under the first prayer I will want us to change it that *Enugu State House of Assembly and the entire people of Enugu State hereby thank the head of State, Chief Olusegun Obasanjo for the appointment of Professor Chinedu Nebo*. Then, I want us to add a fourth prayer where we can now congratulate Professor Nebo and urge him to do everything within his reach to ensure that the University is run better than it was. Than you, very much.

Several hon. Members: The suggested addition is already contained in the Motion.

Chief Whip: Mr Speaker, Sir, I rise to second the Motion that was moved by the hon. Member for Awgu North (*Mr Enebe*).

Question That we change 'Congratulatory Message' to 'Message of Appreciation' put and agreed to.

Question That we delete 'Congratulation' and insert 'Thank' put and agreed to.

Mr J. Obidinma: Mr Speaker, Sir, I wish to align myself with this Motion. Mr Speaker, in respect of law.

Several hon. Members: Point of Order! Point of correction! Point of ... (*laughters*) Therefore may I move that the Question be put. Thank you.

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

Main Question put and agreed to.

Resolved:

1. That the Enugu State House of Assembly and in fact the entire people of Enugu State hereby thank the Head of State, Chief Olusegun Obasanjo for the appointment of Prof.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 81

Thursday
10th June, 2004

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Question put and agreed to.

*Votes and proceedings of 3rd June, 2004,
accordingly adopted.*

ORDER OF THE DAY

Report from Joint Committee on Health and Judiciary, Public Petitions, Ethics and Privileges on the Accident Victims (Immediate Treatment) Bill No. 7, 2004

Chairman, Joint Committee on Health and Judiciary (Mr F. Onah): Mr Speaker, Sir, may I present a Report from the Joint Committee on Health and Judiciary, Public Petitions, Ethics and Privileges. Office of the Chairman, Joint Committee on Health and Judiciary, Room 014, Legislative Building, Enugu.

The Speaker,
Enugu State House of Assembly,
Enugu.

Mr Speaker, Sir,

Report of the Joint Committee on Health and Judiciary on a Bill for a Law, Titled Accident Victims (Immediate Treatment) Bill No. 7, 2004

Deputy Speaker: Point of Order. Mr Speaker, we have to second the presentation of the Report before he proceeds to read it.

Mr Speaker: Honourable Deputy Speaker, it appeared on the Order Paper, and now that I have announced it, the Joint Committee Chairman can stand up and present the Report. It is only after he had presented the Report that the Leader of the

House can now move a Motion for the acceptance of the Report to be considered immediately or to be determined by the Rules and Business. That is when it requires a seconder. Am I right!

Deputy Speaker: At your own time!
(Laughter).

Mr Speaker: May the Chairman of the Joint Committee go ahead. The Joint Committee on Health and Judiciary was mandated by the Hon. Speaker to give thorough legislative scrutiny to the above mentioned Bill. The Members of the Joint Committee decided in its entirety to pursue the Bill with every commitment and dedication it merited by having constant joint Committee deliberations, interviews, visitations and a well attended public hearing.

The Committee was able to organize a very fruitful public hearing which attracted the Deputy Commissioner of Police in attendance, who represented the Commissioner of Police, representatives from the Federal Road Safety Commission and the office of the Director, State Security Services, Senior Directors and Heads of Departments in the State Ministry of Health, a Private Medical Practitioner, a member of the Nigeria Labour Congress, the Press and other members of the Public.

However, due to its critical and objective assessment of the Bill, the Committee was able to make some amendments and it is hereby attached.

Leader (Mr Anichukwu): Thank you, Mr Speaker, may I move that the Report submitted by the Joint Committee on Health

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 10th June, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before us are our Votes and Proceedings, No. 2, Second Session of the Third House of Assembly, 3rd June, 2004.

Distinguished hon. Colleagues, I have gone critically through the Votes and Proceedings as announced and to my best knowledge, they are correct. However, I call for comments to enable us adopt them. Thank you.

Mr A. O. Chigbo (Uzo-Uwani): Mr Speaker, Sir, my respected Colleagues of Enugu State House of Assembly. Mr, Speaker. I have equally gone through the Votes and Proceedings of our last legislative sitting, but it is only one minor error that I have observed.

On the second page or first page at the back, the names of hon. Commissioners cleared by this honourable House. So, Mr Speaker, the error there is the name of hon. James Adamu. It is not 'Adamu', but 'A-d-e-m-u', 'Ademu'.

Mr Speaker: Thank the hon. Member for Uzo-Uwani (*Mr Chigbo*) but I think that was what was sent to us. However, if there

is a mistake in the spelling of the name, well, the Clerks-at-Table should take note, but that name 'Adamu' was what was sent to us, and no one raised objection on that day.

Mr Chigbo: So, Mr Speaker, apart from that minor error I move that the Votes and Proceedings of our last sitting is correct.

Mr Speaker: Is the hon. Member for Uzo-Uwani (*Mr Chigbo*) moving a Motion that we adopt the Votes and Proceedings of our last sitting? I do not know!

Mr Chigbo: Mr Speaker, apart from that minor error, I hereby move a Motion that our last legislative sitting be adopted.

Mr Speaker: That is not correct still!

Mr Chigbo: I move for the adoption of our last legislative sitting.

Mr Speaker: What is wrong with the hon. Member for Uzo-Uwani (*Mr Chigbo*)? Order! Let somebody else do that. We are not joking here, each time we are in the Chambers, we should be very serious. This is a very simple thing, if one wants to move a Motion for the adoption of our Votes and Proceedings, he should put it correctly. I do not know how he put it, can the hon. Member put it correctly?

Mr Chigbo: Mr Speaker, I move that we adopt our last Votes and Proceedings. Thank you.

Deputy Speaker (*Mr Atigwe*): Mr Speaker, I rise to second the adoption of our Votes and Proceedings after the necessary corrections. Thank you.

Committee, that does not mean that he has no right to make his personal view. And, more importantly, when I remembered vividly that this issue of accident informer came up during our debate.

Chief Whip (Mr E. Odo): Mr Speaker, I have noted the observation made by the hon. Member for Igbo Eze North I (*Mr Onyeze*) but it appears to me that it is unripe, considering the fact that we just interpreted what an accident informer means. If an accident informer is not appropriately used in the body of the Bill, then we might have the need to expunge it, but if it does ... because at times it might be too early for somebody to quarrel on a particular word here.

The Chairman: I do not think that it is premature. Remember that I wanted to put the Question on it, and the moment I put Question on it and it is agreed, it stands.

Chief Whip: Mr Chairman, the little deviation there is that this is just Interpretation. If something is deleted in the body of the bill, this is just ordinary Interpretation Section ... (*Interruptions*)

The Chairman: Can the Chief Whip listen to me. The Interpretation determines what is going to be in the body of the law. Because if we now say, for instance, the Interpretation of Governor, we say the Governor of Enugu State and in the Interpretation, we say the Governor of Enugu State and in the Interpretation, we say the Governor of Kaduna State or Governor of Abia State, and we fail to correct it here, I do not know what it will mean, because it will affect the body of the bill.

Chief Whip: Let me agree with the Chief Whip for now but the word accident informer, because why I do not want to really pounce on this is that it might lead us into debating what is in the body of the bill, which we have not reached up to. There is no way we can show the justification of an accident informer without making references to the body of the bill.

The Chairman: What is in the body of the bill? Tell us what is in the body of the bill.

Chief Whip: Listen! In the body of the bill we have, in clause 9, it says that 'every hospital ...' and there is an amendment to that effect, that is why I said that it is premature, because we might be jumping the gun.

The Chairman: Go on!

Chief Whip: Every hospital shall designate an officer of the hospital, an accident informer, whose additional duty shall be to inform the police anytime a victim arrives in the hospital. It states that this person is not designated solely to be an informer.

The law says additional duty, which means he has to carry out other duties added to accident informer. It is not to say that you will go to the hospital and ask for an accident informer. It presupposes that something has to be happening. The designation meant for that person still holds.

The Chairman: Let us not contradict ourselves in this matter. If we delete that informer and insert any senior staff of the hospital ...

and Judiciary be accepted for consideration of the House. Thank you Sir.

Mrs C. Ene (Udi South): Mr Speaker, Sir, I have risen to second the Motion as moved by the Leader of the House.

Question put and agreed to.

Leader: Mr Speaker, Sir, may I move that the House resolves itself into Committee of the Whole House for the consideration of the Report on the Bill before the House, along with the original Bill. Thank you.

Mr F. E. Amu (Nsukka East): Mr Speaker, Sir, I rise to second the Motion moved by the Leader of the House (*Mr Anichukwu*).

Question put and agreed to.

ACCIDENT VICTIMS (IMMEDIATE TREATMENT) BILL NO. 7, 2004

A Bill for a Law to provide for the Treatment of Accident Victims; for the treatment of Gunshot Victims; for Assurance that they get Immediate Attention; and for Purposes Incidental thereto – (Considered in the Committee of the Whole House)

The Chairman: Honourable Colleagues, now that we are in the Committee of the Whole House for the consideration of the Report of the Joint Committee on Health and Judiciary, Public Petitions, Ethics and Privileges along side with the original Bill, may I request that we suspend Short Title and Commencement, Enactment, and Interpretation for now.

CLAUSE 2 – INTERPRETATION. I want us to start with the Interpretation.

CLAUSE 2 – INTERPRETATION *As amended, ordered to stand part of the Bill.*

Mr M. Onyeze (Igbo-Eze North I): Mr Chairman, I want to find out if 'accident informer' whether it is still important in this Bill. If it is still necessary in this Bill, because throughout it is stated that nobody should be designated 'accident informer' and even during the amendment, somebody is requested to take it upon himself, the most senior person on duty to take it upon himself to inform the Police. So I feel there is no need to have "Accident Informer" there.

Mr F. Onah (Nsukka West): Mr Chairman, the hon. Member for Igbo Eze North I (*Mr Onyeze*) happens to be a Member of this Committee. I do not think that he has any reason for not making such amendment before we concluded this Report.

The Chairman: Is the hon. Member for Igbo Eze North I (*Mr Onyeze*) a Member of the Committee?

Mr Onyeze: The law is being made for the public;

The Chairman: Excuse me; He is a Member of the Committee, but may be at that Committee level he disagreed with them and he now wants to make his opinion known.

Please, let us not just treat this matter casually. In as much as the hon. Member for Igbo Eze North I (*Mr Onyeze*) did not attend public hearing or meetings of the

Chief Whip: In the amendment, we said that in line (1), delete *every hospital* and insert *the most senior official of every hospital on duty*. Thus, the most senior official of every hospital on duty shall designate an official of the hospital as an accident informer whose additional duty shall be to inform the police anytime a victim arrives in the hospital.

The rationale behind what we have done is that we felt that if this duty is left with the most senior official, who is meant to handle the accident victim, for instance a medical Doctor who is operating a private clinic, by designation he should be the most senior officer and instead of treating the victim, we now compel him to make arrangement to the police, it is not necessary. That is why we said that the most senior officer should delegate somebody who should be an accident informer, additionally to what duty the person is meant to carry out. So, that is just that.

Mr Onyeze: Mr Chairman, Sir, if we continue to insist on the designation of a particular person as an accident informer, then it will contradict the intents of the original bill, and what we are trying to do now. Because when you designate somebody for a particular job, call him an accident informer, then tomorrow you have another accident informer. Next tomorrow, you have another accident informer, but I believe that the correction we are trying to make is that when people are on duty at any particular time and there is an accident case, it is the duty of the most senior person there to get the police informed while you continue with the treatment.

He can do so with telephone, he can even send a messenger or by any means. He does not need to leave the treatment. But if we insist on labeling somebody an accident informer, we are making the hospital to employ more people. So I insisted on raising this matter because during debate, I think it was clearly understood, that designating a person an accident informer in various hospitals and various clinics will be very cumbersome when it comes to operating the law.

Deputy Leader (Mr Anikwe): Further observation! I think the bone of contention is that there is a kind of communication gap in understanding. The Committee, having observed critically the intendment of the bill can only effectively, follow that bill by allowing somebody to be designated in addition to what he is doing, in addition to what he is employed to do.

If we are quarreling over the issue of who should do it and not that it should not be done, there is still need for an accident informer but who should carry it. That is his problem, so we have solved the problem by saying that the most senior person can now delegate it further, in addition to what he is doing. Not that somebody is wholly employed, primarily as an accident informer. But in conjunction to what he is doing, the most senior Doctor on duty can now delegate somebody else to phone the police and get them informed.

The Chairman: Let us agree, because immediately the hon. Member for Igbo Eze North I (*Mr Onyeze*) raised this matter, my mind now went back to the day this issue was debated, where we agreed that using the word accident informer is not necessary.

We tried to look at issues before we took decisions.

If we now say accident informer, if then they attach some other responsibility to that person, and eventually when you go to the hospital and that person is not around, what happens?

Chief Whip: There is no way you can get a report without seeing anybody there. That means the hospital is not functioning. Meanwhile, the person who is in charge of the hospital will narrow it down to specific days of treatment for a medical doctor who has a private clinic. He must have, at least, a messenger even if he operates alone. Now, he being the most senior person, if you confirms him to be an accident informer, that means within the 24 hours permitted by law he should be running around going to the police instead of giving the person treatment. We now say this person who is the most senior person should delegate somebody; nobody's name is an accident informer whoever the most senior person delegates becomes the accident informer at the moment. If for instance, somebody is an accident informer around ten o'clock in the morning and is on a shift and then the most senior person may be in the afternoon can still delegate another person. Nobody's name is an accident informer for the purpose of this Bill. Thank you.

Mr Onyeze (Igbo Eze North I): Mr Chairman, Sir, we are trying to create a loop-hole for people to escape. If you do not make a senior person responsible for accident victim, if you now allow him to appoint from time to time accident informer if there is a problem which now affect the victim whom are you going to hold strictly

responsible. Are you going to hold the most senior person or the accident informer responsible? You may not even know the person. But if you hold the most senior person responsible, if there is any problem the law can hold the person and take the person to court. But when you now leave it open so that the most senior person will appoint or delegate somebody to appoint then at the end of the day the law may not have anybody to hook.

Deputy Leader (Mr Anikwe): Mr Chairman. When you delegate somebody to perform an act, for instance now, you see, most of the write-ups 'I am directed', that is a delegation. 'Signed for' that is a delegation. This is authority now given you. I am not quarreling over the issue of somebody doing the job but who should do it. The issue is who should do it, that is the question. The question is: Is the hon. Member for Igboeze North I (*Mr Onyeze*) quarrelling over the issue of somebody doing the job of that Accident Informer or is he quarrelling over the importance of an Accident Informer.

Mr J. U. Onoh (Enugu North): Mr Chairman what I understand the hon. Member for Igboeze North I (*Mr Onyeze*) is arguing about is negligence involved in the issue of an official because in the Bill itself the Senior Officer of the hospital may say Mr 'A' go and inform the police and if in the process anything goes wrong they will say Mr man you are on duty when the person was treated. You are talking of accepting responsibility and I feel that the issue falls on the most Senior official of the hospital. He should be the one to be held responsible.

Chief Whip: I have a question for the hon. Member who has the Floor (*Mr Onoh*) and the entire House. My question is: in a situation where, because the law permits 24 hours within which an accident informer will report. In a situation where somebody is critically ill and is brought in a hospital and the most Senior person there happens to be a medical personnel as the case of private clinic and the person needs to understudy the case, what happens?

The Chairman: No, no, that is even wrong because that you are the most senior in the hospital and Chief Medical Director that is supposed to take care of the hospital, it does not mean that you will not have the opportunity to report the case to the police. It does not mean so. There are so many ways to contact the police. You can even use phone, you can even send somebody. I can say, from the explanation given now, the argument seem to be clearer now than the way it was before. So, I think we can make progress leaving the word informer since there is nobody called informer. Anybody, even your friend and you get to that place tell him please, go and get a police something is happening here.

Mr Onyeze: Before we put the Question, the Accident Informer in that clause 2 let me read what it means there. It says: *Accident Informer means any person so designated by a hospital, upon commencement of this law;* Now it should be any person designated by the most Senior official on duty in a hospital or clinic. Because the hospital designated somebody as an accident informer.

Clause: 2 ordered to stand part of the Bill.

Clause: 3 ordered to stand part of the Bill.

CLAUSE 4 – MONEY DEPOSIT NOT A CONDITION FOR TREATMENT - ordered to stand part of the Bill.

CLAUSE 5 – TREATMENT OF PERSON WITH GUNSHOT WOUNDS

CLAUSE 5(1) - ordered to stand part of the Bill.

CLAUSE 5(2) - ordered to stand part of the Bill.

CLAUSE 6 – IMMEDIATE ACTION REQUIRED

CLAUSE 6(1) – *As amended, ordered to stand part of the Bill.*

CLAUSE 6(2) – *As amended, ordered to stand part of the Bill.*

CLAUSE 6(3) - ordered to stand part of the Bill.

CLAUSE 7 – VICTIMS TO REMAIN IN HOSPITAL UNTIL POLICE ARRIVES - ordered to stand part of the Bill.

CLAUSE 8 – ALRMS FOR INFORMATION

Leader (Mr Anichukwu): Mr Chairman, Sir, I don't understand the issue of letter of acknowledgement being expected by the Police.

The Chairman: What I am saying is my own mind. Then, in a situation where you tell somebody to go to Police Station to

make a report, the person may not even go to the Police Station. At this juncture, if one go to the Police Station, there must be a sort of information feed back to show that the Police is aware that the victim is at the Hospital. That is the way I look at it. Thank you.

Leader: Mr Chairman, Sir, but we know the epileptic system of office; if such information could be acknowledged in writing, let it be acknowledged in Court. This is because I am not being convinced, the type of acknowledgement that is expected from Police. Is it for the Police to accompany the informant? In fact I am not clear. Thank you.

Chief Whip: Mr Chairman, Sir, the essence of the acknowledgement that is being expected from the Police may give room for trickily games. For instance, it said that *provided the hospital may choose either by means of telephone or visit*. In this case, we may found out that there are some hospitals that do not have telephone. And even if they have, it is possible that somebody might have called a Policeman without any reply. And there is no proof as to say that this is what was discussed. So, we now say that it could be possible for a person to make a call, but Police acknowledging it means, that you have to come there and show evidence that he has heard what you have said. Because, in some cases where you can even call the Police and got the police on telephone, but he can hang the phone there for about five minutes. If it is Digital Compute, you can easily trace the number and it will show that he accepts the number, but no conversation is yet made. So the issue now is that, there must be an evidence for Police to show that people have come, and Police

are coming or not coming. Because it is the responsibility of the information to make sure that the Police comes. But where he did not come, you can simply write. By mere admittance of your letter, means that they have acknowledged it. It is as simply as that. Thank you.

Mr M. Onyeze (Igboeze North I): Mr Chairman, Sir, in practice what we see in most police stations is that you alert them for something they will tell you that their vehicle is not in order or that they are trying to get fuel. The onus of bringing the police should it lie with the man who is already treating an accident victim free in order to save his life. I think it is an unnecessary burden on the hospital authority or the chief medical officer, to compel him till only the police is there. It is only enough to inform the police without necessarily enforcing the police to be there because he may not have the logistics for lifting the police. The police station may be a little bit far from the place where the victim is being treated.

So, that extra burden should not be imposed on the hospital or clinic, in view of articulation and the police is not bound to give a written acknowledgement that you informed him. That will be an extra burden being imposed on the person now treating the accident victim.

Deputy Leader: Mr Speaker, why I am in support of a kind of an evidence is because the hospital man who is now empowered to delegate somebody, is not confused with what or how to treat the victim. The person delegated will ensure that the job was well done. Please I called and I phoned, did you receive my phone? Yes, I received your phone. It is an easy thing, because if we do not amend all these

things before this law comes into effect, they have been going to the air and saying please at this juncture we had a combat with men of the underworld, please if you have anybody anywhere with gun shot wound, do not treat. If they can go to the air to that extent, I have not seen the delay, if they agree now that they were already informed. Please take note this thing is happening in my hospital now, can even show that you are informed. They would not even bragg. So, you are not passing any unnecessary addition, or commanding anything at all.

The word I am quarreling with there is a word which appears to be a loophole, that is *May*. We are making a law, and when you use the word '*may*' that person may or may not, so Mr Chairman, that '*may*' should be replaced with '*shall*', because all these while we have been using shall, now they may choose to write or choose to phone. That '*may*' should be deleted and replaced with *shall*. That is what I am quarreling with. Thank you.

Leader: Mr Chairman, I am still not convinced about this acknowledgment. I believe that a specific Bill of this nature has got to be specific to an extent. If we will, in place of acknowledgement, make sure that the report is documented, because they have files for cases of this nature where every report is filed.

Deputy Speaker: That is an acknowledgement!

Mr J. U. Onoh (Enugu North): Mr Chairman, Sir, if I make a call and I identify myself on the phone, and the person I called answers, and I say is it this very person, and the person says 'yes', it is

an acknowledgement from the person I called.

Any form from which you can give information and pass it through and then you receive is an acknowledgement. It must not specifically be in writing. So long as you can receive, it is an acknowledgement, it should not be only the one documented on paper and the police signs 'original collected by me!

Mr Chairman: It is not stated so here.

CLAUSE 8 *as amended, ordered to stand part of the Bill.*

CLAUSE 9 – *as amended, ordered to stand part of the Bill.*

CLAUSE 10 – NO CRIMINAL LIABILITY AGAINST ANY HOSPITAL FOR TREATMENT OF AN ACCIDENT VICTIM

The Chairman: In line four, delete '*fullstop*' and insert '*subject to Section 7*', thus: No hospital shall be held criminally liable for the reasons only that it attended to a victim without a police Officer in attendance or without a police report subject to Section 7.

Amendment agreed to

CLAUSE 10 – *As amended, ordered to stand part of the Bill.*

CLAUSE 11 to 12 - *ordered to stand part of the Bill.*

CLAUSE 13 – NO ARREST WITHOUT A WARRANT.

The Chairman: In line two delete 'shall not be arrested without a warrant' and insert 'where no death occurs, shall be liable to a fine of fifty thousand Naira (N50,000.00) and or two years imprisonment'.

Thus: Any person who contravenes any of the provisions of this law where no death occurs shall be liable to a fine of fifty thousand Naira (N50,000.00) and/or two years imprisonment.

Amendment agreed to.

CLAUSE 13 – *As amended, ordered to stand part of the Bill.*

CLAUSE 14 – JURISDICTION

The Chairman: In line one, after the state insert 'or any tribunal of coordinate Jurisdiction with the High Court'.

Thus: The High Court of the State or any tribunal of coordinate jurisdiction with the High Court shall have jurisdiction to try any offence/s committed under this law.

CLAUSE 14 – *As amended, ordered to stand part of the Bill.*

CLAUSES 16 – 18 – *Deleted.*

Short title – *Agreed to.*

Long Title – *Agreed to.*

The Chairman: This Bill may be cited as Accident Victims (Immediate Treatment) Bill 2004 and shall come into force on the 10th June, 2004.

Commencement Date: 10-6-2004 – *Agreed to.*

Mr Speaker resumed the Chair

Leader (Mr Anichukwu): Mr Speaker, may I move that the bill as amended be now read the 3rd time. Thank you.

Bill accordingly read the 3rd time and passed.

Mr Speaker: Honourable Colleagues, this Bill which has to do with Accident Victims, Immediate Treatment Law 2004 has now been read for the 3rd time. In view of this development, the bill has been passed.

I sincerely wish to express my happiness to those of you who contributed in no small way to ensuring the passage of the bill. More importantly, I salute the courage of the hon. Member for Uzo-Uwani (*Mr Chigbo*) for a job well-done. I wish to state that he has demonstrated the fact that he can work very hard. This is the second private bill enacted by this honourable House.

I appeal to those others to try as much as possible to emulate the hon. Member for Uzo Uwani (*Mr Chigbo*). I thank you very much and I wish to express my happiness to the Committee for a job well done. In fact, when I came back, I asked them whether this bill will be ready today, they assured me that it will be ready, and, of course, it has been presented on the Floor of the House. So I thank you very much for all your efforts. I thank the hon. Members for the kind of debate, the kind of enthusiasm, the kind of support they gave to this bill during the first and second reading of this bill. In fact I can say that this bill attracted

the highest debate since the inception of this House.

I cannot end my appreciation without thanking the Clerk-of-the-House and other supportive staff for their commitment and for their corrections any where we try to go wrong. I thank you very much. I wish to thank Members of the Press for their wonderful contributions especial during the announcements, during the Public Hearing. So I thank you very much and do hope that from this moment we will expect to have lots and lots of other bills, private member bills at various stages and I did tell you that if you have any problem either during publication of your own please, endeavour to let us know. The most important thing is for us to pass private member bills. It goes a long way to create the impression that the House is very active. We have demonstrated that we can pass bills not from the Executive Arm of Government. That we can sit down and prepare our own bills.

Thank you very much for your wonderful contributions and we say to God be the Glory.

ADJOURNMENT

Leader: Thank you, Mr Speaker, may I move that this honourable House do now adjourn until 10 a.m. on Tuesday, the 15th June, 2004.

Mr A. Chigbo (Uzo Uwani): Mr Speaker, my Colleagues of Enugu State House of Assembly, in seconding the Motion for adjournment, I plead for two minutes audience. I really lack words to express my happiness today. I am very happy.

My appreciation goes to the leadership of this honourable House for their wonderful support to this bill. More especially as our Speaker has said, my respected Colleagues, a bill in this Parliament where no Member said no.

In fact I am very grateful. What I owe you my respected Colleagues and the leadership of this House is total loyalty.

Deputy Speaker (Mr Atigwe): Thank you, Mr Speaker. I am urging the Press through the various media that the public should know much about this law we have passed today touching the lives of the people. I think this is the best law this House has passed since its inception.

Mr Speaker, other thirty five States plus Federal Capital Territory, Abuja may or shall emulate this very law and that is what the Governor of this State is doing. People are emulating and not for us emulating what other people are doing. So, we should do what other Houses of Assembly should emulate.

Question put and agreed to.

Resolved: That the House do now adjourn until Tuesday 15th June, 2004 at 10 a.m.

Accordingly adjourned at 11.17 a.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 82

Tuesday
15th June, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA*Tuesday, 15th June, 2004*
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings dated 10th June, 2004 are before the House. I have gone through them and found them to be very correct. However, I need your comments.

Mr D. Ani (Enugu South I): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our last sitting and found them to be very correct. I therefore move for adoption. Thank you.

Mr F. Amu (Nsukka East): Mr Speaker, Sir, I rise to second the Motion.

*Question put and agreed to**Votes and Proceedings of 10th June 2004 accordingly adopted.*

ANNOUNCEMENT

Meetings

Mr Speaker: There will be a meeting of House Services Committee tomorrow 16th June, 2004. Venue is Chairman's Office, Room 103. Time is 10 a.m.

There will be inaugural meeting of House Committee on Chieftaincy, Culture and Tourism tomorrow 16th June, 2004 at 10 a.m. Every member of the Committee is expected

to be there and the time is 10 a.m. Venue is Chairman's Office, Room 05.

Please, I request that all hon. Members of the House shall meet briefly in my office. It will not be more than two minutes.

ADJOURNMENT

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I move that this honourable House do now adjourn until 10 a.m. on Thursday, 17th June, 2004.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, I rise to second the Motion as moved by the Leader. Thank you.

Mr M. Njeze (Udi North): Mr Speaker, Sir, it is my humble wish to support the seconded Motion for adjournment and in doing that, I wish to thank the hon. Speaker of the House and other hon. Members of the House for what I may call the new revolution in the House that now makes us attend the House on time. One can now notice that the Journalists do not even come at 10 a.m. I wish to use this opportunity to send our invitation to the Journalists covering the House to always come at 10 a.m. because we are now starting our sitting at 10 a.m. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till 10 a.m. on Thursday 17th June, 2004.

Adjourned accordingly at 10.20 a.m.



ENUGU STATE OF NIGERIA
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AND DEBATES OF THE
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ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

Thursday
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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 17th June, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings, No. 4 of Tuesday, 15th June, 2004 are before us, I have carefully gone through them and to the best of my knowledge they are correct. However, I need your comments. Thank you.

Mr E. Odo (Igbo-Etiti East): Mr Speaker, I have gone through the Votes and Proceedings of Tuesday 15th June, 2004 and I have carefully read the contents and found them to be the true reflection of what transpired on that previous meeting. I therefore move the Motion for the adoption of the Votes and Proceedings. Thank you.

Question put and agreed to.

Votes and Proceedings of Tuesday, 15th June, 2004 adopted accordingly.

A Message from His Excellency, the
Governor of Enugu State

Mr Speaker: A message from His Excellency, the Executive Governor of Enugu State, Dr Chimaroke Ogbornia Nnamani, I read:

OFFICE OF THE GOVERNOR

Enugu State of Nigeria
Government House
Independent Layout
Enugu.
June 16, 2004

Our Ref: GHS/219/11150

The hon. Speaker
Enugu State House of Assembly
Enugu.

Sir,

RE: COMMISSIONERS-DESIGNATE

His Excellency, Chimaroke Nnamani, Governor, Enugu State of Nigeria has nominated for possible approval by the House the following Commissioner-Designate:

1. Engr. Bethel Onyenyiri
2. Mr Eddy Nnaji

2. May it therefore please the House and the hon. Speaker to please give this accelerated hearing to enable the government achieve its objectives of injecting new blood into the system.

3. Accept, Sir, the assurances of His Excellency's regard for the hon. Speaker and the exalted House.

Signed: Dr Dan Shere
Secretary to the State Government

Leader (Mr Anichukwu): Thank you, Mr Speaker, may I move that the message from His Excellency, the executive Governor of Enugu State be accepted for consideration at 11 a.m. this morning.

Deputy Speaker (Mr Atigwe): Mr Speaker, I am on my feet to second the Motion.

Agreed put and agreed to.

Message from the Governor accordingly accepted for consideration at 11 a.m.

Sitting suspended: 10.22 a.m.

Sitting resumed: 11.10 a.m.

Leader: Honourable Colleagues, I move that the House should resolve itself into the Committee of the Whole House for consideration of the confirmation of the Commissioners-Designate. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, I rise to second the Motion moved by the Leader. Thank you.

Question put and agreed to.

INTERVIEW OF THE COMMISSIONERS-DESIGNATE (In the Committee of the Whole House)

The Chairman: Honourable Colleagues, before you is Engr Bethel Onyenyiri Chukwudi. He is here on your invitation, following his nomination as Commissioner-Designate in Enugu State. I humbly call on Members to ask him questions, if any. Thank you.

Mr M. Onyeze (Igbocze North 1): Mr Chairman, Sir, I have an observation before the question. My observation is on the Curriculum Vitae of the Commissioner-Designate (*Engr Onyenyiri*). One, he did not put his Referees. Secondly the photocopies of his certificates are not attached to his CV. My main question is this we have known you as a Public Office holder, working as Chairman of Oji River Local Government Area. What area do you feel that you have made impact on the life of the people of your local government area and the people of Enugu State. Thank you.

Engr Onyenyiri (Commissioner-Designate): The hon. Speaker, of Enugu State House of Assembly, other Members of the House, I salute all of you. I wish to apologise to the House that the photocopies of my

certificates are not attached to the C.V. In fact, it is now that I recognized that it is supposed to appear in my C.V. May I appeal to the honourable House to forgive me. The second question in respect of referees, I believe that, starting from the hon. Speaker, to the hon. Members all of you here are my referees; that is why I did not bother to put any particular name.

On the third question about the impact I have made since I started occupying public office, I think those ones are quite glaring. First of all I will start from when I served as the hon. Commissioner for Commerce and Industry and that was the period we had the highest. The Ministry of Budget and Planning gave us the highest target to generate revenue in that Ministry, and that was the time payment for business premises and other revenues were embarked upon.

At that period in time, we were able to increase the 17 Revenue Boards with additional six. If you notice in Enugu East, we have now three Revenue Boards, in Enugu South we have two Revenue Boards, and then in Enugu North, we have two revenue boards. If you add them together they are six. It was when I was there that we created these Boards; and if you look at the revenue we were generating, you will find out that we achieved a lot, and at the same time produced additional field revenue officers.

Since I left that office, the second phase of that increase in revenue Boards have not been filled up. So I think that it was part of our duty, and at that period it was recorded in each month and each week, the highest revenue from each board in that particularly Ministry.

Obviously and secondly, the New Haven Shopping Complex, which at that period was being constructed with zeal. However, because of my moving out to go and contest election, we could not continue at that rate; but I believe that they will try, if the senior people in that Ministry still have interest in that particular Shopping Complex, which is almost achieving its purpose, both to the Governor and to the people of Enugu

State it will soon be completed. I know actually that we made a proposal for the Enugu State industrial center, which we sent to the Ministerial Committee, which handled the creation of more industrial centers in Enugu State. I know 9th Mile as one, Obollo Afor as two, and we did the same thing at Four Corners. We had about five places we designated as new industrial centers.

The purpose was to help our medium and small scale industrialists to have a place where Government can charge them little rent instead of exorbitant ones charged them in other areas. This is what I was able to do during the short period I was in that Ministry. But when I moved down to Oji River as Transition Chairman, not only that I participated effectively in ensuring that this Government comes back; we delivered Oji River totally. We were able to make some impact in that area. There is the Oji River Shopping center, which we have planned to commission by 19th of June, 2004, and people are commending our efforts. If you go down there you will see it for yourself.

So, as for Oji River G.R.A., Layout we have to open all the places and infrastructures are already put in place. At Oji River Layout, which has over 850 plots, we are already working on it and we have already completed everything concerning the putting of beacons and the rest of them.

In the area of environmental sanitation, we have been able to set up Oji River Sanitation Committee. During the last sanitation day, I know that it is only in my local government that it is observed, because we needed to revive the environment. The Commissioner for Environment was there, and he observed it by himself, and this is something we need to keep up so that people will maintain a level of cleanliness. We also want on to increase the internally generated revenue.

So, in a nutshell, I feel my activities, or my being in Government has helped my people and the Government as well. If this House clears me

and I find myself as Commissioner, I am still going to add more to the ones I have done. Thank you very much.

Chief Whip (Mr Odo): Mr Chairman, I have gone through the Curriculum Vitae of the Commissioner Designate. I have found it quite interesting. My question is, having been a student union activist, and having served as Commissioner in this Government and from what you said, it appears you have performed very well. Under that platform your people found it worthy to give you their mandate as Executive Chairman for Oji River Local Government Area.

Now that you are nominated as a Commissioner, what I want to ask is what gives you the mind to contest as a Local Government Chairman and after you contested that people gave you the mandate, now you are trying to abandoned the mandate for the post of a Commissioner; what do you think that you left while you were Commissioner for Commerce and Industry and you are now going back to pick again. Thank you.

Engr Onyeniyiri: Thank you very much I felt initially to go for local government election, to seek the mandate of my people in serving in the capacity as the Executive Chairman of Oji River. And this is because I believe that I have the capability and ideas to transform the Local Government, and Oji River Local Government is not an Island of its own, it is a part of Enugu State and these services I am going to give if I am given the chance to Oji River, is still all in Enugu State. I think the services I am going to give is just the same thing. I think that this is just an extension of the mandate that is already given to me by my people, because if I serve as Commissioner, at the same time I am going to provide services, services that will affect the life of people and improve their standard of living. So, I am still operating within.

If I enter into the Executive Council, I am still within the same sphere. Besides in Peoples Democratic party (PDP) we run like a family,

and in a family you have somebody who is a leader; somebody who is a coach; somebody who acts as a captain. He has the right at any point in time to move anybody he feels from one position another where he can achieve the best result. The most important thing is that you are part of the team providing democracy dividend to the people, and wherever I find myself, that is the mandate the people has given to me. Thank you.

Mr C. O. Enebe (Enugu North): Mr Chairman, Sir, I have gone through the Curriculum Vitae of the commissioner designate, and if you go to the C.V. you will see that he was a one-time Commissioner in the State. Since Members of the House know everything about him, I therefore move that he takes a bow and leaves this honourable House. Thank you.

Mr J. Obidinma (Oji River): I rise to second that Motion. Thank you.

Question put and agreed to.

Engr Bethel Onyemiri accordingly took a bow and left the Floor.

The Chairman: You will recall that a short while ago I read a Message from His Excellency, appointing Mr Edward Nnaji as a Commissioner-Designate in Enugu State Government, and we requested that he should appear before the House for possible screening and confirmation of his appointment. So, you can go ahead to ask your questions, if any.

Mr O. Chukwuegbo (Enugu South II Urban): Thank you, Mr Chairman. I have carefully gone through his Curriculum Vitae. Having done so, I want Mr Edward Nnaji to give this House a brief run down of his Curriculum Vitae, thereafter he takes a bow and leaves the Chamber.

The Chairman: I do not agree with the hon. Member for Enugu South II (Urban) (*Mr Chukwuegbo*) Mr Edward Nnaji should give a

run down of his Curriculum Vitae and thereafter, he should not take a bow and leave the Chamber. Rather, he should take a bow and say. (*Prolonged laughter*).

Mr O. Chukwuegbo: O.K. Mr Chairman.

The Chairman: What I mean is that Mr Edward Nnaji should give us a run down of his Curriculum Vitae. On completion, the hon. Member for Enugu South II (Urban) (*Mr Chukwuegbo*) can then move a Motion that Mr Nnaji should take a bow and leave the Chamber.

Mr Edward Nnaji: Mr Chairman, Sir, hon. Members of Enugu State House of Assembly, Distinguished Ladies and Gentlemen, all protocols duly and most respectfully observed: I was born on 29th February, 1961. I am married, my permanent address is Umuchwene Iji Nike, Enugu East, Local Government Area. I attended my Secondary School education here in Enugu at Comprehensive Union Secondary School, Avkunanaw, Enugu and passed out in 1979 with Division one. I also went to IMT Enugu where I had my OND in 1983. Thereafter, I proceeded to Federal Polytechnic, Iba, where I graduated in HND, Business Administration and Management in 1986. In 1987, I did my NYSC at Owerri Imo State. Late in 1991, I was offered admission in ESUT to do my Post-graduate Diploma in Business Administration and Management. I have also had a wealth of experience in the State Civil Service. I have worked in the employment of National Orientation Agency, former MAMSER for nine years, I held a position as Assistant Mobilisation Officer, Enugu Local Government Area, and a Social Mobilisation Officer Enugu North LGA., Assistant Team Officer, State Directorate of National Orientation Agency. That was where I was working until 1996, when I resigned to venture into politics.

As regards my political experience, I am the first Vice Chairman of our great party PDP, Enugu State, representing Enugu East Senatorial Zone. I am also a member of the State Executive Committee of PDP. At a time I was His

Excellency's Special Assistant (Political). I also represented the party at various National Assignments like when I chaired a Fact Finding Committee Zamfara State. I also represented my people on two consecutive occasions as a National Delegate representing Enugu East L.G.S. The immediate last position I held was when I was opportuned to serve as the transition Chairman Enugu East LGA. Thank you, Mr Chairman.

Deputy Leader (Mr. Anikwe): Mr Chairman, a clear observation of the Curriculum Vitae adduced by this gentleman, will go a long way to testify that His Excellency has continued to maintain effective and grassroot representation in appointments. Mr Chairman, permit me on this strength, to move that Mr Edward Nnaji simply takes a bow and leaves the Chamber.

Mr M. Njeze (Udi North): Mr Chairman, may I dutifully Second the Motion and moved by the Deputy Leader of the House (*Mr Anikwe*), that Mr Edward Nnaji takes a bow and leaves the Chamber. Thank you, Mr Chairman.

Question put and agreed to.

Mr Nnaji accordingly took a bow and left the Chamber.

(Mr Speaker resumed the Chair)

Mr Speaker: Honourable Colleagues, the interview has been conducted. I now wish to call on you for comments, based on the outcome of the exercise we have just concluded a short while ago.

Mr M. Njeze (Udi North): Thank you, Mr Speaker. I will say that the two gentlemen interviewed, from the answers to the questions put across to them and from the people they are, what they represent in our party, the Peoples' Democratic Party (PDP), that these men are equal to the task. Engr. Bethel Onyeniri was a one time Commissioner in this State and before the Floor of this House, he gave account of his stewardship when he was a Commissioner. He

was also a one-time Deputy Chairman of our party in Enugu State.

The second candidate, honourable Edward Nnaji also was one of the pioneer leaders of the PDP in Enugu State and the Deputy Chairman of the party in Enugu East. We know that in our party the PDP, we have always pursued the best for our people. And I believe that this was why the Executive Governor has chosen from the party, people who are ready to man certain Ministries to ensure that dividends of democracy get across to our people.

I therefore submit that these two men be cleared so that they will be appointed as Commissioners in Enugu State to continue the good work in Enugu State. Thank you.

Mr C. Enebe (Awgu North): Mr Speaker, I have risen to contribute to the debate on the interview we have just conducted. I will start with Engr Bethel Onyeniri. You will recall that he has been a great party man, a great member of the PDP. He has been a Deputy Chairman for Enugu West. He was equally elected as an Executive Chairman. He has been a Commissioner in the last tenure. Our people say that the taste of the pudding is in the eating. I sincerely believe that he must have done excellently well, and that is why the Governor felt like bringing him back on board. Because it is not easy for one to have been a member of the State Executive Council in one occasion and he is being called back to do the same job again. That means that the one he did earlier, he did it very well. One striking thing about Engr Onyeniri is his youthful age. Somebody who was born on 8th August, 1971 and he can produce 4 or 5 pages of Curriculum Vitae, it means that he has been able to pay his dues. I sincerely believe that this honourable House will be doing the correct thing if we insist that he should be confirmed as a Commissioner in Enugu State. I, therefore, urge our Members to help in confirming him as a Commissioner in this State.

On hon. Nnaji Edward, the Constitution we are operating, the Nigeria Constitution, made it clear that for anybody to be appointed a Commissioner, he must be a member of a political party, and Nnaji, from the records, is PDP member. His membership is not in question and he has been a Transition Chairman. He is the Treasurer of our Oha Neze Ndigbo. For this State to have supported him to take a post in Oha Neze Ndigbo means that we have confidence in him as an individual and that confidence is what we want to taste at the Executive Council level.

I believe that we will equally be doing good if we confirm him. He is a youth. By the time he combines efforts with other members of the Executive Council, they will move this State forward.

Mr Speaker, I urge my Colleagues to kindly support their confirmation. Thank you.

Chief Whip (Mr Odo): Mr Speaker, I stand in a better position to attest to the two commissioner nominees, having worked with both of them for at least 2 years or more.

Eddy Nnaji and Bethel Onyenyiri were respectively the Vice-Chairmen PDP in Enugu East Senatorial zone and West, and having worked with them not only as a State Executive Council but at the same time at the Working Committee of the PDP in Enugu State. I can say that they are men of proven integrity and I am particularly thrilled with the eloquence with which they have been able to answer questions put to them. That goes a long way to show that men of integrity have once again come on state.

I am equally, particularly happy with the way these two gentlemen have succeeded in letting the entire people know the extent to which they have justified the post they held in the past and it is our believe that they will keep the flag flying.

Therefore, I will urge my Colleagues to really emulate the conduct of these gentlemen

and also urge them to really give them a favourable passage by confirming these two young men as Commissioners as virtually most of us here can attest to their behaviour and their educational capacity. Apart from that, we can also attest to their credibility in terms of behavioural attitude. Once again, Mr Speaker, I have to sit down and urge my hon. Colleagues to assist these young men confirm their position. Thank you.

Deputy Leader (Mr Anikwe): Thank you, Mr Speaker. I have equally risen to give kudos to the just screened nominees for Commissionership by His Excellency. I recall that when our great party, the PDP was named at Abuja on the 31st August, 1998, these two gentlemen were together with us at the Eagle Square from there to the International Conference Centre. From then till now, they have remained consistent and have performed the duties expected of them by the party.

Mr Speaker, I am particularly interested that the Executive Governor of Enugu State, Governor Chimaroke Nnamani has once more demonstrated that he is a man of the people. He knows at least everyone's contribution without even going to him. Mr Eddy Nnaji was the bulldozer in the last election at Enugu East. You cannot talk of the Enugu West PDP without Onowu. He was the overall campaign man for Enugu West that delivered everyone of us here. He delivered the hon. Member representing Oji River (*Mr Obidinma*), in particular. He delivered TICO. The only thing we owe him now is to deliver him now. So, as a one time party Chairman of a Local Government, I was very close working with him at the Party Secretariat. So Mr Speaker, I equally call on my Colleagues to equally confirm the gentleman as Commissioner as requested by His Excellency. On this note, Mr Speaker, may I move that the Question be now put.

Mr J. Obidinma (Oji River): Mr Speaker, I want to start by expressing my satisfaction to the honourable House for the proficiency exhibited during the question and answer

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17 June, 2004*

session and also the level headedness of the nominees. However, Mr Speaker, I am very, very satisfied with what happened today and I want to urge this House to please clear them to enable them continue the good job they have been doing. Having said that Mr Speaker, I want to move that the Question be put.

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

Main Question put and agreed to.

Resolved: That today 17th day of June 2004 the Enugu State House of Assembly do hereby confirmed the appointment of the following as Commissioners in Enugu State Government: hon. Engr Bethel Onyeniyiri Chukwudi and hon. Edward Nnaji.

ANNOUNCEMENT

Mails

Mr Speaker: Please, endeavour to be checking your mails at the Boxes outside. Each time Members continue to complain of Order paper and Votes and Proceedings and most of these Order Paper and Votes and Proceedings are usually kept for hon. Members in the pigeonholes outside. So, please, before you get into the Chambers try to check your mails at the pigeonholes.

The proposed visit to the Vice Chancellor by the House Committee on Education, which is supposed to take place today, has been shifting to take place on Tuesday 22nd June, 2004. Signed: Chairman, hon. Michael Onyeze.

Tenders Board Meeting

The Tenders Board will meet tomorrow 18th June, 2004. Time is 12 noon prompt. Venue is the Chairman's Office, Room 123. Signed: Mr Anichukwu John Nwankwo.

ADJOURNMENT

Leader: Mr Speaker, Sir, may I move that this House do now adjourn till Tuesday, 22nd June, 2004 at 10a.m. Thank you.

Mr Enebe (Awgu North): Mr Speaker, I rise to second the Motion as moved by the hon. Leader of the House.

Question put and agreed to.

Resolved: That the honourable House do now adjourn until Tuesday 22nd June, 2004 at 10 a.m.

Adjourned accordingly at 11.56 a.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 84

Tuesday
22nd June, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 22nd June, 2004
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, before us are our Votes and Proceedings, No. 5 of Thursday, 17th June, 2004. I have gone through them and to the best of my knowledge, they are correct. However, I call for your comments. Thank you.

Mr D. A. Ani (Enugu South I): Mr Speaker, Sir, I have gone through the Votes and Proceedings of our last sitting and found them to be very correct. Therefore, I move a Motion for the adoption.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have risen to second the Motion for the adoption of our Votes and Proceedings. Thank you.

Question put and agreed to.

Votes and Proceedings of 17th June, 2004 accordingly adopted.

NOTICE OF MOTION

SITTING CALENDAR FOR
SECOND SESSION 2004/2005 OF
THE ENUGU STATE THIRD
HOUSE OF ASSEMBLY

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move a Motion standing in my name: That this honourable House do approve the Sitting Calendar for 2004/2005 Second Session of the Enugu State Third House of Assembly. Thank you.

Chief Whip (Mr Odo): Mr Speaker, Sir, I have risen to second the Motion as moved by the Leader.

Leader: Mr Speaker, Sir, this Business Motion becomes very necessary pursuant to Section 104 of the Constitution of the Federal Republic of Nigeria, which in course of clarity, stipulates that:

A House of Assembly shall sit for a period of not less than One Hundred and Eight One (181) days in a year

Mr Speaker, Sir, it behooves on this honourable House to comply with this statutory requirement as contained in the Constitution of the Federal Republic of Nigeria under reference.

We have to bear in mind that the sittings of the House are Tuesdays and Thursdays while Mondays and Wednesdays are for Committee activities. The first quarter is from 2nd June to 31st August, 2004, giving a total of fifty two days, minus three days for Easter Recess, leaving a total of forty nine days.

Second quarter is from 1st September to 30 November, 2004 totalling fifty two days, minus four days for Independence Recess, leaving a total of forty eight days.

Third quarter is from 1st December, 2004 to 28th February, 2005, totalling fifty two days, minus fourteen days for Christmas Recess, leaving a total of thirty seven days.

Fourth quarter is from 1st March to 31st May, 2005, totalling fifty two, minus three days for Easter Recess, leaving a total of forty eight days. Total number of Legislative Sitting is one hundred and Eighty two days. Summary of the expected number of House Sittings: Committee Sittings – inclusive is as follows:

No. of Sitting days	No. of Committee days	Total No. of days	Projected No. for Recess	
1 st Quarter 26	26	52	3	
2 nd Quarter 26	26	52	4	
3 rd Quarter 25	26	51	14	
4 th Quarter 25	26	51	3	
Total 102	104	206	24	182 days

The first Quarter of the Second Session of the Third House of Enugu State House of Assembly started from 2nd June, 2004 and to end on 31st August, 2004 with 3 days for Easter Recess, leaving 49 days for the full activities of the House.

The second quarter will begin from 1st September, 2004 and will end on 30th November, 2004 with 4 days for Independence Recess, leaving 48 days for the full activities of the House.

Similarly, the 3rd Quarter will begin from 1st December, 2004 and will terminate on 28th February, 2005, with 14 days for Christmas Recess, leaving 37 days for the activities of the House.

Finally, Mr Speaker, Sir, the 4th Quarter being the last will start from 1st March, 2005 to 31st May, 2005 with 3 days Easter Recess, leaving 48 days for the full activities of the House. By this projection, Mr Speaker, 182 days are being marked out to meet the Constitutional requirement as designed by this Calendar.

It is the intention of this Motion to achieve the following:

- i. Action plan Legislative Service;
- ii. Organizing and ensuring sensitized high impact activities on the Order Paper;
- iii. Projection and Compliance with the Constitutional requirements of minimum of 181 legislative sitting days of the House.

Mr Speaker, Sir, this honourable House is hereby urged to approve the Sitting Calendar for 2004/2005 Second Session of the Third House of Enugu State House of Assembly as stated herein.

Be it moved and is hereby moved.

Chief Whip (Mr Odo): Mr Speaker, I have risen to second the Motion bearing in mind that this is a routine Motion that seeks to create allowance for the House Members to follow the statutory obligations of attending sittings for not less than (One Hundred and Eighty-One) 181 days as was guaranteed by Section 104 of the Constitution.

The reasons, just like the Leader of the House has pointed out, could be seen from

various angles. In the first instance, the idea of bringing a Motion, perhaps, two days or three days before the sitting might confuse some members especially those who are not properly organized but if there is a Calendar of this nature, it will certainly keep in view the programmes of the House which at the end of the day will coincide with the programmes at the moment.

Mr Speaker, before I continue with my contributions, we made a little mistake and I seek to crave the indulgence of the House to correct it by asking the House to suspend Order No. 25 of our Rules to correct same.

The mistake appears in the first quarter of the second schedule. If you look at paragraph 4 of the second page, the Mover of the Motion pointed out that the first quarter of the Session of Third House of Assembly started from 2nd June, 2004 to end on 31st August, 2004 minus 3 days for Easter Recess. And with the common knowledge, you will find out that the Easter season does not fall within 2nd June and 31st August. So our intention has been to create allowance for quarterly recess of 3 days instead of Easter holidays.

I just want to put across to you what I want to amend. So, I therefore seek the honourable House to suspend its Order No. 25 of our Rules so as to make this relevant amendment. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, I have risen to second the Motion as moved by the Chief Whip (Mr Odo) in getting leave of the House to enable us come up with the necessary amendments. Thank you.

Question put and agreed to.

Chief Whip (Mr Odo): Mr Speaker Sir, in the first page, line 3, they wrote 1st Quarter from 2nd June to 31st August, 2004, minus 3 days for Easter Recess. Then the total number of days is expected to be 52 days. And what was written after the subtraction of 3 days is 48 days instead of 49 days. So ...

Mr Speaker: What I have in my own copy is 49 days.

Mr C. O. Enebe (Awgu North): What I also have in my copy is 49 days.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, what I have in my own is 48 days.

Mr Speaker: Honourable Colleagues, O. K. Please let us take the correct one.

Several hon. Members: Mr Speaker, Sir, 49 is the correct one.

Mr Speaker: O.K. 49 days is the correct figure. Thank you.

Chief Whip: Secondly, at page 2, I wish to suggest that the 3 days before the Easter Recess should be substituted with 3 days for quarterly Recess. As the Easter Recess has equally been reflected in our 4th quarter, I think it will not be nice to make such duplication. More especially where the holidays do not fall anywhere between June and August. So, these are simple corrections.

Mr Speaker, that it is so fundamental, even if we allow it or we wave it outside, then there is no way we can carry on with it.

So, I am of the opinion that the House do substitute the *Easter Holidays* in the *first quarter*, for *quarterly holidays*. Then these are just simple amendments. Mr Speaker, in the light of all these, we now move that *the 1st quarter of the 2nd Session of the third House of Enugu State House of Assembly started from 2nd June and ends 31st August, 2004 with 3 days for quarterly Recess. Leaving 49 days for the full activities of the House. Do Mr Speaker, ...*

Mr Speaker: Does it mean expunging the *Easter Recess*?

Chief Whip: Yes.

Mr Speaker: Is it just to expunge the *Easter* and insert *quarterly*?

Chief Whip: Yes.

Mr Speaker: Go on, and move the Motion.

Chief Whip: Mr Speaker, Sir, may I formerly move that the first paragraph in the second page be read as follows: *the first quarter of the Second Session of the Third House of Enugu State House of Assembly started from 2nd June 2004 and ends on 31st August, 2004 with 3 days for Easter Recess* is substituted with *3 days for quarterly Recess*. In other words, to expunge the *Easter Recess* and now insert *quarterly Recess*. (Laughter)

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I rise to second the Motion moved by the Chief Whip of the House (Mr Odo). Thank you.

Question put and agreed to

Chief Whip: Thank you, Mr Speaker. In the light of all these, I solidly throw my weight by supporting the Motion, bearing in mind that the action plan of the legislative business of the House could not have been better articulated. This House Calendar had not been coordinated as has been done presently. Also the organisation and assurance of sensitized high impact activities with the Order Paper will be guaranteed because of the Programme of the events which we are trying to schedule at the moment.

Finally, there is no way one can run out from maintaining the Constitutional requirement of our Constitution. That is by making sure that the normal sitting days of one hundred and eighty-one days (181) have been complied by Members of the House. And most interestingly, is the particularization of the days of the activities of the House to suit and make allowance for Committee days so that nobody will be compelled to do Committee works at an odd hour. Or rather at a date that will not be really convenient for such duty. So I commend the Mover of this Motion for coming up with this high spirited idea and I would urge the Members to support the Motion. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I equally rise to make my contribution to this all-important Motion. The sitting calendar is a Constitutional Fulfillment that we have to regulate. When the House is regulated, it goes to show the seriousness and commitment of the House. It will now be directed to the Law Makers and they will not behave in a way of

contradicting the Law terms. The only thing now is to keep the regulations with all the seriousness we have attached to it: that is coming and sitting in time, doing other things, and doing our Committee work. These are all evidences that we have actually worked, and are still at work for the people of Enugu State. I believe that with this regulation we can go all out to give our people the required Law, and the required legislation

Mr Speaker, on this ground, I call on my Colleagues to give this all-important Motion quick passage without delay. At the same time I move that you now put the Question. Thank you.

Deputy Speaker (Mr Atigwe): Mr Speaker, Sir, I am on my feet to contribute on this all-important Motion. This Motion is reminding us of our legislative duties so as to prepare ourselves for our legislative sittings. Let me take Members to our adopted Rules. Order No. 5 of our Rules adopted says, *the House can only sit on Mondays, Tuesday, Wednesday, and Thursdays*. As we are aware, this Motion is clear. Also, the sittings are not only 181 days, but it says *not less than 181 days*, which means that we can sit for more than 181 days. This reminds us also of Section 109 (f), which says that *a Member shall attend a House for not less than 60 days, and the House should sit for not less than 181 days*. So, Mr Speaker, having said all these, let me urge the Members to prepare themselves for the legislative sitting. With this Mr Speaker, I support the Motion accordingly. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, I will first of all start by

thanking the Mover of the Motion because he is a strong believer in the supremacy of the Constitution. Honestly, the Constitution is the mother of democracy, while the Legislative Arm is equally a believer in democracy.

Mr Speaker, I know already that the House has suspended Order No. 25; in view of that may I direct the House to page one column four of the Motion. The caption is *Projected number for Recess*. May I move that between *number* and *for that of days* be inserted to read, *Projected number of days for Recess*, in line with others.

Mr Speaker: What does the hon. Member for Oji River (*Mr Obidinma*) think is wrong with it?

Mr Obidinma: Mr Speaker, it is just to make it uniform with others.

Mr M. Njeze (Udi South): Thank you, Mr Speaker, I rise to second the Motion which is asking the House to add *of days*, because the grammar is incomplete when you say *projected number for Recess*. Number of what? Every other one has *number of days*, let us add *of days*.

Mr Speaker: O.K, but, is the hon. Member for Oji River (*Mr Obidinma*) aware that this Motion is on notice?

Mr Obidinma: Mr Speaker, we have already allowed the suspension of Order No. 25.

Mr Speaker: But not that Order No. 25 has been suspended for another Motion means that when one notices some lapses

and wants to move Motions, he will not seek for the suspension of the Order again.

Mr Obidinma: Mr Speaker, like we said earlier, we got this Motion today.

Mr Speaker: Order! What I am saying is that if one wants to move a Motion, he should first of all seek for the suspension of Order No. 25. The reason that we suspended the Order to enable the Chief Whip (*Mr Odo*) move an amendment Motion does not mean that another Member should not move Motion for the suspension again.

Mr Obidinma: Mr Speaker, may I crave the indulgence of this honourable House to suspend Order No. 25 to enable me come up with the amendment.

Mr Njeze: Thank you, Mr Speaker I stand to second that Motion for the suspension of Order No. 25 to enable the hon. Member for Oji River (*Mr Obidinma*) come up with his Motion.

Question put and agreed to.

Order No. 25 of the Standing Rule of the House accordingly suspended.

Mr Obidinma: Thank you, Mr Speaker may I move that *of days* be inserted between *number* and *for*, to read *projected number of days for Recess*. Thank you.

Mr F. Onah (Nsukka West): Mr Speaker, I have risen to second the Motion as moved by the hon. Member for Oji River.

Question put and agreed to.

Question, That 'of days' be inserted between number and 'for' in the caption of column four of the Motion, put and agreed to.

Mr Obidinma: Mr Speaker, I have already told the House that the Mover of the Motion is a strong believer in the supremacy of the Constitution, and that democracy has its beacon on this politics.

Having said all these things, Mr Speaker, may I beg this honourable House to please pass this Motion accordingly. Thank you.

Mr C. O. Enebe (Awgu North): Mr Speaker, I have risen to make some few comments and contributions on this important Motion.

First of all, I want to commend the Leader of this House who is the Mover of the Motion. However, I wish to state that the Calendar we are about to pass is a means to an end and not an end itself. We now have a focus; we can now know that if we follow it to the letter, we are going to fulfill our Constitutional requirements.

However, a lot still needs to be done because at any legislative sitting, we need to do one or two business. I want to call on the Leader as the Chairman of Rules and Business Committee to match this sitting days with businesses so that each day will come up with a calendar so as to help to know the things we are going to discuss on these sitting days, because if we enter the Chambers and adjourn, I do not see it as a sitting. So, by the time we bring out the business calendar and match it with this

sitting calendar, we would have gone a long way in ensuring that we achieve a lot. Thank you.

Mr Speaker: I thank the hon. Member for Awgu North (*Mr Enebe*) for that comment. In as much as I agree with him, the Leader would require the hon. Members effort and support because we cannot just come into the Chamber without making input. So I am appealing to all the hon. Members to work very hard to enable the House achieve something whenever we are in the Chamber. Thank you.

Mr C. Ugwu (Enugu East II): Thank you, Mr Speaker, Sir. May I commend the Mover of the Motion; I completely align myself to the contributions of the last speaker. This Motion is very much in order. I therefore move that the Question be now put.

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

Main Question put and agreed to.

Resolved: That this honourable House do approve the sitting calendar for 2004/2005 Second Session of the Enugu State Third House of Assembly.

ANNOUNCEMENT

Meeting

Mr Speaker: The House Committee on Economic Development, Civil Service and Labour Matters will meet as follows:

Date: Wednesday 23rd June, 2004; Time 10 a.m.

Venue: Chairman's Officer (Room 02) Enugu State House of Assembly. Kindly be punctual.

Signed:
Hon. A. C. Nnadi
Chairman

Committee Inauguration

I want to make an appeal, if you know that your Committee has not been inaugurated, please kindly inaugurate the Committee.

- (i) I will never assign a function or duties to any Committee that has not been inaugurated.
- (ii) Whatever the Committee does is illegal, because it has not been inaugurated. It is very much unfair that after three months some Members have not been able to inaugurate their Committees. Please endeavour to inaugurate your Committee so that if I have any assignment to give to any Committee I can joyfully do so.

Pigeon-Holes

I can also observe this morning that some of the hon. Members were not making use of their Pigeon-holes because I saw some hon. Members asking for Order Paper and the Votes and Proceedings. These Papers were kept inside hon. Members respective pigeon-holes and they can always go their and pick their Papers. This is very easy because before hon. Members come into the Chamber they should go straight

and collect their Votes and Proceedings from the Pigeon-holes.

Brief Meeting

On the rising of the House I will like to meet with the members in my office for a very short time. Thank you.

ADJOURNMENT

Leader: Mr Speaker, Sir, may I move that this honourable House do now adjourn until 10 a.m. on Thursday 24th June, 2004. Thank you, Sir.

Whereupon the hon. Member for Enugu North (Mr Onoh), walked in and stood up for recognition.

Mr Speaker: The hon. Member for Enugu North (*Mr Onoh*) should please sit down. (*Prolonged laughter*).

Mr J. U. Onoh (Enugu North): Mr Speaker, Sir, I want to Second the Motion for adjournment.

Mr Speaker: What does the hon. Member know that transpired on the Floor of the House that he wants to second the Motion for adjournment? The House is about to adjourn and the hon. Member (*Mr Onoh*) arrives and wants to Second the Motion. (*Laughter*).

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I have risen to Second the Motion for adjournment as moved by the Leader of the House. Thank you, Sir.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 24th June, 2004 at 10 a.m. prompt.

Adjourned accordingly at 10.55 a.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 85

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24th June, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA*Thursday, 24th June, 2004**The House met at 10 a.m.***PRAYERS**

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings, No. 6 of Tuesday, 22nd day of June, 2004 are before us. I have gone through them and I found them to be correct. However, I need your comments. Thank you.

Mr F. E. Amu (Nsukka East): Mr Speaker, I have equally gone through the Votes and Proceedings and I found them to be correct. I, therefore, move for the adoption.

Mr C. O. Enebe (Awgu North): Mr Speaker, I have risen to second the Motion for the adoption of our last Votes and Proceedings as moved by the hon. Member for Nsukka East (*Mr Amu*).

*Question put and agreed to.**Votes and Proceedings of Tuesday 22nd June, 2004 accordingly adopted.***PRESENTATION OF A BILL****THE ENUGU STATE WASTE
MANAGEMENT AUTHORITY BILL
NO. 8, 2004**

A Bill for a Law to Dissolve the Enugu State Environmental protection Agency and to Establish the Enugu State Waste Management Authority and other related matters connected therewith – presented by the Leader (*Mr Anichukwu*) read for the First time and referred to Committee on Environmental Management, Petroleum Resources and Judiciary, Public petitions, Ethics and Privileges.

Mr Speaker: Honourable Colleagues, the Committee, is given two weeks to report out.

I wish to appeal to the Committee to try as much as possible to turn out their Report as announced. Thank you.

ANNOUNCEMENT**Inauguration Meeting**

Mr Speaker: There will be an inaugural meeting of the House Committee on Information as follows: Friday, 25th June 2004, at 10 a.m. prompt in the Chairman's office, room 109. The Chief guest of honour is the Rt. hon. Speaker Enugu State House of Assembly. Members should endeavour to attend and on time.

Please, remember that I said earlier that hon. Members should not go. I am yet to collect the forms which I hinted you of yesterday. Do not go, just hang on. The only persons I excused to go out are the Chairman and Members of House Services Committee. They have a function somewhere. They will go and come back immediately. You have to stay and fill the forms so that they can be sent back to the appropriate authorities, latest tomorrow or Saturday, please.

Resolved: That this honourable House do now adjourn till Tuesday, 29th June, 2004 at 10 a.m.

Adjourned accordingly at 11.13 a.m.

ADJOURNMENT

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I move that this honourable House do now adjourn until 10 a.m. on Tuesday, the 29th day of June 2004. Thank you.

Mr M. Njeze (Udi North): Thank you, Mr Speaker. I rise to second the Motion for adjournment and in doing that, I wish to appeal to Members of the Information Committee to please attend this inauguration on time and also to extend the invitation to every other hon. Member, because this inauguration of the Committee is going to be a kind of celebration of a successful First Session of this House of Assembly. We are inviting virtually every Pressman operating in Enugu State and our PRO has done a very good job. He has outlined all the Bills and all Motions we have passed and so it will be very good if you can make out time to be part of the success of the House.

God bless you as you come there tomorrow.

Question put and agreed to.



ENUGU STATE OF NIGERIA
PROCEEDINGS

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ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 86

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA*Tuesday, 29th June, 2004**(The House met at 10 a.m.)*

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 7 of Thursday, 24th June, 2004, are before the House. I have gone through them and I found them to be correct. However, I call for your comments. Thank you.

Deputy Leader (Mr Anikwe): Thank you, Mr Speaker. I have equally gone through the Votes and Proceedings and I have an observation to make on No. 8 of last sentence. We said that *we committed the Bill to the Joint Committees to report back within two weeks*, we did not say *within one week*, we said within two weeks.

Mr Speaker: That is correct. Sergeant-at-Arms should please take note. The observation has been well taken care of.

Mr F. Amuh (Nsukka East): Mr Speaker, I have risen to second the Motion that the Votes and Proceedings be adopted.

*Question put and agreed to.**Votes and Proceedings of Thursday, 24th June, 2004 accordingly adopted.*

ORDER OF THE DAY

THE ENUGU STATE WASTE
MANAGEMENT AUTHORITY BILL
NO. 8, 2004

A Bill for a Law to Dissolve the Enugu State Environmental Protection Agency and to Establish the Enugu State Waste Management Authority and Other related matters connected therewith

(Order for Second Reading Read)

Leader: Mr Speaker, I have risen to give the detailed highlight of the contents of this Bill before this honourable House. Recently a similar Bill was brought into this House under the name Enugu State Environmental Protection Agency but it has now been given the name *Enugu State Waste Management Authority*.

Mr Speaker, I feel this is as a result of a lot of considerations given to Enugu State by the State Government. In the past, Enugu State was a model: a model in terms of its beauty, a model in terms of hospitality which is still existing up till now, and a model in terms of environmental cleanliness. The surroundings of Enugu was an example in the whole city and even beyond. Mr Speaker, it is in pursuant of that beauty in Enugu State that this Bill has once again been introduced with full authority for the purpose of maintaining the cleanliness that Enugu is know for.

It is a common knowledge in Enugu State that a lot of factors have militated against this objective. The people who live in Enugu - well I am not saying that everybody is guilty - but there are some people who still have the spirit to maintain cleanliness but a good number of the citizens in Enugu State

pay little or no attention to the nature of ecstasy to which Enugu is known. It is noteworthy that the Bill now highlights some of the objectives and functions of the Authority which after due implementation, will restore Enugu State to its lost Glory.

Some of the problems which this Bill seeks to address is the issue of road obstruction. In Enugu, except recently that the Government of Enugu State has tried to dualize the major streets, if you go through the area particularly the suburbs like Abakpa, Emene, etc, you find out that they have single-carriage, way dual one. The road is narrow and due to the careless attitude of our people they just dump refuse along the road. If one does not look properly, one will discover that one's tire is either punctured or that one is thrown down by the crumps not well placed by the road side.

Mr Speaker, Enugu State has been having an insurmountable problem of Waste Management. It is not the question of bringing out the dust-bin from their places; it is not the question of taking the Waste to either designated or undesignated points that is the issue. Sometimes all those points are not properly taken care of because when you dump them, it takes many weeks, if not months, for the former ENSEPA (Enugu State Environmental Protection Agency) to come and evacuate them.

Now, this Bill is introducing scientific way of Waste Management in the form of recycling. I think it is the sole aim of this Bill. The Lagos State Government has that system. So, we should introduce that system whereby we throw out refuse and the Authority will come and collect the refuse and go and recycle it in such a way that a recycled dust-bin can never constitute a problem any more. This Bill has taken care of that and I believe it is going to improve

environmental development. This Authority (Enugu State Environmental Waste Management Authority) now has the authority to act according to the State Agency's guideline.

Mr Speaker, it is a common knowledge in Enugu State that some of the inhabitants say that, after all, they are not to be blamed, are they going to dump the dust-bin on their heads. An individual may have bought empty plots of land about twenty years ago, and because they are not yet developed the inhabitations have no alternative than to use the undeveloped land to dump refuse.

Now, we will say who will ever allow such type of plot not be properly taken care of? It is either developed or fenced to make sure that the plots which are meant for human inhabitation is not turned into a dumping ground or an obstruction in Enugu State. The commuters in the commercial vehicles constitute a big problem in this matter. Sometimes the drivers, the conductors even the passengers after drinking the sachet water or whatever they call it or eating a common local nutritious food – *okpa* or banana – they just throw the waste on the road. They do not even know that Enugu State is a clean State. Sometimes when the car is moving they will even smash water on the people passing by.

Mr Speaker, I think the passage of this Bill will bring a stop to such behaviour by the people in Enugu and the people visiting Enugu will know that Enugu has a standard in clean environment.

This Bill like I have said is very comprehensive. It is a common practice in Enugu State that when one talks of environment it is not only the ground, it involves wall; it involves living places; it involves wherever human beings can pass

scattered all over the road in the process of evacuation to designated points is stopped. This is noticed particularly during Harmattan. The scientific equipment that is going to be used by the Authority should ensure that the refuse is properly collected carefully enveloped, and deposited at the point it is supposed to be so that at the end of the day, the possibility of the refuse scattering will not be there again. Being human beings, I know there must be some people who will always have negative interpretation of the Bill.

The Sanitation day involves serious checks on the citizens because a mobile court to judge to offender is to be put in place. This is not the issue of an offender who is arrested and handed over to the police offering some money to the police and is released. This time around, the offenders will be arrested on the spot and there is Zonal Mobile Courts designated in Zones. The offender will be tried there, if found guilty he will be punished on the spot.

Mr Speaker, this problem involves the whole Nation. On the issue of money or impersonation of the personnel of this Authority, this Bill has been carefully designed. The operators or the Authority also has the Laws guiding them. The common report we have been getting has been, if for example, one is to pay N1,000.00 for a year to ENSEPA, Mr 'A' is asked to pay and collect the money and give you receipt. After two months Mr 'B' will still come for the some purpose and the masses have been complaining. But this time around I am very happy that a good Law is the making. If you are impersonating in the name of serving the Authority and your action is investigated and it is found that you are guilty, Mr Speaker, whether he is a Managing Director or under Managing Director, the person is in trouble.

On the flimsy reasons that there is no money to buy trucks or buy tyres, this Authority is to make provisions for them. It will raise some money to maintain itself – pay its workers, and maintain its equipments. At least, let the good people of Enugu State know that whatever they are paying for they are getting good results. Mr Speaker, I know if you allow me I can probably talk on the Bill for two hours because the merits are innumerable and I believe that the taste of the pudding is in the eating. After due consideration by the Hon. Members, and it is put in use, then the good people of Enugu State will know that this honourable House has not disappointed them, that we are representing them well and taking good decisions, about their welfare. They are there watching all our actions and utterances to know whether we are actually doing what they sent us to do or not. I am however, proud to say that we are doing so. By the time we have deliberated on this Bill and it is passed and put into use, I assure you, Mr Speaker, that this honourable House would have satisfied its existence and Enugu State people will be proud to say: *To God Be the Glory*. Thank you, Mr Speaker.

Deputy Speaker: Mr Speaker, we have only come to appreciate two factors as enshrined in the Bill. One, we will recall that the former Agency under the name Enugu State Environmental Protection Agency was created with a sole administrator. The General Manager is all and all; he has no Board Members and nobody to checkmate him. He was there alone doing everything pleasing to him.

But with the establishment of this Bill, if this honourable House gives due passage to it, then the Management Board of this Waste Management Authority will be established. This Board will be composed of the

through and where human eyes can see. This Bill takes care of any attempt by any individual to deface the environment in Enugu. The question of disposing waste indiscriminately has to stop permanently. The issue of posters being placed all over the place will be controlled. People must use strategic points; it depends on what one wants to advertise. One does not just go along the way, pick any paper, use gum or whatever you call it, and put it on the wall thereby defacing every place.

Mr Speaker, I am very happy to announce that good laws are made in Enugu State because when you go to some major roads like Agbani Road, Gariki, Abakpa and even markets, in fact they even mentioned all major roads to find out and make sure that kiosks are not scattered indiscriminately and when I say market, I mean people who bring tables and drop them on the road and put on them bananas, vegetables, okro, oranges, etc. Sometimes in the past there used to be the ugly incident of abandoning vehicles on the roads. Some people said it was because of bad economy. They could not get the vehicles repaired and put on the road and there was no money to put the brake in order and so on and so forth.

So, this Bill seems to make it mandatory for the citizens of Enugu State to first of all consider life because life is precious; life is God's gift and should not be toyed with. One of the cardinal objectives of Enugu State Government is to make sure that lives and properties of the citizens are protected.

The issue of littering of refuse indiscriminately along the junctions specifically at the main roads will be properly taken care of by the Agency and also make sure that people confine themselves to the authorized places for market purposes. There is really a place for

everything at a particular time. There should be no mini markets along the roads at road junctions, as these constitute road hazards.

Mr Speaker, you can agree with me that ecological problem is a serious problem wherever it occurs and I would not want Enugu State to witness the kind of erosion menace in Nanka, Agulu, and other places. It was as a result of that, that Enugu State had to sustain a very big loss sometime ago when they were forced to repair Inyaba bridge and the bridge along Abakpa towards Expressway.

So, some man-made create problems like Car Wash, contribute a lot of problems in Enugu State. It is virtually in every street, and every corner is turned into a Car Wash. Although some of the citizens make their living through this Car Wash, it has to be done at places authorized by this Agency because a stitch in time saves nine. I am happy that this Authority has now gathered full power to make sure that all hands are on deck to make Enugu State a living place for her citizens.

The most important one among them, Mr Speaker, is the re-introduction of Sanitation day, that is clean-up-exercise. On that day we clean the street, we clean the environment, we clean our houses and we clean ourselves. There was a time Sanitation days were introduced in Enugu State and we were all witnesses to the effect on the environment of Enugu State. Once again, this Bill seeks to re-introduce Sanitation in Enugu State for the purpose of keeping our environment clean. When I say environment, it is not the question of introducing a programme that is the problem; the problem is making sure that the programme is effective. It is to that effect that this Bill has to make sure that the usual practice of the refuse being blown off by breeze and

to this very important Bill which talks about Waste Management and Sanitation.

There is no doubt that man cannot live effectively without taking care of his environment and we have been operating other laws that have been taking care of our environment, but for the reasons which my hon. Colleagues have given which gave birth to this Bill, it has become important to substitute this law with this present Bill. So, I support the Bill in all its ramifications.

Mr Speaker, permit me also to make few inputs because I may not have the privilege of contributing at Committee stage. I agree with the last speaker, the Deputy Leader of the House, who said that in appointing the managing Director, the Governor need not wait for the recommendation from the Ministry, he should do it straight away because this is a parastatal just like State Primary Education Board in the Ministry of Education, Post Primary Schools Management Board in the Ministry of Education or Enugu State University of Science and Technology in the Ministry of Education.

While appointing the Chief Executives of these parastatals, the Governor never needed to go through the relevant Ministries. He does it with his own wisdom and a given criteria for such appointment. So, I feel, this should not be an isolated case. So, as it is a parastatal under that Ministry, the appointment of chief executives there should be like that of other parastatals.

Mr Speaker, I also wish to request my other hon. Colleagues to look at the title of this Bill critically, and note that the intention of this Bill actually is to take care of the environment or sanitation, and in giving this Bill title the word *Environment or Sanitation* was completely avoided. If we go to the

definition of waste by Longman, Dictionary of Contemporary English, the first definition there defined waste as *unwanted materials, unwanted materials or substances that are left after one has used something*.

It went further to state that; it includes the ideas to recycle household waste. That is the dictionary definition of waste. If we look at this Bill, it spoke more or less of environment and sanitation. The same dictionary defined environment as *the air, water and land in which people, animals and plants live*. It went further to say what education is needed to protect the environment.

If we come to the Bill itself, we look at the interpretation, that is part I, Section II, it defined: *Appropriate authority means other authorities established by any law, enforced and charged by environmental protection*. It went further again to say: *Authority means Enugu State Waste Management Authority established by this law*. Then we look at the second page on interpretation; it says: *Commissioner means Commissioner in charge of matters relating to environment*. Then under interpretation again, it says: *Court means the environmental protection court referred to in Section 30 of this law*. Then at page 3 again of the interpretation, it says: *Ministry means the Ministry in charge of matters relating to environment*.

Then, if we go to Section 5 where the functions of this envisaged Authority should have been enumerated; I am at page five, *Functions of the Authority*. Sub-section 1 (a-d) talked about waste, while (e) dwelt on environment. If you go to sections 22-25 starting from *sanitation day to the punishments*, you will see that everywhere there is talking about environment. When you go to offences, it talked in details about

Chairman, the General Management, and some technocrats drawn from other Ministries like Permanent Secretary, Works; permanent Secretary, Establishment; Permanent Secretary, Utilities. These people and other chief executives that may have to be considered based on their abilities, will contribute effectively to environmental management. So, this Bill will actually go a long way to expose the ingenuity of waste management and we will not be disappointed.

Mr Speaker, having observed this, I may equally comment on the issue of, particularly, *the Chairman and the General Manager, to be recommended by the Ministry*; I have observation there. I will rather prefer where His Excellency will be given a free hand based on his ingenuity to appoint, without necessarily waiting for the Ministry's recommendation.

In other words, if the Ministry goes up to recommend, one will eventually discover that some people who are the Ministry admirers may equally need it. I am of the opinion that a powerful representation be sought from the mother Ministry. The Governor will be given a free hand to appoint the Chairman and the General Manager without needing any recommendation from the Ministry.

Mr Speaker there is another point I would also like to make which will attract the attention of the generality of the people of Enugu State. We believe that cleanliness is next to Godliness, and a healthy person is a wealthy person. On this strength, there is nothing to compare with human life. The preciousness of human life cannot be quantified by any other means.

Mr Speaker, I believe that with the reintroduction of sanitation day every last

Saturday of the month, we are actually trying to re-awaken the consciousness of individual cleanliness and environmental cleanliness. The whole world still revolve on aspect of environment, we have the physical environment, we have the social environment and we have the financial environment. These are the environments that go a long way to at least condition life in a way that everyone of us will actually appreciate it if appropriately carried and implemented.

So, this reintroduction will equally go a long way to now even disseminate to other areas of sanitation like we used to have sanitary workers. With the reintroduction of sanitation day we will recall that – well we believe that Military government is really an aberration, but a lot of kudos should go to the then leadership of General Buhari and Idiagbon on the introduction of sanitation day. Even if nothing happens, you should know that every last Saturday, of the month, one should clean up himself. We also believe that a lot of infections and diseases are equally contacted by these filthy areas and environment.

I also believe that with the reintroduction of sanitation day, last Saturday of the month, Enugu state will come to appreciate the value of maintenance culture, we will come to appreciate the value of human dignity; we will equally come to appreciate the value of human life, which has no replacement. On these few points, I believe that this debate will not be concluded today; we are only introducing the debate upon which my Colleagues will give this all-important Bill due consideration and due passage. I beg to rest my speech. Thank you.

Mr M.O. Onyeze (Igboeze North 1): Mr Speaker, Sir, I have risen to give my support

Mr Speaker, Sir, I want also to state that the powers given to the staff of this envisaged Authority should be done with care. Some of us had a bitter experience with the past Agency, there was an occasion they came to somebody's house and the person was not willing to pay any money; in fact he had no money because they were looking for one thousand Naira. What they did was to collect a child from that place and put the child in the bus and ran away with the child. This was what the past Agency did and most hon. Members were aware of this incident because it took place at Abakpa, here in Enugu.

Pages 19, Section 27 (1), says *Offences Relating to staff of the Authority etc:*

A member of staff of the Authority, or any person authorized by the Authority to carry out any of its functions under this law shall in the execution of his duties have power to:

- (a) *enter into any premises between the hours of six in the forenoon and six in the evening for the purpose of inspection, issuing of notices, arresting offenders, seizing of any goods, items or vehicles confiscating, auctioning, abating any nuisance, etc.*

So when you give such powers to people that are not properly trained to exercise such powers, some of the touts, after drinking in a beer parlour, can decide to take a walk. They will start entering people's houses and start to arrest them. I believe that while they are doing this type of arrests, they should go either with a policeman or any trained officer so that they do not go to perform their duties under the influence of alcohol.

You know that most professionals, once they are influenced by alcohol or whatever,

what they are sent out to do is different from their actual practice in the field.

So, I believe that the staff of this envisaged Authority should not have such outrageous or elastic powers, where they can do whatever they like when they go into the field, especially when it extends to 6 o'clock in the evening.

One more observation, Sir! If you turn again at page 6, *Powers of the Authority: If you look at Section 6, (1),*

The Authority shall have powers to do anything, which in its opinion is calculated to facilitate the carrying out of its functions under this law including without limiting the generality of the following, the power.

I am referring to (b): to purchase or otherwise acquire or take over all or any of the assets, business, properties, privileges, contracts, rights, obligations and liabilities of any other company, firm or person in furtherance of any business engaged in by the Authority.

This now means that if you are sitting in your house and they need your vehicle, they can come and take it. *(Laughter)*. And if you have fuel and they do not have fuel, they can come and take your fuel, because they want to do their work. They can even come and conscript people from their house. I think that this Bill is so ambiguous in some aspects. I therefore appeal to those who will have the authority to look into the details, to do a lot of work so that it will take care of the masses like myself. Because we are in the House today; it may not catch us, but after, if we go back to the village, they may catch us.

the court. Sections 30 – 35 talked about environmental protection court.

So if one looks at this Bill, it is not actually focusing on environment. It did not offer ideas on how to manage wastes. So I am appealing to the Committee Members and all the people that may be concerned in the final panel-beating of this Bill to incorporate the concept of environment which is the main intention of the Bill, because if you talk about this Bill without talking about environmental sanitation, it means you have denied it its proper title. It means you are telling a soldier to do the work of a policeman, or telling a teacher to do the work of a medical doctor. That part of waste management is a welcome development; it is an innovative concept in our economy. While we can manage it we have to incorporate either sanitation or environment as a part of this Bill. This is my first observation, Mr Speaker.

The other observation is on the issue of charges, that is, what the schools or manufacturing outfits or small-scale business organisations are required to pay compulsorily to this Authority. Enugu State has been known to be an investor friendly State, and this has been a State that has been talking about poverty eradication or poverty reduction through encouraging school leavers to establish small scale industries. If one looks at the envisaged charges by this Authority as contained in this Bill, one would observe that page twenty six schedules 1 26(j), is talking about something like *candles and wax*. Somebody who leaves school and goes to a bank to borrow money to start a small scale business is required to pay this Authority the sum of thirty six thousand Naira. This same person is also expected to pay business premises Bills and other levies. Assuming the fellow borrowed one hundred thousand Naira from the bank,

what will be left for him for survival of his business? I think the plight of the masses, and that of the beginners must be taken into consideration while approving these fees or charges because it may turn out to be a boomerang where people who have borrowed money from the bank to start small scale business are chased out of the business by this type of Authority. I am not saying that they should not contribute but it should be minimal.

There are some other very loose descriptions of what they call category 1, 2, and 3, at page 27 where the Bill is talking about construction companies, they say big construction companies, medium, small, i.e. in (n). In (o) the Bill talked about Breweries Bottling Companies. They say categories 1, 2, and 3 without saying what makes category one different from category 2 or 3. They should tell the House what makes a particular Brewery category 1 or 2 so that they do not start making flexible Rules when they get into the field to collect this money. They may through Public Relations or so convert category into category 3 or you meet another person you take thirty thousand Naira from him and you meet the next person you take one hundred thousand Naira from him and we are operating under the same circumstance. Whatever they have in mind as categories 1, 2 and 3 should be made known to the House. Also when you come to *worship centres* they say very large, large, medium, small, I do not know whether they are talking about the number of people who attend such worship centres or the size of the House or the size of the space of land. All these should change because when we are making these laws it should not be ambiguous. They should be very clear so that it will be applied to all person under the same condition.

Finally, Sir, they defined *urban cities* in the citation but in this connection they did not define rural areas. If you go to my own rural community, you will see a restaurant with only 28 seats, but the business turn-out may not be up to N1000.00 profit a week. So if they are talking about charges there should be discriminatory charges, for those areas they have described as urban areas as against the rural dwellers, because a restaurant in my place is not worth a kiosk here. And maybe you collect N14,000.00 or N60,000.00 from somebody who is managing a restaurant with 20 tables. What is the quality of the food? Who are the people who go to eat in such a restaurant? So I think, in making these charges, there should be some discriminations so that the business people at the rural areas can survive. They do not manage the business with equal capital with those in the urban cities which this Bill properly defines.

With this, Mr Speaker, I support this Bill and I pray the honourable House to work hard and bring it in a very beautiful form so that everybody will feel protected. Thank you.

Mr Speaker: Please, let me make a request. If you are not a Member of the Committee that is handling this Bill, and you have something which you think should be done, please put it in writing and forward it to the Committee.

Mr C. Enebe (Awgu North): Mr Speaker, I have risen to contribute to the debate on this all-important Bill. First of all, when I got this Bill, something occurred to me. I said, *to dissolve ENSEPA and establish Enugu State Waste Management Authority*. Well, the most important thing is the content of the Bill, not even the name and how it is going to be implemented. Before I continue, I frown at the situation

where Bills are passed and they end up being urban laws, like the issue of the *okada*. It is not practised in the rural areas. It is only in the township and up till now, nobody has been convicted on that offence because the people who are supposed to arrest and convict them are not doing their jobs. So, I hope that by the time we pass this bill, they will be able to do their job properly.

Let me start by saying that cleanliness is next to Godliness. We can ensure that we have a clean environment in our big cities and in the rural areas. I say this because if you look at our environment today, a lot of wastes are littered everywhere without anybody taking care of those wastes. It is not like this in other advanced countries. We have to ensure that a lot of our wastes are not made the sole job of the Authority to be established. It has to involve everybody, both those in the rural areas and those in the urban areas. If we do not look at the rural setting properly because of the rural urban migration, those who will migrate from the rural areas to the urban centres will eventually create much waste, even those in the urban areas have been accustomed to waste management. Because these things are utopia and they are alien to them. So I am saying that when this Authority is established, they should have outposts in every rural area.

Mr Speaker, when I was going through this Bill, when I got to Section 18(1) h, I was not comfortable with that section. The issue of erecting houses and such like activities should not be part of the work of this Authority. They will leave their primary functions which is waste management to pursue people who have money, who are building houses. That is the implication. We have urban and Region Planning outlets who will take care of those who are building houses in wrong places. I think that at the

end of the day, it will be necessary to expunge that Section for clarity sake.

Then, like my Colleagues said, there are details of waste management that are not incorporated in this Bill. One of such is the issue of transport. In advanced countries, what they do is that beside your seat in every bus, they place about 10 cellophane bags by your sides. Those cellophane bags are for waste disposal. If you eat something, if you drink pure water or anything, you open one of the bags and put it. When it is full, you keep it on the ground. By the time the bus stops the conductors will pack these things and dispose them. But down here, it is not done so. If somebody is inside the bus and throws waste outside, is it the person standing on the ground that will hold him? Or will you use your own vehicle to start pursuing him. So by the time you enter the bus and the bus does not have waste paper facilities, either the driver the conductor, or the owner, will be held responsible depending on how you want to operate it. I am still saying that most of the wastes we see along the streets are those thrown out from the buses and these buses must be made to have waste disposal baskets inside their buses.

I equally want to ask that in the Bill we should introduce waste management Committee in every street because it is the people who are in these streets that are creating the wastes. If we constitute the committees there, these people will be able to organize themselves.

If it is done and the census of the authority in these streets is taken, it will be easy to know who and who are dropping these wastes. If we don't have them, by the time the Authority comes the next day the roads would have been closed and there is no other way to ask questions.

Mr Speaker, I equally want to react on the issue of *Appointment*. I for one am of the opinion that the way it is in this Bill is proper because as an Authority that is under a Ministry, it will not be proper for Government to go and appoint somebody without recourse to the Ministry. We all know that in Government, appointment is done according to profession and that is not something that the Governor will accept. For some time now in the history of this present administration, the issue has been on due process and I think this is one of them. The MD should report to the Commissioner, Commissioner to the Governor. That is the chain of command. If you appoint a Commissioner and a managing director, they try to break the chain. The MD may at times place himself about the Commissioner which is not proper. It is against the process which we are preaching in this House.

Now let me talk about *charges*. Because of inflation, it will not be proper to have stated charges attached to this Bill, because Thirty-six Thousand Naira may be money today, but tomorrow it may not be money. Why not say that the Authority should forward the charges to the House for approval from time to time so that whatever they are doing will be in tune with the trend of things at that present period. If we fix thirty-six thousand Naira and if in future inflation affects it and it is no longer adequate amount, it will be meaningless. So, if we remove this charge of thirty-six thousand Naira from the Bill or approve this one and make it as it will be changeable with time so that it will not be static arrangement, I think it will make more meaning.

Let me talk about *staff*. We are going to have inspectors, we are going to have courts, etc. We have to look at the master plan. How prepared are we in terms of training? we

know the method? We really need to go in search of law to go into operation and once we go into operation one must not perform functions that one is not trained for. So, I think, while we are working on this, it is necessary we look at how we train to have the necessary manpower to do this job.

The issue of some aspect of the Bill being ambiguous has to be addressed. This is the function of the Committee because the people who sent this Bill through the Leader might have something in mind. Like the issue of categorizing the Breweries, the Leader will have to do more job on that. I will expect him to do proper job by way of feasibility study and try to engage an expert who will now look at it properly, criticize it and come up with something that is very meaningful.

I want to talk on the issue of *worship centres*. In this country today, they have not been charged anything. In doing this we have to investigate individual churches and find out whether they are making money or not. If they are charged some money it will create some sort of problem for us. So, let us look at it critically to know how to handle it. Thank you.

Chief Whip (Mr Odo): Mr Speaker, I have risen to share my own feelings as regards the subject matter under discussion. Mr Speaker, I have to give my own justification as to why the Enugu State Waste Management Authority can be used to replace the previous Enugu State Environmental Protection Agency. Mr Speaker, the previous Edict of 1999 of Enugu State Environmental Protection Agency which was later amended into law before this final Bill came on board appears to have a lot of confusions inside it. The confusions stems from the fact that when you talk of environment you have to talk of

air pollution, you have to talk of water pollution, and you have to talk of land pollution. This Bill at its inception appears to interfere with the function of Ministry of Lands and also the Town Planning, though the intention of framing the Bill as at then was not really so.

They also appear to conflict with the Enugu State Water Board, and it is just that I do not think they have the technological know-how into air space, otherwise they would have been somewhere there trying to manage air pollution.

Therefore, it is my humble wish to state that Enugu State Waste Management Authority in the context for which this Bill is meant for, will serve us well.

If you watch, Mr Speaker, in Section 7, there is provision for the Authority to establish some departments and these departments include Solid Waste, Liquid Waste, Technical Services, Personnel/Administration, Finance and Legal/Enforcement. And particularly I am interested in (a) to (c). The Solid Waste appears to define situations where there is a considerable or tangible waste products as in the case of the disposal of refuse. When you talk of Water-ways as the case of sea mariners and sea. Protection Agency Waste as is obtainable in a high Mediterranean seas or rather oceans where seas can apply.

Then the issue of Technical Services appears to be technical in the sense that managing air pollution really need technical approach to it. Therefore, Mr Speaker, the previous title of the Bill is very, very omnibus and this caption as it is, appears to be restrictive and really out of the point.

Mr Speaker, I have some observations to make in the Bill, there appears to be a lot of

lacuna in this Bill. This is a State Bill, obviously meant to guide waste Management products in Enugu State. But then the problem is that I do not know whether the initiator of the Bill took into consideration that even the local governments have their own Bye-laws. As such they could as well have bye-laws governing their environmental agency. So, there has to be need for the Committee handling the Bill to sever the functions of this very Bill as it relates to, if necessary, the bye laws that had been passed by the various local governments because there might be a situation where the Enugu State Waste Management Authority could fashion out solutions for fund drive or rather environmental offences and they might be working in cross purposes with other local governments. So, it is my suggestion that the Committee be meant to have a defined area within which this very law has to operate.

Secondly, this being an important Bill, I think efforts have to be made to reach out to the people whom these are primarily meant for. I can see in schedule one the huge expenditure, attached so as to perhaps generate funds for the Authority. Well, in my own mind, the projections of the people who sent the Bill is not commensurate with the economic system in this country, and in the first instance, it does not even encourage productivity. Take for instance, in Enugu State where there are little or even no textile industries, the Bill now says that the person is going to pay N72,000 (seventy-two thousand Naira) in a year. Is it discouraging the person from coming in or not? There seems to be lots of companies that are even existing here in Enugu State, I do not know where they manufactured all these names. So I do not think the charges are proper. What we should really do is to find a way and trim them down at least to be commensurate with the determining income

of the people who are venturing into the business.

I need not to talk much on that, and that they have even talked about primary schools without stating clearly whether the primary schools are private or government schools. But the ENSEPA themselves did not even include themselves as people who are capable of paying ENSEPA fee or Waste Management fees. So I think there is a strong lacuna on this aspect and the Committee should try and trim down whatever excess charges they imported into it.

Then, Mr Speaker, I still have to talk on the issue of jurisdiction of the Court as was stated in Section 31. It is my view that because of the red-tapesm involved in the administration of judicial process, it is better to assign a Magistrate who already has a job and who appears to lose nothing if he does not go to work, to handle such a serious duty. He can do it but there is no incentive that will certainly motivate him to work on extra hour more especially as sanitation works appears to fall on Saturdays. So it is my suggestion that a Tribunal of coordinate jurisdiction with Magistrate Court be assigned to the various designated zones meant for this very Bill so as to facilitate easy dispensation of justice.

Then I still have some criticisms to make in *Section 41* which was wrongly captioned *Section 42* in the content provision. The content provision said *Indemnity of Officers* said *Section 42* while the main Bill said *Section 41*. So, the Committee has to look into this because there is a kind of confusion there. But I refer to *Section 41*, that is page 24 of the Bill. It says that –

The Managing Director, any officer or employee or agent of the Authority for the time being, shall be

Section appears to be slippery, because, one Managing Director can come and concentrate on the promotion of staff, while others might be promoting others arbitrarily. So there has to be a Committee to look into this, or they will be confined to the Civil Service Rule. The power here is some-how tempting.

Mr Speaker, I would urge you to urge the Committee to really look into the estimates projected for the people to pay. Can you imagine that a Watch Repairer who perhaps could not even get a job for a single day will be meant to pay N1,200.00. There has to be a formular unto which this very estimate is to be assessed. You don't just close your eyes and begin to marshal out money so that people will pay at the end of the day. So, the Committee really has to look into it. For instance Air-line Offices, N36,000.00 And some of these Air-line Offices are merely subsidiaries; people who are working in Agency capacity of this type Air-line, for instance, you see Companies like Luftansa and you see something like Erute in Ogui Road; these are people who are struggling to survive, they are not supposed to pay the same thing. Moreover, there has to be an assessment flowing from the professional tax, not the income tax this time around, but the indirect tax being paid by these companies from which you can now assess what they are meant to pay as their environmental levy. You don't just close your eyes and you just mention levies.

Finally, Mr Speaker, I have to rally comment on Section 28 which says that: *for every contravention of the provisions of this Law and every omission to do any thing required to be done by or under this Law, or any regulation made there under for which no penalty is provided, the offender shall be liable to a fine not less than N2,000.00 or imprisonment for a term of 3 months.* Where

the offender is a Corporation, Company or firm, shall be liable to a fine of N20,000.00. Mr Speaker, my contention on this is that we should not really give any loop-hole to this very Agency, or even court, and that is why I suggested that a Tribunal should be set-up; the Tribunal should be given terms of reference. For instance, if you as a Magistrate is to come and preside, the Magistrate is coming to preside based on his conventional practices. He might not even have time to look at what we have done. And even if he has, there is a lot of loop-holes through which he can easily bend the Law.

Mr Speaker, finally, I wish to urge you to really give more time to the Committee, because this Bill does not appear so easy as you can see. It is my humble believe that two weeks is quite too short for the Committee to do a thorough job here because all the relevant stake-holders here have to be invited. They have to make consultations. Even the Ministries, and the people who sent the Bill have to come, perhaps, during public hearing or on other basis to face the Committee so that we can really get their view. This is not something you give a fire-brigade approach in order to just pass the Bill and enact the Law. Thank you.

Mr C. Enebe (Awgu North); Mr Speaker, three months is O.K.

Mr Speaker: Well, if by the next two weeks they couldn't finish, then we can extend it to two months as requested by the hon. Member for Awgu North (*Mr Enebe*) ...

Mr Enebe: Mr Speaker, I did not say two months. What I said was three months. (*Laughter*)

Several hon. Members: Mr Speaker, three months is O.K.

indemnified out of the assets of the Authority against any liability incurred by him in defending any proceeding, whether civil or criminal, in which judgement is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as the Managing Director, or employee or agent of the Authority.

Mr Speaker, my contention there is that there is relevant laws that cover Masters/Servants relationship; there are laws that cover employment of the people working in the firm of these government agencies. But then the issue has been really said that it will be very very wrong for the Agency to indemnify the Managing Director in the course of doing his duties. If he encounters any problem in the course of discharging his functions, it is prima facia; he is not acting in his capacity, he is acting in the Agency's capacity, and as such whatever wrong or good he has done certainly refers to the Agency. So, in the case of criminal offence, for instance if for any reason, in the course of doing his job he oversteps his bound as to perpetuate a crime, then the Agency has no power to remove the shackles off him as to protect him under the disguise that he is working for the Agency. So, it is my view that this provision be expunged or rather be modified as to really incorporate the real thing because this could be a room for people to make frivolous claims on the Agency more especially because the law equally presumes the Managing Director to be a good man but a situation where the Managing Director is not a good man, what happens? That means that the Enugu State Waste Management Authority could be battling with the indemnification clauses all the time.

On the issue of Appointment of Managing Directors, that is, *Section 4; on the recommendations of the Commission*, I think the provision appears correct in the sense that he is not asking the Ministry to appoint the Managing Director; he is merely asking for a recommendation. And if the Governor feels that the recommendation is worthy, then, he can assent it. The main thing there is that the right to appoint vests on the Governor. The essence of the recommendation by the Ministry is to create a kind of hierarchical arrangement. The Managing Director could not perhaps, because of his influence with Governor, assuage the functions of the Supervising Commission. Meanwhile the Ministry is supposed to play a Supervisory Role. And in doing that they still have to have a little aid on the issue of appointment. Then the Governor can appoint even on their recommendation. But there is nothing in the Bill that mandates the Governor to accept the recommendation. Just like the way you are appointed. Your appointment is based on the recommendations of the Judicial Service Commission. It doesn't mean that you are compelled. Therefore I think that the position is correct. I want to look ...
(interruptions) ... (Prolonged laughter)

Mr Speaker, before I was interrupted, by the Deputy Leader, I wish to refer again to Section 8. Then it talks about the issue of *Employment capacity of the Authority*. It vests on the Authority the power to employ and promote staff whose remuneration are within grade level 01 to 06. My question is that if they can recommend to the Ministry for people who are below grade level 06, then what happens to these people, perhaps, when they retire? Are they entitled to gratuity, or are they entitled to Civil Service emoluments? Because these things have to be defined and to my own mind, the power vested on the Managing Director is this

Chief Whip: Mr Speaker, Sir, it is not as if I am speaking on behalf of the Committee but I know that two weeks is not in order. So, it is my wish that the Committee will write you formally, telling you when they feel that they can finish their job ...

Mr Speaker: No. No. No. The Committee is not supposed to tell me when they will finish the job.

Chief Whip: Mr Speaker, Sir, but you can not put them under pressure.

Mr Speaker: The conventional thing is that, if they did not finish under two weeks, I will give them more time. So it is not the time they want, because, if you do that, they will go and sleep.

Chief Whip: O.K. Mr Speaker, Sir, you are correct provided the time is reasonable. *(Laughter)*. Thank you, Mr Speaker, and honestly, the Bill is quite intellectual, provoking, and I would honestly want my Colleagues to support the Bill. Thank you.

Leader: Mr Speaker, Sir, I am now being convinced that this Bill is an eye witness to this honourable House. May I move that further debate on this Bill be deferred to a later date to be determined by the Rules and the Business Committee of this honourable House. Thank you.

Mr Enebe: Mr Speaker, Sir, I rise to second the Motion moved by the Leader of the House. Thank you.

Question put and agreed to.

Debate on the Bill accordingly deferred.

NOTICE OF MOTION

Inclusion of Idoma Language in Enugu State Broadcasting Service (ESBS) – Radio/Television Programmes

Deputy Speaker *(Mr Atigwe):* Mr Speaker, Sir, may I humbly move the Motion standing in my name:

That this Honourable House urges the State Governor, His Excellency, Dr Chimaroke Nnamani to direct the Chief Executive of the Enugu State Broadcasting Service Radio and Television to include Idoma Language in the State Radio/TV Programme Services.

Mr M.O. Onyeze (Igboeze North I): Mr Speaker, Sir, I stand to second the Motion as moved by the Deputy Speaker.

Deputy Speaker: Mr Speaker, Sir, please permit me to reintroduce this Motion No. 4 of 2004/2005 to this honourable House. The Motion was not able to sail through at the first presentation, last Session, due to language problem.

It is clear that we cannot sell ideas without the knowledge of the language we are about to discuss. That is why I said that it is because of language problem. Now I want us to share the ideas properly.

Before getting to the authority of this well-intended Motion, Mr Speaker, permit me once again to define what the word *language* means.

According to Longman Dictionary of Contemporary English, The complete guide to Written and Spoken English, New Edition (2000) defines language as a system of communication by written or spoken words, which is used by the people of a particular

country or area. There are many languages – the native language, the modern language and dead language. I want to stress the fact that Idoma language is not a dead language. The language is still being spoken in that area of this State.

Mr Speaker, hon. Colleagues, here in Enugu State, we do not practise exclusion, we practise inclusion. We do not practise discrimination; we do not practice marginalization; and this is why I said that this language should be included, as what we practise here is inclusion.

Mr Speaker, Sir, permit me once again to draw the attention of this honourable House to Section 39(1) of the 1999 Constitution of the Federal Republic of Nigeria, which states to wit: *Every person shall be entitled to freedom of expression including freedom to hold opinions and to receive and impart ideas and information without interference.*

Further, may I, with due respect, refer you to Order No. 2, of the adopted Standing Orders of the Anambra State House of Assembly as applicable in Enugu State House of Assembly, which states inter alia: *The business of the House shall be conducted in English, but the House may in addition to English conduct the business of the House in Igbo or other languages spoken in the State as the House may by resolution approve.*

Mr Speaker, Sir, these inferences as deduced from the above references buttress the point to freedom of expression which effective communications in a group of people will always provide. It is an established fact that Idoma language is distinct from the Igbo and Igala languages in Enugu State. This Idoma people were bifurcated to this part of the country in the year 1929. There are three major languages

used by these distinct group of people. The importance of language to the people needs not be over-emphasised. However, not all are privileged to have gone to school or benefited from the acculturation of the times.

The Igbo and Igala languages have been accommodated in the State ESBS/Radio programme. The programme schedules are as follows:

- (i) Igbo programme – start 5.30 p.m. and ends about 11 p.m.
- (ii) Igala programme – 11.30 a.m. and ends at 11.55 a.m. and 4.30 p.m. and ends at 4.55 p.m.

The Idoma programme is the only yearning gap which the people are desirous to be scheduled in the State Radio/TV. The benefits to the people outweigh whatsoever envisaged cost. The freedom of the people of Idoma to express their opinions, culture, and elicit information from the Government will be an improved facilitator to the people's cultural development.

Mr Speaker, Sir, and my hon. Colleagues, I invite your good conscience and understanding to this sincere request of the people of Idoma whom I represent, and urge you to resolve as follows:

1. To convey a Resolution of the Enugu State House of Assembly to His Excellency Dr Chimaroke Nnamani the Governor of Enugu State, drawing his attention to the need of including Idoma language in the State Radio/TV programme, in line with the other languages – Igbo and Igala.
2. That the Chief Executive of the Enugu State Broadcasting Service and Television be directed to adjust its local

they will maintain a good relationship with the government and people of Enugu State. Mr Speaker, on this note I want to urge our hon. Colleagues to consider our plight and our problem. We are representing the people who do not speak the same language with us and they need to be communicated too. I hope that our Motion will be considered. Thank you, Sir.

Mr Speaker: Please hon. Members this particular Motion came to the House sometime ago and it was turned down. I am appealing that almost all of us here spoke during the first presentation of this Motion. I do not want lots of argument on this Motion. It is just for us to say few things and ask that the Question be now put.

Mr C.O. Enebe: (Awgu North): Mr Speaker, Sir, I have risen to contribute to this Motion as moved by the Deputy Speaker and the Co-sponsor the hon. Member for Igboeze North I (*Mr Onyeze*). I am supporting the Motion for one thing: the case of Bakasi is very fresh in my minds. It will be better for us to get this people settled in Enugu State properly than for them to take the people of Igbo origin to settle in another State. If tomorrow there is a boundary dispute, once they say they are from Enugu State that settles it. This is what we call self determination. We cannot settle boundary disputes between the people of Enugu, Benue, and Kogi without asking the people where they belong in the first instance. However, I am constrained to ask some pertinent questions as regards the activities of ESBS, whether they have the manpower and trained hands to get into this business or are they going to handle it based on consultancy or by employing people on ad-hoc arrangement so as to, at least, let the Idoma people know about government activities and programmes. This is left to the ESBS to take care of.

Another thing is for the House to equally realize that this Motion is a mere prayer; it has no force of law. We have to follow what I said in the earlier matter when the House was debating on the issue of due process. I believe that we will be doing the best thing by urging the Commissioner for Information or the Ministry of Information where the ESBS falls under. This matter has nothing to do with the Governor because if the governor directs them, and for one reason or the other, the ESBS fails to comply, people might see it as that the ESBS has failed to comply or obey the directives of the House. The Governor should be left with higher responsibilities. We should deal with the Commissioner for Information and if there is a problem at that level then the Governor will use executive fiat to give instructions. As a way of letting the Governor know what the House is doing on the Motion, we are going to send part of the information to him. In line with the convention, we should only urge the Ministry in charge of ESBS. So it is a fundamental amendment and I just hope that the House will accommodate it. It is proper to deal with the appropriate authority. If we talk of the Governor it will appear political. What we are now saying is not an issue of politics, what we are saying is that the people of Idoma should know what is happening.

So, the Ministry of Information should actually be our target. They will now urge the Managing Director of ESBS to do the job. The Governor should not be included in the theme. If the House shares the same view with me, I beg to move for the amendment of the title of the Motion to read: *That the House urges the State Ministry of Information to direct the ESBS to inculcate Idoma Language in her programmes no matter how little it is.* We cannot write to the Governor direct since there is a supervising

programme to accommodate Idoma speaking people in social education and information programmes.

3. That the Government of Enugu State is urged to ensure compliance.

Be it moved and is hereby moved. Thank you.

Mr M.O. Onyeze (Igboeze North I): Mr Speaker, Sir, I have risen to throw more light to the Motion which my brother, the Deputy Speaker, is re-presenting to the House for consideration.

When the Motion was brought to the other session of the House, I tried to convince the hon. Members that the Idoma people are distinct people who have their own language, but are people of Enugu State.

After the Igbo, Igala, you have Idoma people; they occupy some area in Igboeze North; they have a Local Government Headquarters; they are part and parcel of us. They have a current Chairman appointed from that ethnic group. I also pointed out that the government of Enugu State under the able leadership of His Excellency, Dr Chimaroke Nnamani, has given a lot of things - projects and amenities - to the people of Idoma and Igala. Some other things are UBE school, and special Science School. One of them is sited in Eteh and it has taken off already. They have electricity; they have a General Hospital but what they had in the past was a Maternity. They have steady supply of electricity. Unfortunately, the people of Eteh do not even know who gave them all these amenities because they do not understand English and they do not understand Igbo. If you give somebody

something, another person can come to claim it. Somebody can come to say that these things came from the Federal Government and that these things came from our brother in Abuja or Kaduna. So there is need for us to communicate effectively with our brothers and sisters who are not speaking the same language with us. They are part of us because the Constitution has put them as part of Enugu State.

Also in very recent times, they have been clamouring to join their kith and kin in either Kogi State, or Benue State where actually a lot of people speak Idoma. In this place Idoma does not mean much to us because we are Igbos. If you go to Benue State it is the second largest language after Tiv. Because of the type of sentiments we express whenever they mention Idoma people, we feel very cold in mixing with the Igbo race. So, this honourable House will be doing a great work, a great service to the people of Idoma if they accommodate their language, or urge the Executive to direct the Chief Executive of ESBS to accommodate their own language no matter how little, in the ESBS programmes. We are begging, we are not presenting a Bill, we are begging the hon. Members because it is affecting us. The Igbo people say *ehe nwata na ebe akwa nwa alu aka nne ya anoro niya nnaya anoro ya*.

The integrity of the Deputy Speaker (*Mr Atigwe*) who is representing this people should be considered because he is representing them and they do not know what the government is doing for them.

It takes him a lot of energy and resources to go house to house to explain this to them - that this school here is built by Enugu State Government; this electricity is provided by Enugu State Government; this hospital is built by Enugu State. But if there is air-space for them even if it is ten minutes in a day,

Ministry that is charged with the control of ESBS.

Mr Speaker, Sir, may I move that we suspend Order No. 25 of the House to enable me move for the said amendment.

Mr J.U. Onoh (Enugu North): Mr Speaker, Sir, may I second the Motion as moved by the hon. Member for Awgu North (*Mr Enebe*) and in doing so may I also move a Motion for the suspension of Rule No. 25 to enable me move for an amendment. (*Interruptions*).

Mr Speaker: The hon. Member for Enugu North (*Mr Onoh*) should sit down.

Mr J.U. Onoh: Mr Speaker, it is my opinion because there is freedom of speech.

Mr Speaker: The hon. Member for Enugu North (*Mr Onoh*) should please sit down. He has just seconded a Motion and nothing has been done and he wants to move another Motion.

Question put and agreed to.

Rule No. 25 accordingly suspended.

Mr C.O. Enebe (Awgu North): Thank you, Mr Speaker, Sir. In line with the Question which has been carried, may I move for an amendment of the Motion as follows:

That the Enugu State House of Assembly of Nigeria urges the Executive to direct the M/D of ESBS to include Idoma Language in her programmes. The same thing is applicable to prayer one to expunge the words His Excellency, the Governor, Chimaroke Nnamani and insert the Executive.

Question put and agreed to.

Mr C. Enebe (Awgu North): Mr Speaker, having done justice to this amendment, may I now move that the Question be put.

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

Main Question put and agreed to.

Resolved: That the House do resolve to convey a resolution of the Enugu State House of Assembly to the Executive of Enugu State, drawing his attention to the need of including Idoma language in the state Radio/TV programmes in line with the other languages – Igbo and Igala.

2. That the Chief Executive of the Enugu State Broadcasting Service and Television be directed to adjust its local programmes to accommodate Idoma speaking people in social, education and information programmes.

ANNOUNCEMENT

Mr Speaker: Please, I have a letter from the Secretary, Board of Trustee, Prof. Jerry Gana. I read;

**PEOPLES DEMOCRATIC PARTY
(PDP) POWER TO THE PEOPLE**

Motto: Justice, Unity and Progress
Plot 125 M-tel Street, Wuse II
PMB 5062, Wuse-Abuja 09-05239872-3

June 21, 2004

*The Honourable Speaker,
Enugu State House of Assembly,
Enugu.*

Hon. Speaker,

**RE: ZONAL TOUR BY THE NATIONAL
LEADERSHIP OF PEOPLES
DEMOCRATIC PARTY**

Further to our letter of 2nd April, 4th May and 11th May 2004, I have the honour to inform you that the Team for the tour to the South-East Zone has now been expanded to include members of the National Working Committee and Board of Trustees of our great party.

2. *The date assigned for the South East Zone is as follows;
Arrival: Friday 2nd July, 2004
Interactive Session: Saturday 3rd July, 2004
Venue: Enugu, Enugu State.*
3. *The purpose of this letter is to remind hon. Speaker of this crucial meeting, draw your kind attention to the new date and request you to very kindly invite all PDP Honourable Members of the House to the meeting.*

4. *We look very much forward to your distinguished presence.*

*Very Sincerely,
Signed.
Prof. Jerry Gana,
Secretary Board of Trustee*

Please, I am making an appeal. Other states are coming here, so those of you who are fond of traveling everyday, please do not travel. We are meeting with them on Friday and Saturday.

Please, all of us should be around.

NAWOJ Visit

The Nigerian Association of Women Journalists (NAWOJ) will visit the House Committee on Women Affairs, and Social Development today, 29th June 2004 by 12 noon prompt at the Chairman's office room 012. All Members of the Committee should please endeavour to attend.

Inauguration

The House Committee on Local Government, Rural Development, Inter-parliamentary and State INEC will be inaugurated on Friday, 2nd July, 2004, Time 11 a.m. at Room 110, the Chairman's Office.

Meeting

Members of the House Committee on Environmental Management and Judiciary, Ethics and Privileges will be having a meeting as follows: Date: 30th June, 2004, at the Chairman's Office Room 214, by 1 p.m.

Youth Parliament

Honourable Colleagues, I wish to formally welcome the Members Youths

Parliament today. I welcome them on behalf of the hon. Members of this Assembly. I do hope that whatever they learnt today is going to be of interest to them. They have the right, any time, any day, to come and witness our proceedings.

Please, you are welcome.

ADJOURNMENT

Leader: Mr Speaker, may I now move that this honourable House do now adjourn till Thursday 1st July, 2004 at 10 a.m. Thank you.

Mr J. Obidinma (Oji River): Thank you, Mr Speaker. I rise to second the Motion as moved by the hon. Leader of the House.

Submission of Memorandum

Chief Whip (Mr Odoh): Mr Speaker, in supporting the Motion for adjournment, I wish to urge all our Colleagues to submit their memorandum in view of the Standing Order of the House which the Committee drafted. The Committee is likely to report out in less than three week's or one month's period and it is unfortunate that we have not really received any memorandum or memoranda from any Member. So, I urge the Committee to really go through the new Rules and then submit their memorandum. Thank you.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Thursday 1st July, 2004 at 10 a.m.

Adjourned accordingly at 12.14 p.m.

that there is nothing wrong for this House going ahead as the Committee that had looked into it, on the ground that what the just amended or approved schedule or section talked about is that the Commissioner may, it is not that he must, it is a probability. And move-over, if a fine is N10 (ten Naira) and a Commissioner decides that it should be N10,000 (ten thousand Naira), the general public knows that the House had approved N10 and all we need to do is to publicize what we have approved. then if the Commissioner on his own now tries to punish the people of Enugu State, the people will know that it is the Commissioner and not the House. I am trying to explain that since we have passed up to this stage let us go ahead and do what our conscience has told us to do earlier. So, at the end of the day, when the Bill is passed the people ...
(Interruptions).

Several hon. Members: *Omaro-ebe-ono?*

The Chairman: Order! *Omaro-ebe-ono!* It is not true. He knows what he is talking about. You people should stop talking this type of thing. I do not like that kind of statement.

Mr Njeze: I know, whatever is done history will ever remember those who put us in decision-making. History will forgive us even if we took wrong decision but history will never forgive us if we fail to take any decision at all. And since we have come to this Section even if we do not take any decision at all and say leave it for God and let us go ahead and follow our constitutional duties and complete it, and pass the Bill because our people need it; we know we need it. So, that is what I am saying, I am not talking about what has gone, I am talking about the future. Thank you, Mr Chairman.

The Chairman: Honourable Colleagues, at times, I feel very very comfortable when there is this kind of development. Comfortable in the sense that we are practicing democracy here. If I want to support an issue, I don't want to base it on sentiments. I support something based on principle. And, like I said when we met yesterday; or there about, we expunged; or we had to delete that place. And this morning we talk about recommittal and I still believe that if it is a popular opinion of Members of this honourable House, then we delete it as we did earlier. That is, we can still go ahead and delete it. So I will go ahead now and put the Question again. *(Interruptions).*

Chief Whip: Mr Chairman, Sir, the issue is not about putting Question, or not putting it. The issue is about explaining the pros and cons in the two issues. This other one said that the Commissioner has powers to amend the rules. Then, this one said that the House of Assembly has the right to perform this statutory function as obtains here. And what I am now saying is that if the Commissioner has powers to amend the Bill, then it is needless even debating on whether or not the fees are to be reduced or refused. Because, for instance, you now make a Law by reducing the fees to N5.00 and you are giving the Commissioners power to amend. He can now increase it to N10.00. If we now say N100, the Commissioner can bring it down to N5. I mean there is two sharp distinctions. So it is not something about putting Question or not putting Question. ...

Deputy Leader: Mr Chairman, Sir, you will recall that on the 1st day of the Commencement of the consideration of the Committee Report, we had arrived at some other sections which we even had to revise, and which vote was conducted. But we did not go ahead to do committal again. It is the

The Chairman: Excuse me! This issue was raised up, the hon. Member for Igboetiti East (*Mr Odo*) was the only person who said that the issue was very, very dull and he come back here and raised the issue again. ... (*Interruptions*).

Deputy Leader: Mr Chairman, I want you to understand ... (*Interruptions*)

The Chairman: The hon. Deputy Leader should get seated. I do not want to understand anything, you people said that ... (*Interruptions*).

Deputy Leader: You even opposed it.

The Chairman: You said what?

Deputy Leader: You said that it is wrong if we accept it, you as a Leader and now you are saying that I do not like it, ... (*Interruptions*).

The Chairman: Excuse me. When we met yesterday, along the line, there was a time there was a kind of disagreement. I said that this is an Executive Bill, that the Leader of the House will go back and do some consultations and report back to the House. So, in respect of that, the Leader also discovered that even Sub-section 19(3) which is in this Bill that what should be there was not there. And now he reported back. I remember that I said vividly that if a Bill is on the Floor of this House and after passage of the Bill and there is a need for amendment that the amendment should come to the House, I said that. Now you just said that an adjustment could be made by the Commissioner ... (*Interruptions*).

Deputy Leader: Mr Chairman, I said adjustment and not amendment. It is just to adjust and not to amend.

An hon. Member: Adjustment and amendment are the same.

Deputy Leader: They are not the same. Mr Chairman, let us go on.

Several hon. Members: They are the same.

The Chairman: No! No! Let us continue.

Mr M. Njeze (Udi North): Mr Chairman, I want to talk about this First Schedule and appeal to the hon. Members that we should consider it as ... (*Interruptions*).

Mr C. Ugwu (Enugu East II): Information! Mr Chairman, my information is that there is no need for the hon. Member for Udi North (*Mr Njeze*) to appeal to us. The Motion on this had been moved and it was fully seconded, Mr Chairman, you should put the Question so that we should go on. What are we doing? So, we should go on and announce the result.

The Chairman: Please, I believe in a popular view, if what the hon. Member for Udi North (*Mr Njeze*) said is going to help us there is nothing wrong in expressing his view.

Mr Ugwu: Except the Leader or the Mover of the Motion. ... (*Interruptions*)

The Chairman: No! No! May be from what he said or if it is a popular view that that Section should remain as we passed it before we can still go ahead and not minding the question put and agreed to.

Mr Njeze: Mr Chairman, I will continue, I have observed his information. And what I am really talking is not about the one that had passed, I am talking about the next stage which you mentioned in schedule I and to say

Leader: Mr Chairman, Sir, may I move for the recommittal of Section 19(3) of the original Bill for further consideration by this honourable House. Thank you.

Mr M. Njeze (Udi North): Mr Chairman, Sir, may I second that Motion for a recommittal of Section 19(3) that is asking that the authority may refer for approval of the Commissioner to amend the Bill relating to Schedule one to four before consideration in the Committee of the Whole House.

Question put and agreed to.

Deputy Leader: Mr Chairman, is the Commissioner going to amend the entire Bill?

The Chairman: No! They are not going to amend the law, but the fees. So, if there is any discrepancy, they can adjust either upwards or downwards.

Deputy Leader: Mr Chairman, may you allow me one minute to say something on it.

The Chairman: Sorry! I cannot allow even a second, because we discussed these things in my office few minutes ago and agreed that we are going to allow the Commissioner to amend the fees.

Question put and agreed to.

Leader: Mr Chairman, the Motion for the recommittal of the said Section 19(3) became necessary because in the amendment, as recommended by the Committee ...

The Chairman: Order! The Leader may move that the recommittal having been accepted, that it becomes part of the Bill we are making.

Leader: Mr Chairman, Sir, may I move that the recommittal of Section 19(3), having been accepted by this honourable House, becomes part of the original Bill. Thank you.

Question put and agreed to.

The Chairman: Yesterday, we stopped at Schedule I where we have Commercial Categories ... *(Interruptions)*.

Mr E. Odo (Igboetiti East): Observation! The issue is on the clause we have just amended. ... *(Interruptions)*.

The Chairman: Can the hon. Member for Igboetiti East (*Mr Odo*) sit down because we have passed that place and I am not going to entertain anything on that Section 19 again.

Mr Odo: I am talking of Schedule. So on the issue of Schedule, what I am just saying is that I think the best thing is to read as the way we read the original Bill because there is no point even in amending the Schedule when after amending, the Commissioner can even change. So, there is no need, Mr Chairman, allow it to remain. ... *(Interruptions)*.

The Chairman: I am surprised this thing we discussed in my office and agreed and the hon. Member for Igboetiti East (*Mr Odo*) was the only person who refused and has raised it here again. The hon. Deputy Leader (*Mr Anikwe*) raised this thing and said that he was not happy with the information because yesterday some of these things we asked the Leader of the House to go and make more clarification on this and he went and got the clarification and came back and reported same to the House. ... *(Interruptions)*.

Deputy Leader: No, Mr Chairman. ... *(Interruptions)*.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 29th July, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 16, of Tuesday 27th July, 2004 are before the House. I have gone through them and found them to be correct. However, I welcome your comments.

Note that the Votes and Proceedings of Wednesday 28th July, 2004 sitting is not ready, what we have here is that of Tuesday 27th. By our next sitting the Votes and Proceedings of Wednesday shall be ready.

Chief Whip (Mr Odo): Mr Speaker, Sir, I wish to observe that in page 5 of the Votes and Proceedings where I made an amendment, that is, under new sub-clause 12(4) of the Bill, which reads: *Amendment proposed – to insert a new sub-clause 12(4) – To read: Where the tenement is a private or Government hospital, there shall be an incinerator for the destruction of all chemical and hazardous waste.* The word *chemical* should read *chemicals*.

In view of that, I wish to move that the correction having been taken care of, that the Votes and Proceedings of our Tuesday sitting be adopted.

Deputy Leader (Mr Anikwe): Mr Speaker, I have risen to second that Motion moved for the adoption of the Votes and Proceedings.

Question put and agreed to.

Votes and Proceedings of Tuesday 27th July, 2004 accordingly adopted.

ORDER OF THE DAY

Consideration of Report from Joint Committees on Petroleum Resources and Environmental Management and Judiciary, Public Petitions, Ethics and Privileges on the Enugu State Waste Management Authority Bill, No. 8, 2004.

(Adjourned debate on Question 27th July, 2004)

Leader (Mr Anichukwu): Mr Speaker, may I move that this honourable House do now resolve itself into a Committee of the Whole House for the purpose of considering the Report from the Joint Committees along with the original Bill.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, I have risen to second that Motion.

Question put and agreed to.

Report from Joint Committees on Petroleum Resources and Environmental Management and Judiciary, Public Petitions, Ethics and Privileges on the Enugu State Waste Management Authority, Bill No. 8, 2004

Considered in the Committee of the Whole House.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 96

Thursday
29th July, 2004

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it. We cannot now try to chase them out. That is why I said that the Committee's recommendation be reduced by half. That is a Motion moved and seconded already on the Floor of the House. Thank you.

The Chairman: Honourable Colleagues, I am aware that there was a Motion on the Floor and duly seconded, but I wish to appeal for something. If you would not mind, I request that since the thing is almost coming to an end, and these areas appear to be posing some problems, if it is the opinion of the House, I wish to request that we step down further consideration of this Report along with the original Bill to enable the Leader (*Mr Anichukwu*) do some consultations this afternoon.

Since it is just about 2 or 3 pages to the end, we will do it first thing tomorrow morning. Is it O.k.?

Several hon. Members: Yes. Carry on.

(Mr Speaker resumed the Chair)

Leader (*Mr Anichukwu*): Mr Speaker Sir, may I move that further deliberations on the Bill before the House be deferred till tomorrow. This will enable the Leader to do some consultations on the issues at stake. Thank you, Sir.

Deputy Leader (*Mr Anikwe*): Mr Speaker Sir, I stand to second the Motion as moved by the Leader of the House.

Question put and agreed to.

ANNOUNCEMENT

Meetings

Mr Speaker: There will be a meeting of House Committee on Commerce and Industry as follows: Date: Friday 30th July, 2004 at 10 a.m., Room 09, Chairman's Office. All Members are hereby requested to attend and on time too for issues of importance will be discussed. Signed: Hon. Emma Maduabu, Chairman.

Please hon. Colleagues we should meet in my office on the rising of the House for some brief discussions. Thank you.

ADJOURNMENT

Leader: Thank you, Mr Speaker, Sir. May I move that this Honourable House do now adjourn till Thursday 29th July, 2004, at 10 a.m.

Mr C. Ugwu (Enugu East II): Thank you, Mr Speaker. I have risen to second the Motion for adjournment as moved by the Leader of the House (*Mr Anichukwu*)

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Thursday 29th July 2004, at 10 a.m.

Adjourned accordingly at 12.32 p.m.

Because I still wonder how they will operate when they are handicapped. By your suggestion, you are saying one-quarter (1/4) of what is contained in the original bill. I want us to understand that half of what is contained in the original bill should not be considered as too much for the Authority to operate.

Mr A. Chigbo (Uzo Uwani): I stand to second the Motion moved by the Deputy Leader (*Mr Anikwe*).

The Chairman: I have not even recognized the hon. Member for Uzo Uwani. So you just sit down.

Mr O. Chukwuegbo (Enugu South II): Mr Chairman, I am standing to second the Motion as moved by the Deputy Leader (*Mr Anikwe*).

The Chairman: Please, at times, I do not like talking because if I talk, it appears that I have specific interest on the issue. Some of these things are what we could have discussed and everybody will understand why this thing is going this way.

Now, how can the Deputy Leader say now that we should reduce the Committee's recommendation by half and he mentioned restaurants. I agreed with him. He did not mention places like banks and factories that charge a lot of money. The interest rate in a bank is 22 1/2% and he wants to cut down their own charges to almost nothing. Please I do not like playing sentiments in whatever I am doing. He made mention of restaurants but it did not occur to him to talk about bigger organisations like EMENITE, NBL., ANAMMCO, etc.

Deputy Leader: They even pay property rate. I am aware.

The Chairman: Please that is not our business here. Whether they pay property rate or not, let us not talk about that one. We are all mature. Let us be more reasonable on these things. Let us be serious about these things.

There is no way the Deputy Leader can just stand up and say that all these things should be reduced by half and this is an Executive Bill. In as much as we have to save our own neck, we should be reasonable for them to have given us these things, they must have something in mind about what they want before given us these things.

The Committee did a good job by reducing these charges and if the House says they want to reduce it by half again, well, if it is the wish of the House, fine and good.

Deputy Leader: Mr Chairman, let me put it this way. Having noted the explanation you have now given, we can now go ahead and have these notable companies, even if we are not going to reduce their own by half, we will still go ahead and reduce it because, double taxation is what we are trying to avoid. Most of them pay this property rate, at high level and you will understand that before the commencement of this present administration in 1999, we did not have more than two commercial banks in Enugu, but just watch the number of commercial banks already operating in Enugu. We do not have to chase them out now.

It is due to the good managerial ability of His Excellency that attracted all these companies. If you look at NBL, it is the singular ability of the Governor that attracted

for Urban cities only – as amended, ordered to stand part of the Bill.

Schedule 1(a) (Large detached Duplex) – Delete N9,500.00 and insert N4,800.00 thus: N4,800.00 per annum – as amended, ordered to stand part of the Bill.

Schedule 1(b) (Small detached duplex) – Delete N8,400.00 and insert N4,200.00 thus: N4,200.00 per annum – as amended, ordered to stand part of the Bill.

Schedule 1(c) (Semi detached duplex) – Delete N6,200.00 and insert N3,000.00 thus: N3,000.00 per annum – as amended, ordered to stand part of the Bill.

Schedule 1(d) (Detached bungalow) – Delete N6,000.00 and insert N3,000.00 per annum – as amended, ordered to stand part of the Bill.

Schedule 1(e) (Semi detached bungalow) – Delete N4,800.00 and insert N2,400.00 thus: N2,400.00 per annum – as amended, ordered to stand part of the Bill.

Schedule 1(f) (3 bedroom flat) – Delete N3,600.00 and insert N1,800.00 thus: N1,800.00 per annum – as amended, ordered to stand part of the Bill.

Schedule 1(h) (one bedroom flat) – Delete N1,800.00 and insert N900.00 thus: N900.00 per annum – as amended, ordered to stand part of the Bill.

Schedule 1(i) (one room) – Delete N1,200.00 and insert N600.00 thus: N600.00 per annum – as amended, ordered to stand part of the Bill.

Deputy Leader: (Mr Anikwe): Observation; Mr Chairman, I believe that it will be more appropriate now that we are treating this Bill schedule by schedule to treat it once and in doing so, I have a Motion. The Motion is that this honourable House do adopt now that we have agreed to treat it at once under this schedule, that the committee's recommendation be further reduced by half.

The Chairman: Why?

Deputy Leader: I have a reason for it. We understand what we are going through today. Most people who are involved in this bee parlour business are indigenes of Enugu State, coupled with economic hardship we are going through.

I stand to move a Motion, that we now accept this Motion, which is that the committee's recommendation be reduced by half, for all these schedules. Thank you, Mr Chairman.

Leader (Mr Anichukwu): Information; (Interruptions).

The Chairman: He wants to give information before you second that Motion. That information will help us.

Leader: I know that whatever the hon. Members have agreed on this bill will stand, but I want us to be guided by a number of factors. This Enugu State Waste Management Authority Bill issue has changed from Agency to Authority and I believe that if you have given authority to somebody, you have to give him opportunity to discharge that authority.

Clause 36 – (SERVICE OF NOTICE TO PARTIES) – ordered to stand part of the Bill.

Clause 37(1)(a-b) – (LIMITATION OF SUITS AGAINST THE AUTHORITY) – ordered to stand part of the Bill.

Section 37(2) –

The Chairman: There are amendments – Section 37(2) – In line four, after of delete *one month* and insert seven days thus: *No suit shall be commenced against the Authority, the managing Director or any officer or employee of the Authority before the expiration of a period of seven days after written notice of intention to commence the suit has been served upon the Authority by the intending plaintiff or his agent.*

Clause 37(2) – as amended ordered to stand part of the Bill.

Clause 37(3) – ordered to stand part of the Bill.

Clause 38-39 – ordered to stand part of the Bill.

Clause 40(1) – (RESTRICTION ON EXECUTIVE AGAINST PROPERTY OF THE AUTHORITY) –

The Chairman: There are amendment – In clause 40 delete *sub-section one* and *sub-section two* becomes *sub-section 40*.

Clause 40 – as amended, ordered to stand part of the Bill.

Clause 41 – (INDEMNITY OF OFFICERS) – ordered to stand part of the Bill.

Clause 42 – (REGULATIONS AND GUIDELINES) – ordered to stand part of the Bill.

Clause 43 – (REPEAL 1999 NO. 4) – ordered to stand part of the Bill.

SCHEDULE 1(A) – (WASTE MANAGEMENT FEES)

1(B) – (RESIDENTIAL CATEGORY)

The Chairman: Honourable Colleagues, please let us look at that schedule 1(b) *Residential Category* and of course we have here, *Waste Management Fees*. They said *Large Detached Duplex, small Detached Duplex, Semi Detached Duplex, Detached Bungalow, Semi Detached Bungalow, 3 bedroom flat and above, 2 bedroom flat and one bedroom flat and one room.*

An hon. Member: Mr Chairman, Sir, there is no 2-bedroom flat in that schedule.

The Chairman: What I am saying is that there is a place you say *one bedroom*. I am only asking whether we can put *one bedroom and above*.

Mr Obidinma (Oji River): Mr Chairman, Sir, if we say *one-bedroom and above* it will change the whole system and nothing will take 2-bedroom and Semi-Detached Bungalow. So let us leave it as it is.

SCHEDULE 1(A) – (WASTE MANAGEMENT FEES) –

(B) – Residential category –

The Chairman: There is an amendment here: After *residential category*, insert for *Urban Cities only*. Thus: *residential category*

giving notice. It seemed that they collected the children as collateral. The staff should be limited to the working hours of the civil service. Notice could be given during working hours.

The Chairman: Honourable Colleagues, what do we do?

Chief Whip (Mr Odo): Mr Chairman Sir, the ideas of the Deputy Leader of the House (Mr Anikwe) is a problem. We understand that there is provisions for the establishment of Environmental Courts. I know that Environmental Courts can issue warrants of arrests within these hours. If restricted, the court process cannot be what it is meant to be. Environmental Courts will take the position of ordinary conventional courts.

The Chairman: O.k.

Clause 27 (OFFENCE RELATING TO THE STAFF OF THE AUTHORITY, ETC) – as amended, ordered to stand part of the Bill.

Clause 27(1)(b) – (OFFENCES RELATING TO STAFF OF THE AUTHORITY, ETC) –

The Chairman: There are amendments – Delete 27(1)(b)

Clause 27(1)(b) – accordingly deleted

The Chairman: There are amendments – clause 27(2) – In line eight delete N10,000.00 and insert N5,000.00 thus: *any person who assaults or manhandles any member of staff of the Authority in the course of his duties, or obstructs, misleads or does anything likely to obstruct such member of staff or person from carrying into effect any of the provisions of*

this law is guilty of an offence and liable on conviction to a fine of N5,000.00 or imprisonment for a term of one year or both such fine and imprisonment.

Clause 27(1)(b) – as amended, ordered to stand part of the Bill.

Clause 27(3-4) – ordered to stand part of the Bill.

Clause 28(1) – (GENERAL PENALTIES) – ordered to stand part of the Bill.

Clause 28(2) – (GENERAL PENALTIES) –

The Chairman: There are amendments – In line one after *a delete corporation, company, or firm,* and insert *public liability company,* thus: *where the offender is a public liability company, it shall be a fine of N20,000.00*

After clause 28(2) add no 3 thus: *where the offender is a private liability company, it shall be liable to a fine of not less than N5,000.00.*

Clause 28(2) – (GENERAL PENALTIES) – as amended, ordered to stand part of the Bill.

Clause 29 – (PROSECUTION NOT TO OPERATE AS A BAR TO CIVIL ACTION) – ordered to stand part of the Bill.

Clause 30 – (ESTABLISHMENT OF ENVIRONMENTAL PROTECTION COURT) – ordered to stand part of the Bill.

Clause 31-35 – ordered to stand part of the Bill.

Clause 21 93) (c) –

The Chairman: The amendment is that we delete *Agency* and insert *Authority*, thus; *people exempted by the Authority*.

Clause 21 (3) (c) – *as amended, ordered to stand part of the Bill.*

Clause 22 (1-2) – (SANITATION DAYS)
- *ordered to stand part of the Bill.*

Clause 23 – (SANITATION ACTIVITIES) – *ordered to stand part of the Bill.*

Clause 24 (iii) – (RESTRICTION OF MOVEMENT ON SANITATION DAYS)

The Chairman: The amendment is that the clause should be deleted.

Amendment, put and agreed to.

Clause 24(iii) accordingly deleted.

Clause 25: (REFUSAL TO PARTICIPATE IN THE CLEAN-UP EXERCISE) –

Clause (i) – *ordered to stand part of the Bill.*

Clause 25 (2)

The Chairman: There is an amendment. In line 5 after *of delete N5000* and insert *N2000*.

Clause 25 (2) – *as amended, ordered to stand part of the Bill.*

Clause 26: – (ANCILLARY OFFENCES)
- *ordered to stand part of the Bill.*

Clause 27 (OFFENCES RELATING TO STAFF OF THE AUTHORITY, ETC) –

The Chairman: There is amendment in 27. Let us look at it. It said: Delete *I (a)* and in line eight after *notices*, delete *arresting offenders, seizing of any goods, items or vehicles, confiscating, auctioning, abating any nuisance*.

Deputy Leader (Mr Anikwe): Mr Chairman, Sir, we are talking of the powers given to the staff. For a staff to have powers as spelt out in the operations of their duties after four o'clock, up till 6 p.m. there is room for possible abuses. Somebody may after dismissal from duties or at the end of the day decide to still go on till the hours of 6 p.m. to arrest people. My opinion is not to extend the time to 6 p.m. We will leave the working hours as is obtainable in the State Civil Service.

The Chairman: I have my reasons to support the time. The staff of the Authority might come to ones house by three or four and you are not there. The only time the staff will be convinced that you are in the house could be between the hours of 6 p.m. and 6 a.m. It is just like if the Bailiff wants to eject a tenant from a House, they will come before 6 a.m. in the morning when they are sure you will be in the house. They will try to avoid where somebody will say that he was not in the house at the time the notice was served.

Mr J.C. Obidinma (Oji River): Mr Chairman, Sir, if he is only there to give notice.

Deputy Leader: Mr Chairman, Sir, if it is to give notice, it is okay; but if it is to arrest it is not proper because recently at Abakpa Nike they took two children away instead of



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 95

Wednesday
28th July, 2004

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and we are aware that it is our duty to amend. I mean it is not in dispute, ... *(Interruptions)*.

Mr E. Maduabu (Awgu South): Mr Chairman, Sir, I think any amendment in the Bill should emanate somewhere. Like we have this Bill now, we sourced it from Government. Now if the Commissioner has the authority to recommend that then there is a change. He should come to the House of Assembly for us to give him the legal backing. ... *(Interruptions)*.

The Chairman: No! No! If you look at the Section now, it is not saying that Commissioner is to recommend. It is saying that the Commissioner should amend. So there is a difference between recommendation and amending. If we allow the Commissioner to amend it, then he can always amend from time to time without reference to the House of Assembly. Even the Chief Executive of the State will not even talk to him; he will just amend to suit his own personal position. So somebody should put it in a way it should be. If you people say we should delete it, fine, I will not have any objection to that. Thank you.

Deputy Leader: Mr Chairman, Sir, why can't we have it this way: *that the Authority may with the prior approval of the Enugu House of Assembly amend the fees stipulated in schedule 1 of this Law*. Instead of leaving entirely that position. We just approve that *(Interruptions)*.

The Chairman: We do not approve it. The approval must have to emanate from somewhere, which is from the Executive arms of Government. We cannot approve and at the same time amend.

Several hon. Members: Mr Chairman, Sir, let us delete 19(3) and 19(4).

Question put and agreed to.

Clause 19(3-4) accordingly deleted.

Clause 20 (1-3) – (PRIVATE WASTE COLLECTION LICENCE; ETC) – ordered to stand part of the Bill.

Clause 20 (4) –

The Chairman: The amendment is in line 3, after *then*, delete *N30,000.00* and insert *N20,000.00*; thus *any person who contravenes the provisions of this Section is guilty of an offence and liable on conviction to a fine of not less than N20,000.00 or to such both fine and imprisonment.*

Clause 20 (4) – as amended, ordered to stand part of the Bill.

Clause 20 (5) –

The Chairman: The amendment is in line 3, after *be*, delete *N500,000.00* and insert *N100,000.00* thus; *where the offence is committed by a corporation, company or firm, the penalty shall be N100,000.00.*

Clause 20 (5) – as amended ordered to stand part of the Bill.

Clause 21 (3)

The Chairman: In line four, delete *N5000* or *N10,000.00* and insert *N2000* or *N5000*.

Clause 21 (3) – as amended, ordered to stand part of the Bill.

approval of the Commissioner, amend the fees stipulated in Schedule 1 of this Law. *(Interruptions)*.

Mr Obidinma: Mr Chairman, Sir, no need.

The Chairman: What do you mean by saying *no need*. Why do you say *no need*?

Mr Obidinma: They should explain.

The Chairman: That is why I want them to explain.

Mr Obidinma: Previous works have taken care of them. ... *(Interruptions)*.

The Chairman: What previous works?

Mr Obidinma: There are cases of authority and fines. Please go to section 19(3) ... *(Interruptions)*.

The Chairman: No. No. That section does not talk about ... *(Interruptions)*.

Chief Whip: Mr Chairman, Sir, let us look at this issue critically. We feel that the schedule as was said in 19(3) is part of the Bill, and if we have to amend this schedule which is part of the Bill it must not be a Commissioner. It is the House of Assembly to amend the Bill.

The Chairman: But that is not enough reason for you to expunge it or to delete it. But what you could have done is to find solution. The State House of Assembly should pass a resolution that the House of Assembly should amend that. *(Interruptions)*

Chief Whip: It is a common knowledge, if you make it that the House of Assembly

Enugu should amend, assuming the Executive has assigned the schedule you have to send that amendment to. ... *(Interruptions)*.

The Chairman: We do not do things on assumption. We are aware that the Executive sent this Bill to us asking us to allow the Commissioner to review and also to amend. Now, since it is not the duty of the Commissioner to amend, we should have suggested that, instead of putting the Commissioner we put the House of Assembly. ... *(Interruptions)*.

Chief Whip: It is unnatural Mr Chairman, Sir, let me. ... *(Interruptions)*.

The Chairman: Let us not say that it is unnatural. *(Interruptions)*.

Deputy Leader: Mr Chairman, Sir, you will recall what we did yesterday on the issue of *has the power to recruit from grade level 01 to 06*. The Committee recommended that the Commissioner will give approval for it. The Commissioner should be responsible for giving approval.

The Chairman: Honourable, let me come in; let me help you. Yesterday what we argued was giving employment to grade level 01 to 06 and this one we are talking is a different thing. It is for amending the Law. The question is: has the Commissioner the right to amend the Law? The answer is *no*. For any Law to be amended, it must be passed to the House of Assembly again. If they want to amend, may be along the line, the money they charge is very small and they want to amend it, they have to forward it to the House of Assembly again for the amendment. For me I want it to be explicit, that to say that it should have been amended by the House of Assembly which we know

What I am saying is that you should do your job and where there is confusion you offer your advice.

The Chairman: O.k. Can you now listen to me? Nobody has monopoly of knowledge. When I said that the hon. Member for Uzo-Uwani (*Mr Chigbo*) should not vote, the information that I received from those who actually appeared to be the father of this Assembly, that is, Mr Okeke, the Clerks-at-Table, who also appeared to be more conversant than most of us, said that since he has entered the Chamber and sat down, that he has the right to vote since I have not announced the result. On this note I said, O.K. I am now going to allow him to be part of those who said *no*. And when I was about to announce the result the hon. Member for Enugu South II (*Mr Chukwuegbo*) came into the Chamber and since he came in and I have not announced the result, based on what Mr Okeke told me, I said that I have the right to repeat the Vote so that he can vote. I did not do it because I have interest. I keep on saying that I do not have any personal interest as some of you hon. Members have been saying.

However, I have the right to protect people's interest. You know what happened yesterday; at the end of the day I still maintained that what happened should take place. I did not want to make the hon. Member for Uzo Uwani (*Mr Chigbo*) to be annoyed, I told him that his interest cannot supersede other people's interest.

An hon. Member: These things are being documented.

The Chairman: Let it be documented now ... (*Interruptions*).

I am not trying to debunk what the Chief Whip (*Mr Odo*) is trying to create. I am not biased and I will not be biased. If I have an interest on something I will not tell anybody that I have an interest; I will just find a way I will talk to the Members before we enter into the Chamber. And on this issue, whether it is five years or six years imprisonment, it does not affect me; it does not affect my people. Please, let us not try to create that kind of bad impression or bad opinion about my attitude towards issues.

However, if there is an issue I can offer my advice and if my advice is not taken, well, I do not have anything against anybody.

The role call has been taken. Those in support that we make it six months are five in number and those who said that we leave it the way the Committee recommended are six in number which means that the Committee's recommendation stands.

Deputy Leader (*Mr Anikwe*): Mr Chairman, not even the Committee's recommendation but let us take that one in the original Bill. ... (*Interruptions*)

The Chairman: Why is the Deputy Leader quarreling with this thing? The original Bill said N10,000 but this one said N5,000 ... (*Prolonged Interruptions*).

Clause 19 (1 - 2) - (PAYMENT OF WASTE MANAGEMENT FEES) - ordered to stand part of the Bill.

Clause 19 - (PAYMENT OF WASTE MANAGEMENT FEES) 19 (3) -

The Chairman: The Committee said delete clause (19(3) and 19(4). But clause 19(3) says: *the authority may, with the prior*

Several hon. Members: Mr Chairman, please, pardon him.

The Chairman: I do not like when some hon. Members cause confusion. If the hon. Member for Uzo Uwani (*Mr Chigbo*) makes further noise, I will just walk him out of the Chambers. I will not warn him again. If any hon. Member is in the Chamber he must comport himself. Even if an hon. Member had entered, decorum demands that he has to sit down and listen to the topic under discussion. In as much as the hon. Member for Uzo-Uwani has gone through the documents, the roll call was going on before he came in. His going out of the Chamber does not remove anything from me, after all he was not in attendance the previous day, but the House still deliberated on the matter.

Mr Chigbo: Mr Chairman, Sir, I have kept quiet.

The Chairman: The House can also pass the Bill in his absence. Please hon. Colleagues, let me make an appeal: for your information, kindly go through the Rules of the House at your own time. I do not want any hon. Member to say that the hon. Speaker is a wicked man, because I can invoke the Order and suspend an hon. Member without putting the Question. Please, I do not want my hon. Colleagues to see me a wicked man. I do not want anybody to say that.

I know that the hon. Member for Uzo Uwani (*Mr Chigbo*) and the hon. Member for Enugu South II Urban (*Mr Chukwuegbo*) have not voted. They can now vote. (*Prolonged Interruptions*).

Ayes: 5

Mr F. E. Amu
Mr C. Ugwu
Mr P. Anikwe
Mr J.N. Anichukwu
Mr O. Chukwuegbo

Noes: 6

Mr E. C. Maduabu
Mr E. Odo
Mr A. Nnadi
Mr F.C. Onah
Mr J.C. Obidinma
Mr A.O. Chigbo

Question accordingly negatived

Clause 18 (2) (b) – (MISCELLANEOUS OFFENCES) – *as amended ordered to stand part of the Bill.*

Chief Whip (*Mr Odo*): Mr Chairman, I feel that what we are really doing here surpasses private interests and I would not like a situation where the office of the Chairman or the Speaker will be viewed as establishing that kind of sentiment. What is happening now is that there was an unfounded belief; you made up your mind that the hon. Member for Uzo-Uwani (*Mr Chigbo*) should not vote; it is not even contained in our Rules. Now when there is kind of handpicking or this kind of suspicion ... (*Interruptions*).

The Chairman: No! No! Listen! Listen! (*Interruptions*).

Chief Whip: What I am saying is that you should confine yourself to your job because you are here to do the job, otherwise, by the time you put yourself in the situation where your office will be suspicious I can assure you that the people will be suspecting you.

public liability company, the penalty shall be N20,000.00

Clause 17 (5) – as amended ordered to stand part of the Bill.

The Chairman: Add Section 17(6) thus: *Where the offence is committed by a private liability company the penalty shall be not more than N10,000.00.*

Clause 17 (6) – as amended ordered to stand part of the Bill.

Clause 18 (1) – (MISCELLANEOUS OFFENCES) – ordered to stand part of the Bill.

Clause 18 (2) (b) – (MISCELLANEOUS OFFENCES) –

The Chairman: The amendment is in line 3, after *of*, delete *N10,000.00* and insert *N2,000.00*: thus: *in case of paragraph; (a), (b), (c), (d), (e), (f) or (j), of sub section (i), of this section to a fine of N2,000.00 or imprisonment for a term of six months.*

Clause 18 (2) (a) – as amended ordered to stand part of the Bill.

Clause 18 (2) (a) – (MISCELLANEOUS OFFENCES)

The Chairman: The amendment is in line 3, before *or*, delete *N10,000.00* and insert *(N5,000.00* thus; *in the case of paragraph (h) or I) of sub section (i) of this section, to a fine of not less than N5,000.00 or imprisonment for a term of six months, or and in line 4, delete such fine and imprisonment; thus both and shall in addition be ordered to demolish the*

offending structure or liable to the cost of demolition by the Authority.

Clause 18 (2) (b) – as amended ordered to stand part of the Bill.

Deputy Leader (Mr Anikwe): Thank you, Mr Chairman. I have risen to move a Motion that under 18 (2) (b) where one year was recommended by the Committee that *one year* be replaced with *six months* thereby allowing *five thousand Naira* and *six months* as penalty for the offence.

Leader (Mr Anichukwu): Mr Chairman, Sir, I have risen to second the Motion moved by the Deputy Leader of the House (Mr Anikwe). Thank you, Sir.

Question put and the House divided.

The Chairman: Honourable Colleagues, as far as I am concerned I will not allow the hon. Member for Uzo Uwani (Mr Chigbo) to vote because he did not know why the House was asking for division.

Mr Chigbo (Uzo Uwani): Mr Chairman, Sir, I read it in my house and if I am not voting, I am going to absent myself from today's sitting.

The Chairman: You better go. (*Interruptions*). The hon. Member for Uzo Uwani (Mr Chigbo) should please sit down. If he makes more noise I will walk him out.

Mr Chigbo: Mr Chairman, Sir, I am defending my right.

The Chairman: The Sergeant-at-Arms should please take him out of the Chambers.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Wednesday, 28th July, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, you will recall that we adjourned yesterday very late and based on the volume of work we did there was no way the Votes and Proceedings could have been ready this morning. I request that you note that in our next sitting we are going to adopt two Votes and Proceedings. So let us move to item No. 4.

**ORDER OF THE DAY
ENUGU STATE WASTE
MANAGEMENT AUTHORITY BILL
NO. 8 2004**

Leader: Mr Speaker, Sir, may I move that this House resolves itself into a Committee of the Whole House to enable it continue with the consideration the Report of the Joint Committees on Petroleum Resources and Environmental Management, and Judiciary, Public Petitions, Ethics and Privileges along with the original Bill.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, we should formally adopt our Votes and Proceedings.

Mr Speaker: Where were you? (Laughter). The hon. Member for Oji River

(Mr Obidinma) does not even know where we are.

Mr E. Maduabu (Awgu South): I have risen to second the Motion.

Question put and agreed to.

**COMMITTEE OF THE WHOLE HOUSE
CONTINUES**

Clause 17: - (REMOVAL OF SILT, DISPOSAL OF CONSTRUCTION DEBRIS, ETC) -

Clause 17 (1), (2) and (3) *ordered to stand part of the Bill.*

The Chairman: In clause 17 (4) the Committee recommended that in the line four that we should delete *N10,000.00* after *or* and insert *N2,000.00* thus: *any person who contravenes the provisions of subsections (1), (2) or (3) of this Section is guilty of an offence and liable on conviction to a fine of N2,000.00 or imprisonment for a term of six months or to both such fine and imprisonment.*

Amendment put and agreed to.

Clauses 17 (4), as amended, *ordered to stand part of the Bill.*

Clause 17(5) - (REMOVAL OF SILT, DISPOSAL OF CONSTRUCTION DEBRIS, ETC)

The Chairman: The amendment here is in line one, after *a*, delete *Corporation, Company or Firm*, the penalty shall be *N50,000.00* and insert, *public liability company*, the penalty shall be *N20,000.00*: thus: *where the offence is committed by a*

Our ref: VC/P/11

The Clerk of the House,
Enugu State House of Assembly,
Legislative Building,
Independence Layout,
PMB 1686,
Enugu.

Sir,

RE: RESOLUTION OF THE HOUSE

I write to acknowledge receipt of the House of Assembly Resolutions agreed to on 3rd June, 2004, with respect to my appointment as the Vice-chancellor of the University of Nigeria, Nsukka.

I wish to express my unreserved appreciation to all the Hon. Members of the House for the thoughtfulness in sending the Message of Appreciation to the Head of State, Chief Olusegun Obasanjo for my appointment and to our indomitable and dynamic Governor of Enugu State, Governor Chimaroke Nnamani for his untiring efforts in seeing to the actualization of my appointment.

My promise to you is that by the Grace of God, I will do all that is in my power to be the best Vice-Chancellor the University of Nigeria ever had. I will not disappoint you!

My prayer is that our Good Lord will bless you immensely for your unflinching support for me.

My wife and my entire family send you our warmest regard and appreciation.

God bless.

(Sgd) Professor C.O. Nebo
Vice-Chancellor

ADJOURNMENT

Leader: Mr Speaker, may I move that this honourable House do now adjourn till Wednesday 28th July, 2004 at 10a.m. prompt. Thank you, Mr Speaker.

Chief Whip (Mr Odo): Mr Speaker, Sir, I rise to second the Motion for adjournment that was moved by the Leader, and in doing so I wish to thank the President of this country Chief Olusegun Obasanjo for responding positively to the Motion of this honourable House, passed in respect of the upgrading of Enugu Airport to international standard, whereby the Mr President gave a one week automatum to the relevant Agencies concerned to see to the actualization of the effort. I also use this opportunity to call on the Ministry of Aviation and other Ministerial staff in the Aviation Industry to listen, by putting into effect the wishes of Mr President. Thank you, very much.

Question put and agreed to.

Resolved: That the House do now adjourn till Wednesday, 28th July, 2004, at 10 a.m.

Adjourned accordingly at 3.22 p.m.

Clause 14: (OFFENCES RELATING TO INDUSTRIAL WASTE, COMMERCIAL WASTE ETC.)

The Chairman: Honourable Colleagues, in line, one clause 14(7) after *a delete Corporation Company or Firm, the penalty shall be a fine of not less than N100,000.00* and insert *Public Liability Company a fine of not more than N50,000.00*

Clause 14(7) *as amended ordered to stand part of the Bill.*

Clause 14(8) is amended to read: *where the offence subsists the offender is liable to an additional N500.00 each day the offence subsists.*

Clause 14(8) *as amended ordered to stand part of the Bill.*

Clause 15 (PROVISION OF BUSBINS IN COMMERCIAL VEHICLES)

Clause 15(1) – (3) *ordered to stand part of the Bill.*

Clause 16(1) (PUBLIC CONVENIENCES)

Ordered to stand part of the Bill.

Clause 16(2) is amended to read: *any person who contravenes the provisions of sub-section (1) of this section is guilty of an offence and liable on conviction to a fine of N10,000.00 or imprisonment ... at lines 3 delete N10,000.00 and insert N5,000.00 or imprisonment for a term of one year or both such fine and imprisonment.*

Clause 16(2) *as amended ordered to stand part of the Bill.*

Clause 16(3) reads: *where the default subsists, the offender shall be liable to an additional fine of N1,000.00 ... delete in line two N1,000.00 and insert N200.00*

Clause 16(3) *as amended ordered to stand part of the Bill.*

Section 17(1-3) – (REMOVAL OF SILT, DISPOSAL OF CONSTRUCTION DEBRIS, ETC) - *as amended ordered to stand part of the Bill.*

Mr Speaker: Honourable Colleagues, we have actually gone far in the Bill before the House along-side the amendment by the Committee and since the Bill appears to be voluminous, we will not finish it to-day; that is why we are saying that we will meet tomorrow to continue from where we stopped. On this note, I wish to appeal that tomorrow Wednesday 28th July, 2004, we should endeavour to be here on time so that we can round off.

ANNOUNCEMENT

Mr Speaker: Honourable Colleagues, I have a letter from the University of Nigeria, Nsukka and written by the Vice Chancellor of the University, and I read:

UNIVERSITY OF NIGERIA
NSUKKA NIGERIA

*Office of the Vice-Chancellor
Telephone: (042) 771500, 771530,
771911, 771920/203
Telegram: University Nsukka
Telefax No. 51496 Ulions NG.
Fax No: 042-770644
E-mail: misunn!201.com*

is not a must that one's opinion must always hold.

So, I would have requested for a re-committal of that Section to the Committee so that they will look at it critically, do some recommendations and come back with it.

I am aware that those who want the report this time are not important.

Mr Obidinma: On question! Mr Chairman, my question is: why did we not recommit the Bill from the beginning. When we expunged Section 6(b) the Committee did not quarrel. What is then holding us from going on with the work?

The Chairman: The hon. Member for Oji River should note that this is the right time to ask for a recommitment because I have put the Question on it and divided the House; so, this one is at my own discretion, and I appeal to every member to exercise patience. I request that we uphold the Report of the Joint Committee.

Clause 8(1)b-c) POWERS TO EMPLOY) - *ordered to stand part of the Bill.*

Clause 8(2) (POWERS TO EMPLOY) - *ordered to stand part of the Bill.*

Part IV: FINANCIAL PROVISION

Clause 9 (FINANCES OF THE AUTHORITY) - *ordered to stand part of the Bill.*

Clause 10 (FINANCIAL REPORT) - *ordered to stand part of the Bill.*

Clause 11 (ANNUAL ACCOUNT AND AUDIT) - *ordered to stand part of the Bill.*

Part V: OFFENCES RELATING TO TENEMENT

Clause 12(1)(a) – (g) - *ordered to stand part of the Bill.*

12(i) (h) – delete the word odors and insert *Odours.*

Clause 12(i)(h) – OFFENCES RELATING TO TENEMENTS – *as amended, ordered to stand part of the Bill.*

12 sub-section (1)(2) and (3) - *ordered to stand part of the Bill.*

Chief Whip: Mr Chairman, Sir, may I move that we insert a new sub-clause 12 (4) to read:

Where the tenement is a private or government hospital, there shall be an incinerator for the destruction of chemical and hazardous waste.

Mr F. Onah (Nsukka West): Mr Chairman Sir, I stand to second the amendment as moved by the Chief Whip (Mr Odo).

Clause 12 (4) – *as amended ordered to stand part of the Bill.*

Clause 13: (OWNERS OF UNDEVELOPED PLOTS IN BUILT UP AREAS)

Clause 13(i)(a) – (b) - *ordered to stand part of the Bill.*

The Chairman: There is no law that I must announce the result before I hear him. Go on.

Mr C. Ugwu: Before the result is announced, I believe we contradicted our Standing Order No. 38. It says: *If the opinion of Mr Speaker or in the Committee of the Whole House, the Chairman, as to the decision of a question is challenged, Mr Speaker or the Chairman shall direct that the lobbies be cleared, and on such direction being given, the door at the South end of the lobby shall be locked, and the division bells shall be rung for one minute.* So there was no lobbying. I am trying to say that you should allow the Leader of the House to go round and lobby.

The Chairman: Honourable Colleagues, I sincerely wish to appreciate everybody's view on this matter and those of you who are questioning the genuineness of the order cited by the hon. Member for Enugu East II (*Mr Ugwu*), he is in order. It is very correct.

Chief Whip (Mr Odo): These things are not necessary once the Question is put. It is not relevant once the Question is put.

The Chairman: The Question is put and we called for division and the result has not been announced. So please just listen.

I appreciate everybody's position on this matter. But what I am saying is that I told you the other day that we are learning.

However, because we stand to lose nothing in this matter, I have no justification whatsoever most of the times by the division I have done. But in a serious case like this, I can cite this Order No. 8 and stand on it and do whatever I want to do on this matter. But

because, like I said, we lose nothing and we are just fighting over nothing.

Deputy Leader: Mr Chairman, we are making laws for the people of Enugu State.

The Chairman: The result I have here shows that the recommendation of the Committee stands. So, hon. Colleagues, let us make progress.

Leader (Mr Anichukwu): Mr Chairman, I am saying that the essence of each Member sitting on his/her allotted seat has some degree of respect and independent opinion of each Member in respect of this Bill.

The Chairman: Honourable Colleagues, I sincerely wish to make an appeal: in most cases if there is an election and one person fails the election, it does not mean that the other person did not do campaign. A campaign is going on and somebody lost the battle I do not see why he should leave the Chambers. It is an insult and some think that their opinion is more superior than that of other Members. I do not feel comfortable with that and it is just like what I have been saying. In most cases, if some Members sponsor a Motion and the Motion is killed, they will get annoyed and say that they will not sponsor any Motion again.

It is just the same thing, if a Bill is referred to a Committee and they make recommendations, and other Members find it difficult to agree and decide to make amendment, the Committee Members will start quarreling. What we are doing is to pass a Bill that will stand the test of time. The law we are making here is for the people, and we are representing the people. Individual Member's opinion should not hold always, it

Deputy Leader (Mr Anikwe): Information! We cannot allow ourselves to be deceived here. A Committee has done a job and made recommendations and that Committee is now being asked to vote. It is a negation. ... (*Interruptions*).

The Chairman: Listen. As far as I am concerned, the Committee has the right to defend her work, whether it is rightly or wrongly done. What we practise here is democracy and I sincerely believe that if ... well; let me not go up to that extent I am only appealing that in as much as we are making laws, we should try as much as possible to look at whatever we are doing very critically before we take decisions.

In as much as I respect the views of the Committee and in as much as I agree in its entirety that the Committee (*Interruptions*).

Please do not interrupt the Chair. In as much as I want the Committee to defend her job, that does not mean that the Committee cannot make mistakes either by over-sight or otherwise. On the Floor of the House, we will address it. But I noticed one thing. Each time a Committee's report is being considered and something is removed, the Committee feels bad. If for any reason we now feel that it should be this way or that way, it is the duty of the Committee to listen to the voice of the House.

Chief Whip (Mr Odo): And a Superior argument.

The Chairman: Of course to a superior argument. That is just because may be, the majority of the Members here are the Members of the committee. That is why this thing sailed through. However, I do not have anything against that. If it is the wish of the

House that we should adopt the Committee's decision, fine and good.

Deputy Leader: Mr Chairman, we have noted that but if a question can be answered by any of us here if any Ministry in Enugu State or parastatal has power to employ, the answer is *no*; This is Civil Service Rules. They are Civil Servants. Why are calling on the Ministry to regularize them. Otherwise, those of us who are not Members of the committee will leave the House.

Mr J. Obidinma (Oji River): Mr Chairman, further go to *B*. it will help us better. Go to *B* of the same Section.

The Chairman: How can you be talking about *B*. it has nothing to do with *A*. It cannot help you because it is talking about those above Grade Level 06. What are you talking? The hon. Member representing Oji River (*Mr Obidinma*) employed over 200 people at Oji River eh; so he asked me to go to *B*. it has no relevance to what we are discussing. We are talking about those on Grade Level 01 – 06. You are talking about where they said they should recommend to the Ministry about the employment and promotion of staff above Grade Level 06. While we are talking about Grade Level 01 and you said that I should go to *B*; that it will help us; it will not help us in any form. However, I have not announced any result.

Mr C. Ugwu (Enugu East II): Mr Chairman, before you announce the result, I believe that we contradicted Order No. 38.

Mr J. Obidinma: Mr Chairman, announce the result before you hear him.

The Chairman: Excuse me, now listen, the Committee made their recommendations and there were arguments on whether to leave the recommendation as made by the Committee or to take what is written in the original Bill. There is no room for calling for other comments. Is either we leave it or we do not leave it. *(Interruptions)*.

Mr J. Obidinma (Oji River): Mr Chairman, Sir, let us be cautious in that area.

Question put and the House divided by roll call.

Several hon. Members: Mr Chairman, please explain to us before the division.

The Chairman: O.K. My Question is that the original Bill stands as it is without the recommendation of the Committee. Is that not what I said?

Several hon. Members: Mr Chairman, it is exactly what you said. *(Interruptions)*. *(Laughter)*

The Chairman: Honourable Colleagues, before the division let us understand what we are doing. Let us look at an Authority established by this Law. I don't want a situation we will attach something that will keep the Authority redundant by saying *as approved by the Ministry*. If somebody does not like that Authority he can sabotage the effort by not approving on time or not approving at all. So let us get it very clear. If you want to make these people to function very well, we should give them the power we dissolved ENSEPA because it was not doing anything. If we want to establish this Waste Management Authority, we will now tell them to do anything or employ anyone from grade level 01 to 06. The Authority

must seek the permission of the Ministry. We are going to ... *(Interruptions)*

Mr Obidinma: Mr Chairman, Sir, are you campaigning?

The Chairman: I am not campaigning. I want to make it just very clear so that we know what we are doing. After all, I am not going to vote. *(Interruptions)*.

Mr C. Ugwu (Enugu East I): Mr Chairman, Sir, I suggested that we should not be in a hurry over this Bill because of the Civil Service Rules. Before we vote for, or against this Bill, we should refer to the Rules. There is no need doing things on the contrary, inside the ... *(Interruptions)*.

The Chairman: I cannot take that from the hon. Member for Enugu East I (*Mr Ugwu*) at this point in time. Honourable Colleagues listen to the roll call.

Ayes: 5;
Mr E. Maduabu
Mr C. Ugwu
Mr P. Anikwe
Mrs E. Ezugwu
Mr J. Anichukwu

Noes: 6
Mr D. Agbo
Chief Whip (*Mr E. Odo*)
Mr M. Onyeze
Mr F. Onah
Mr J. Obidinma
Mrs C. Eneh

Not voting: Nil.

Question accordingly negatived.

no way they can go to the Civil Service Commission. So, it is an ad-hoc appointment. And they cannot go to the Civil Service. So, the law of the Authority might be shattered if they are left to select people for the Authority and that is why we say that the Ministry should have hands in that aspect. Ordinarily, everyone knows that during appointment one should follow the Civil Service Rules but this one is a special case which needs a special treatment or Rule.

Deputy Leader: More clarifications! Mr Chairman, if you are talking of adhoc staff or temporary staff, they are not entitled to anything called pensions or gratuities; that is the law or rule. It is the issue that the Ministry should provide alternative. So, what I am saying is that in a temporary appointment, we have measures and I do not think that any temporary appointment lasts more than two years before it could be renewed and the renewal comes from the Civil Service Commission. For someone to confirm or regularize the appointment, it must come from appropriate authority which is the Civil Service Commission. But if you are talking of ad-hoc staff, that is, if the Authority decides to recruit ad-hoc staff, that ad-hoc staff can never at any time be asked to enjoy gratuity or pension. It is a negation of the Civil Service Rules; it does not exist. The law we are now making is for them to enjoy anything provided the Ministry now supervises their employment. *(Interruptions)*

Several hon. Members: No! No!

Deputy Leader: That is what the Chairman is saying. *(Prolonged interruptions)*

Chief Whip: Mr Chairman, Sir, I want you to understand it clearly so that even if you are doing anything just know the position we are making during public hearing. The position has been with you so that whoever wants to make an amendment, can really know the area from which he can channel his amendment. The position is that there are people who are within grade level 01 to 06. These people are not entitled to pensions and gratuity. Whichever way you want to coin it, that is the way it is. So nobody has stated here that he is entitled to pension or anything. Our idea of appointing the Ministry is just to make sure that the Authority does not abuse the powers given to them to employ people. That is the position. *(Interruptions)*

Deputy Leader: Mr Chairman, Sir, every worker is a schedule officer if he is employed. In fact, I do not know how such word come in here. Every person employed in the Ministry or Parastatals is a schedule officer. There is an appropriate assignment given to him or her because he is a schedule officer. *(Interruptions)*.

Chief Whip: You know that this is contentious. *(Laughter)*

The Chairman: O.K. Let us just make progress. We have looked at it and have seen the recommendation of the Committee.

Question that the recommendation of clause 8(1) (a) of the original Bill stands ... (Interruptions)

Chief Whip: Mr Chairman, Sir, I would have expected you to allow some comments for people to amend the resolution on whether it is going to be expunged or approved? That is what should be done now.

Chief Whip: That is why we said it is subject to the approval of the Ministry.

Mr Obidinma: Mr Chairman, just like Local Government, the Chairmen can appoint from Grade Level 01 to 06 and subject to getting clearance from the local government Service Commission.

Deputy Leader: They have no power to employ.

The Chairman: They have no power to employ. No Chairman has the right to employ anybody.

Mr Obidinma: I employed two hundred persons when I was a Chairman of a Local Government.

The Chairman: That is illegal. You have no right to employ. No Chairman has the right to employ.

Deputy Leader: You have no power to employ.

The Chairman: You have no power to employ anybody. You never employed anybody as Chairman.

Deputy Leader: Mr Chairman, in the first instance, the Waste Management Authority in Enugu State is a Parastatal under a Ministry, I believe. It will be a kind of duplication by asking the Parastatal under a Ministry to employ subject to the approval of the Ministry and this is an existing Parastatal under that Ministry. This Authority has power under this law to employ as an existing Parastatal under the Ministry of Environment. No Ministry in Enugu State has power to employ. If they have to employ you go to the Civil Service

Commission. It is the duty of the Civil Service Commission. If you are talking of Local Government, they will only seek power from the Local Government Service Commission before they could carry but any employment.

Please, I am not comfortable with this, Mr Chairman.

Mr Onyeze: Mr Chairman, I believe that it is necessary for the Ministry at least to give a go-ahead before people are properly employed because it is the Ministry that presents the Estimate for each year and if you allow parastatals to employ at will they may exceed what is in the Estimate. So, it is necessary that the Ministry is given that right to know the exact number of people employed at each given time so that we do not exceed what is in the Recurrent Expenditure. ... *(Interruptions)*.

The Chairman: Order! Well, let us just look into what the Deputy Leader (*Mr Anikwe*) said. Has any Ministry in Enugu State the right to employ anybody?

An hon. Member: The answer is *no*.

The Chairman: The answer is no, but why do we know talk about allowing the Ministry, when you know that the Ministry has no right to employ, and for you to employ anybody, you have to go to the Civil Service Commission.

Chief Whip: Mr Chairman, sorry, you are getting it wrong. These people are not pensionable. That is what you have to understand. One should regard them as ad-hoc staff and the problem is how they could be pensionable staff; you understand. So, these people are not pensionable and there is

North I (*Mr Onyeze*), that section 6(1) (b) be expunged.

Question put and agreed to.

Clause 6(1)(b) *expunged accordingly.*

Clause 6(1)(c-d) – (POWERS OF THE AUTHORITY) – *ordered to stand part of the Bill.*

Clause 6(2) – (POWERS OF THE AUTHORITY) – *ordered to stand part of the Bill.*

Clause 7(1)(a-f) – (ESTABLISHMENT OF DEPARTMENTS) – *ordered to stand part of the Bill.*

Clause 7(2-3) – (APPOINTMENT OF HEADS OF DEPARTMENT) – *ordered to stand part of the Bill.*

Clause 8(a) – POWERS TO EMPLOY –

The Chairman: There are amendments – in Section 8(1)(a) – In line two after 06 add *subject to the approval of the Ministry, thus: Employ and promote staff whose remunerations are within grade level 01 to 06, subject to the approval of the Ministry.*

Clause 81(a) *as amended ordered to stand part of the Bill.*

The Chairman: Please, can we know why it is subject to the approval of the Ministry? Can we have the idea from the Committee.

Mr J. Obidinma (Oji River): Mr Chairman, there is a clause that guides the civil servants. They are not civil servants; they are not pensionable; they can pull out at

anytime they have better alternative. Mr Speaker, Sir, if they are employed through the approval of Ministry, they will be regarded as civil servants and they will be pensionable.

The Chairman: So, the only reason you have is for the purposes of pensionable appointment?

Mr Obidinma: Yes, there is security of job. ... (*Interruptions*)

Deputy Leader (*Mr Anikwe*): Has any Ministry any power to employ? (*Interruptions*)

Mr Obidinma: Are you the Chairman of this ... (*Interruptions*)

Deputy Leader: Do you mean Civil Service Commission? ... (*Interruptions*)

Chief Whip (*Mr Odo*): Mr Chairman, based on an interview with the Stakeholders in the Establishment, like the Commissioner, and Members of the ENSEPA, and the information got during the Public Hearing all indicates that Grade levels 01 to 05 are not schedule officers and they are not pensionable but from level 07 and above are pensionable. So, I now feel that since it is the wish of the Government that for the people who are the schedule officers, it will be very, very restrictive for the Authority alone to over-see the employment of junior officers, we now pray that the Ministry should have a supervisory role.

The Chairman: But do not forget that the Establishment has a right to employ from Grade Level 01 to 06.

(IMT) or Technical School, and acquired knowledge more than somebody who may have gone through the University. So, we can talk about experience and leave out certification, but if it is the wish of the House that we should put it, then who am I to say *No*.

4 (5) as suggested by the Committee Question, that section be included in the Bill, put and negatived.

Clause 4 (5) accordingly expunged and substituted with

4(5) The Secretary to the Authority shall be a Civil Servant of not less than Grade level 10.

Section 4(5) – as amended, ordered to stand part of the Bill.

Clause 5: FUNCTIONS OF THE AUTHORITY

Clause 5(1) (a) – (g) ordered to stand part of the Bill.

The Chairman: In letter (h) there is an amendment. In line two delete *urban cities*.

(h) as amended, ordered to stand part of the Bill.

5 (i) – (l) ordered to stand part of the Bill.

5 (2) ordered to stand part of the Bill.

Clause 6: POWERS OF THE AUTHORITY

Mr M. Onyeze (Igboeze North I): Mr Chairman, Sir, we are going to handle this,

section by section. During the debate on clause 6 (b) I pointed out something in that section, which I thought was a popular opinion but unfortunately, the Committee did not do anything about it. (*Interruptions*). I feel that if we allow Section 6(b) to stay without amendment, it will be giving too much powers to the authorities.

The Chairman: What the hon. Member for Igboeze North I (*Mr Onyeze*) said is correct, so I am going to put the Question. I think that what the Committee is quarreling with are the phrase: *to do anything*. So when we finish with that, we can come back to section 6(b).

6(1) POWERS OF THE AUTHORITY
– *as amended, ordered to stand part of the Bill.*

Mr M. Onyeze (Igboeze North I): Mr Chairman Sir, I want to point out that the powers being envisaged for the Authority in clause 6(1) and(b) are too much. If we allow them to exercise it, we may find a situation where a lot of fundamental rights of persons and organisations will be infringed upon. I am therefore of the opinion that we delete that (b). It will not affect the functions of the Authority.

Clause 6(1) (a): - (POWERS OF THE AUTHORITY) – *ordered to stand part of the Bill.*

The Chairman: If the statements made by the hon. Member for Igboeze North I (*Mr Onyeze*) is a Motion, it needs to be seconded.

Deputy Leader (*Mr Anikwe*): Mr Chairman, Sir, I stand to second the Motion as moved by the hon. Member for Igboeze

Governors, insert of Enugu State, to read: Governor means Governor of Enugu State.

Clause 2: (INTERPRETATION) – as amended ordered to stand par 10 of the bill.

Part II

Clause 3: (ESTABLISHMENT OF AUTHORITY) - (1) – (3) ordered to stand part of the Bill.

Clause 4: (MANAGING DIRECTOR AND THE SECRETARY) – (1) – (4) ordered to stand part of the Bill.

Clause 4 (5) – *The Managing Director shall be an experienced person with at least Bachelors Degree in the relevant field with minimum of five years post qualification experience.*

The Chairman: Honourable Colleagues, this is an additional sub-section made by the Joint Committee; it is not in the original Bill.

Deputy Leader (Mr Anikwe): Mr Chairman, I know that all of us know that the Waste Management Authority we are trying to establish is not the only such Board or Authority in Enugu State. There is no need adding what we may call a difficult conditionality. When we say that anybody who is going to be appointed as a Managing Director must be a degree holder we should bear in mind we have other Boards, for instance, the Rural Electrification, the Water Corporation, just to mention a few. We have no special assessment or certification for somebody to become a Managing Director. It is by the discretion of the Governor and by the recommendation of the Ministry that the person either by experience, is best

suited instead of allotting educational qualification to it. It will negate the consideration already approved by this law which now empowers a recommendation from the Ministry. So, I think it is unnecessary and I should not associate myself with that type of darkness. Thank you.

Chief Whip (Mr Odo): On information! Mr Chairman, the information is that it is not really necessary, and I was thinking that the last speaker would have punctured that aspect of the Bill in a moment like this.

Mr Chairman, it is unnecessary. If somebody is to be appointed into that position, I do not think it will be out of place if the person has a required experience in the field. You cannot just go and pull out somebody and put him. At least after West African School Certificate or post primary education in this country, all you have is Higher National Diploma (HND) or Bachelors Degree (B.Sc) which is very very common.

So, it is my thinking that there is no way perhaps, somebody who has WASC, OND could be assumed to have gathered the required experience as related to this case. The House may not be comfortable with that, but the catch-word, is: *the relevant experience in the relevant subject matter, for which the person is going to be recognized.* So, it is a kind of duplication.

The Chairman: Honourable Colleagues, there is a difference between somebody having the knowledge and certification. He may know the job very well without a University qualification. He may have gone to some other Tertiary institutions such as Institute of Management and Technology

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 27th July, 2004

(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our votes and Proceedings No. 15 of Thursday, 22nd July 2004 are before the House. I have gone through them and found them to be correct. However, I welcome every other comment. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I have equally gone through our Votes and Proceedings of our last sitting and to the best of my knowledge, it is what happened at the sitting. I therefore move for the adoption. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, the Motion moved by the hon. Member for Udi South (*Mr Eneh*), is in order. I therefore second the Motion.

Question put and agreed to.

Votes and Proceedings of Thursday, 22nd July 2004 accordingly adopted.

**ORDER OF THE DAY
ENUGU STATE WASTE
MANAGEMENT AUTHORITY
BILL NO. 8, 2004**

Leader (*Mr Anichukwu*): Thank you, Mr Speaker, may I move that the House do resolve itself into a Committee of the Whole House for the consideration of the Report before this House alongside the original Bill. Thank you.

Mr M. Njeze (Udi North): Mr Speaker, Sir, I rise to second the Motion that the House do resolve itself into a Committee of the Whole House as moved by the Leader of the House (*Mr Anichukwu*).

Question put and agreed to.

**ENUGU STATE WASTE
MANAGEMENT AUTHORITY
BILL NO. 8, 2004**

A Bill for a Law to Dissolve the Enugu State Environmental Protection Agency and to Establish the Enugu State Waste Management Authority and other Matters Connected Therewith

**Considered in the Committee of the
Whole House**

The Chairman: Honourable Colleagues, let us suspend Enactment, Citation and Date of Commencement. We will start with Interpretation. That is Section 2 of the Original Bill.

Clause 2: (INTERPRETATION)

The Chairman: The amendment here is in paragraph 18, line 1, after, *means*



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 94

Tuesday
27th July, 2004

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henceforth be directed to patronize ANAMMCO Nigeria limited.

Question put and agreed to.

ANNOUNCEMENTS

Meetings

Mr Speaker: The Members of House Committee on Rules will meet tomorrow Friday, 23rd July, 2004 by 9 a.m. at Leaders Office for the review of the Standing Orders and other matters. Signed Leader (*Mr J. Anichukwu*) Chairman.

There will be an emergency meeting of the House Committee on Education, Science and Technology on the rising of the House, that is, today 22nd day of July, 2004, at room 216. It was signed by the hon. Member for Igboeze North I (*Mr M. Onyeze*).

Appeal

Please you are all aware why this Report on the Committee has to be deferred. Otherwise we could have passed this Bill today. I am just using this opportunity to plead to Members to make time and go through this document, before the next sitting. I will not like to get them complaining that we have not got it or have not gone through, or have not seen it. Since it has been distributed, make your inputs; and not on that day, you start asking us that this one should be here or there. I am sure there is no Member that has not got this document now, apart from the hon. Member for Enugu South (*Mr Chukwuegbo*), who just entered now. So

please take note and please send one copy to the hon. member for Enugu South (*Mr Chukwuegbo*) so that everybody should now go home and study this document.

Leader: Mr Speaker, Sir, may I move that this honourable House do now adjourn till 10 a.m. on Tuesday, 27th July 2004.

Mr C.O. Enebe: Mr Speaker, Sir, I rise to second the Motion for adjournment that was moved by the Leader (*Mr Anichukwu*). In doing so, I want to talk on the issue of Car Park. Even if we cannot design it and use white wash to do something, we can put arrow. The staff and other Members this way, and visitors the other way, so that when there is risk we try to detail our security. Thank you.

Question put and agreed to

Resolved: That the House do now adjourn till Tuesday, 27th July, 2004, at 10 a.m.

Adjourned accordingly at 12.30 p.m.

that the Presidency should persuade the Federal and State Parastatals. Well, the output that is the prayer is our making, the initial ideas are from the Sponsor, we can make our output better.

Mr Speaker: What do you suggest?

Mr Onyeze: What I am saying is that we should say *persuade* the Presidency. The Presidency should persuade the Federal and State Parastatals, Commissions and Institutions to continue to patronize ANAMMO (Nig) Limited henceforth, because our prayer must be directed to somebody. ... *(Interruptions)*

Mr C.O. Enebe (Awgu North): Mr Speaker, Sir, I believe that in prayer one the way to tackle it depends on the Federal Government. She knows how to persuade or direct all things within her authority. If we go to prayer three again, it begins by giving instructions and directs again. And it is serving the same purpose, I am not comfortable by trying to insert presidency now; or whatever that is of material change. It would have come under an amendment, that is during debate, and not when the Question has been put.

Mr Speaker: Honourable Colleagues, we are no more debating on this again. ...

Deputy Leader: Mr Speaker, Sir, I think also that we are no more debating on the prayers, otherwise, when we call on the Parastatals, Institutions or Commissions, Mr Speaker, you recall that it is within that place that you would have made it clearer to us by giving one of the Commissions as an example. Like (UNDC) United Nations Development

Commission now imported four hundred Cars outside the country. That is why we talk of Commission, Parastatals or Institutions. Then, the Institution is what we should direct. That is why we should call on the Federal Government and the State Governments to direct the Parastatals, Institutions and Commissions. That is what the prayers said. It is not ambiguous. It is not talking specifically that the Federal Government and the State Governments should direct her Parastatals, Institutions and Commissions. That is what my clarification is all about. *(Interruptions)*

Mr Speaker: No! No!! Listen my hon. Colleagues, get the grammar very correct. That both the Federal and State Governments, Institutions and Commission should henceforth be directed. Are you getting me. *(Interruptions)*.

Mr C.O. Enebe: Mr Speaker, is giving an order. And it is too strong. ...

Deputy Leader: Are you quarrelling over that henceforth?

Several hon. Members: No! It is over direct. Please explain.

Deputy Leader: The Federal Government can direct and the State Government can direct. What I mean by direct is giving instruction. To pass instruction to do something.

Mr Speaker: Prayer 3: That both the Federal and State Parastatals, Institutions and Commissions should

Deputy Speaker: Mr Speaker, I am in support of the Motion on the following grounds: The ANAMMCO as all of us know was established through peoples' tax and the Federal Government and State Governments have shares there and these are tax payers' money. And here we are one of the States that have shareholding in ANAMMCO including the Federal Government and now we are urging them to patronize the company which means we are doing part of our duties. In this light, Mr Speaker, the Federal Government and the States, including the parastatals should support ANAMMCO. And like the last speaker has spoken, the Germany firm should wait in taking their entire shares to their country until ANAMMCO survives before they take their shares to their country, otherwise, what happened at Kaduna and Bauchi, may happen. I do not want it to happen here and that is why this Motion is valid. On this note, Mr Speaker, I move that the Question be put.

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

Main Question put and agreed to.

Resolved:

1. That this honourable House do call on the Federal Government, the thirty-six States of the Federation and Federal Capital Territory to patronize ANAMMCO (Nig) Limited.
2. That this House condemns in its entirety the preference of foreign countries and

companies for such bus purchases.

3. That both the Federal and State Parastatals, Institutions and Commissions should henceforth be directed to patronize ANAMMCO instead.

An hon. Member: Should it be directed or persuaded?

Mr Speaker: It should be persuaded, please.

Mr M. Onyeze (Igboeze North I): By the presidency.

Mr Speaker: If by the Presidency, we should include it.

Mr C.O. Enebe (Awgu North): Which prayer?

Mr Speaker: The third prayer.

Deputy Leader: Did you read the amendment?

Mr Speaker: Yes, I read the amendment, I included it. I read the second prayer which they adopted and then the third prayer which they are now saying that it has to do with prayer one. And if you say that you are directing, whom are you directing and to who, who is to direct and to who? ... *(Interruptions)*

Mr Speaker; Who is directing who?

Mr Onyeze: Mr Speaker, the prayer, I think is talking to the Policy Makers and that should be the Presidency. If we say

doing something to be engaged in production towards assisting his society.

Now what is obtainable in ANAMMCO is semblance of it because the people who are employed in ANAMMCO, apart from being staff of the ANAMMCO, should equally appear under the contract of entrepreneurship whereby one thing will lead to the other for them to know the act of putting together or assembling the Mercedes parts. Just like you will find out in Kaduna, most of the people who are specialists in Peugeot automobiles are from the north. There is no magic that could be associated with it other than the geographical productivity in the location of the industry.

Now I do not want to blame the Federal Government entirely because ANAMMCO is structured in the way that some State Governments are the shareholders of the company; the Federal Government is a shareholder of the company and even some foreign companies are shareholders, that is, the parent company of ANAMMCO is equally part of the shareholding.

So, now, I think we should start from urging all States that are associated or that have shareholding with the ANAMMCO company to elevate the status of the company economically before the Federal Government can now come in. Another pertinent point to really note is that it is true that ANAMMCO is witnessing some difficulties but just like the hon. Member for Awgu North (*Mr Enebe*) pointed out that when the going was good, apart from turning their deaf ears in assisting the community they failed to find themselves

in some social infrastructures or entertainment facilities that they ought to have provided.

The problem in ANAMMCO from the enquiries I made since this Motion was served on me was that ANAMMCO was making a lot of gains but the problem they have is that there is a kind of diversion or siphoning of profits made by the company to the parent firm abroad; that was the major problem. It is not as if the people there are imbecile, that they cannot put one or two together to make profit, you cannot tell us that all the days of Mass Transit, everything that they earned ended up in servicing workers salary; it is not true.

The problem is that, apart from the natural problem they are having because of economic hardship, they also divert the funds or the dividends they make and it appears to me that they do not even declare dividends, you know, in good faith.

So, I am using this opportunity to call on the management of ANAMMCO to really try and re-invest whatever profit they make in ANAMMCO to the country they found themselves and take their normal dividends as the case may be.

So, having said that, it is my thinking Mr Speaker, that this House should really support this Motion and go ahead and appeal to the various States that have shareholding with the firm as well as the Federal Government and advise particularly the parent company abroad through their Agent in the ANAMMCO to desist from the level with which they siphon profits or other dividends made by the company. Thank you, very much.

have interest in ANAMMCO. They also benefit economically from the services of this company. Recently, I have been disheartened to hear about retrenchment of our youths. Why should it be at this point, when we are saying that poverty is getting to be eradicated in our society. It gave me serious concern that ANAMMCO, instead of forging ahead to accommodate more people, more school leavers, more professionals into the technological development of this country, rather, everyday in and out, people are sent home, that the company is dying and that the company is not surviving.

So I am really not comfortable with all these statements. In the first place, the Peugeot automobile is stationed in the North. It is not that Peugeot products are better than Mercedes Benz of ANAMMCO. I believe that something is wrong somewhere. That is why this Motion is very timely. Mr Speaker, I believe that if this Motion is passed by this House the company will eventually get the patronage expected by it from the Federal and State governments and even the individuals themselves.

At the end, if the company is revived, it will be a credit to Enugu State House of Assembly and the company will stand to send commendations to the hon. Members. The result is based on the Motion presented by the Deputy Leader of the House (*Mr Anikwe*). If it is a Bill, it could be called an impact Bill. It is a very high impact Motion. I have no alternative than to request my hon. Colleagues to give a favourable consideration to the Motion, so that at the end we will be able to say that we have done our possible best to make

sure that ANAMMCO stands and other manufacturing companies will come along not to exterminate the ones that are already in existence.

So, Mr Speaker, Sir, I believe that if this Motion is given the required passage by this House, it might have gone a long way to make Enugu State exist, it will even help the entire country to forge ahead. Thank you, Sir.

Chief Whip: I have risen to align myself with the speeches made by the previous Speakers. In the first instance, it is my thinking that what is obtainable in the northern part of the country in Kaduna as it pertains to automobile industry is applicable here as it relates to Mercedes or automobile company in Enugu State. And the essence of trying to pray that this company be elevated or rather regain its economic empowerment, you know, stems from several reasonings.

In the first instance, the Federal Government, at present is anchoring on the Nigerian Economic Empowerment Programme and which virtually all the States in the Federation will really align themselves, but it is unfortunate that there is no way we can encourage productivity if such a gigantic company is not supported by the Federal Government and the States that constitute share holding facilities of the very firm. Now, the whole world is driving towards economic entrepreneurship whereby people can be productive. In fact, the truth of the matter is that ninety percent of the entire country is not productive. Productivity in the real sense means that somebody has to be

section and find out if their products ally with other products of this age.

Secondly, I am not comfortable with the way ANAMMCO has operated since they came into business in Enugu. In business there is what is called social responsibility. Even in sponsoring of our primary schools games. They have not contributed in any way to better the lives of the people of the State. They have not contributed in the support of Rangers Football Club. Apart from employment, a company as big as ANAMMCO should have made an impact even in funding or supporting Enugu Rangers Football Club. They have not come to support any of the State economic endeavours.

I am fearing that this company may be indulging in undue money transfer to her parent body. Otherwise, the money they have made over the Mass Transit Programmes is enough for ANAMMCO to make the company stand firm. I believe that by the time the House passes this motion, I hope that all the stakeholders being called upon will listen to the House and patronize ANAMMCO. I still want to ask ANAMMCO that when they are being patronized they should try to give a helping hand to the society. Thank you, Sir.

Leader: Mr Speaker Sir, I believe in what the hon. Member for Awgu North (*Mr Enebe*) has said. I believe it is one thing after the other. The issue now is let ANAMMCO survive.

Mr Speaker: Honourable Colleagues even when ANAMMCO was doing well, even when they were being patronized in

those days they have not done something to certify that they were having a nice day.

Leader: Mr Speaker Sir, I understand probably they were not reminded of their social responsibility at that time. Mr Speaker Sir, are you now reminding them when they are almost down? I hope that you understand my statement. As at then, we were all in Enugu State but they were not reminded.

Mr Speaker: I still maintain that when the going was good ANAMMCO never remembered anybody. In as much as I am in total support of this Motion, I am equally asking that if this Motion is actualized, ANAMMCO should try to turn a new leaf.

Leader: Mr Speaker Sir, I understand all you have said. This advice will come up again after ANAMMCO has survived. So this Motion is very sensitive, and I have risen to give my support to this very motion because a number of actors are involved in the issue. I was here, among other hon. Members, when the Hon. Speaker led the hon. Members on a visit to ANAMMCO; we were able to find out the serious situations existing there. One thing came into my mind, if the only giant company sited in Eastern Nigeria, Enugu State was able to survive during the military era, why should it die during this democratic period. Not only that, there are lots of other factors involved, other economic values that all the States will come, not only Enugu State will come to patronize ANAMMCO.

The Federal government and all the State governments in the southern areas

those buses. I do not know; the Federal Government is the driver of the economy, dictating to passengers wherever it wants to take them to.

It is like somebody is telling you: *enter this bus, it is going to Abuja*, then you find yourself in Lagos. The Federal Government is driving in opposite direction as far as encouraging local industries is concerned.

So, I do not see any other way the Federal Government could have encouraged automobile industries than that singular opportunity during the All Africa Games. If the money that were sent out to import buses from foreign countries has been used in ANAMMCO, thousands of Nigerian workers there would have retained their jobs and may be driving cars and living in better houses now. So, this is a very timely call.

When President Obasanjo was Head of State as a Military ruler, he was riding Peugeot just to encourage the use of PAN at Kaduna, but today as a civilian President, it is ironical that the Federal Government is importing those things which we can produce even here in Enugu. So, this is a very timely Motion, and particularly the Federal Government; if the driver is taking the passengers to a wrong destination, there is no option, you have entered the bus, you cannot go and fight the driver.

So, Mr Speaker, what I am trying to say is that the ball is in the court of the Federal Government to lead by example. The Federal Government must lead by example, if they want ANAMMCO to

survive let them make a policy. They want Dangote cement factory to survive, and said, do not bring solid cement to Nigeria again, and we were buying a bag of cement for six hundred Naira (N600) few months ago, and today we are buying it at one thousand Naira (N1,000) and we still abuse it.

So, if they want ANAMMCO to survive, it is only the Federal Government that can do it. Let them initiate a policy that will prohibit the importation of those things that we can produce here, particularly the buses at ANAMMCO. That is my contribution Mr Speaker. Thank you.

Mr Enebe: Mr Speaker, Sir, I have risen to contribute to this Motion. I am in support of this motion. The law to help ANAMMCO stand firmly as a motor manufacturing company cannot be over emphasized. We believe that if ANAMMCO becomes profitable that our sons and daughters will be gainfully employed and their business will equally boom. In line with my own thinking, I am suggesting we should help ANAMMCO in this direction because I would have liked if our motion would have centred as an advise to ANAMMCO. If we look at their pricing, then we should think on what they can do about the place in terms of manpower development and technology. Probably, something may be lacking it may not just be the issue of patronage that is the problem, so that by the time the House may finish with the Motion, we would have channeled to them the observations of the House. This will help ANAMMCO to look at their production

of the House in line with Order 25 and not to suspend it.

Let me tell us one story, during the last administration, there was a Motion brought up by Hon. Okpara from Awgu South Constituency. Incidentally the hon. Member for Awgu North (*Mr Enebe*) appeared, not to be opposing, but was trying to find a loophole to nail Hon. Okpara. Eventually, I told Hon. Okpara to present that Motion under privilege, but he refused and sought for the suspension of Order 25 to enable him come up with that Motion. Immediately the Motion was carried, the hon. Member for Awgu North (*Mr Enebe*) rose and drew the attention of the House to the suspension of the Order, and Hon. Okpara's Motion could not proceed on that day, which was true and it was carried.

Mr Obidinma: Mr Speaker, noted!

Chief Whip: Information. Mr Speaker, the information is that working in line with Order 25; it says that it has to be with the consent of the Speaker and the general assent of the Members. So, if a single Member says *No*, then it nullifies it because the objective word there is *general* and none yet absent.

Mr Speaker: Order! The reason why I did not want to oppose that information is that the information is not too contentious. If it has something to do with the House and, of course, we believe that it has some effect on the House, we have the right to say "NO" and we often say it. What we do is to call for a division.

Mr Obidinma: Mr Speaker, we are pursuing shadow for now.

Mr Speaker: General assent does not mean that every Member on the Floor of the House has to say *Aye*.

Mr Obidinma: Mr Speaker, in law, the judges say whatever a law can be; the Judges no lawyers, decide what the law is. So, as the Speaker, you can say what happens there.

Mr Speaker: Is the hon. Member for Oji River (*Mr Obidinma*) a lawyer?

Mr Obidinma: Mr Speaker, I am stating the law. Let me summarize.

Mr Speaker: Go ahead.

Mr Obidinma: Mr Speaker, I think I have said enough. (*Laughter*). So, I urge this honourable House to support the Motion, thank you very much.

Mr M.O. Onyeze (Igboeze North I): Mr Speaker, I rise to support the Motion being moved by the Deputy Leader of the House, that the House calls on the Federal Government and the State Governments to continue to patronize ANAMMCO (Nig) Limited.

It is really an irony that while the Federal Government is preaching reforms and encouragement of local industries, it is practising low produce. For example, during the All Africa Games, the Federal Government spent billions upon billions of Naira importing buses, BMW, from foreign countries, while ANAMMCO is there. It was in a position to supply all

Mr Speaker: Ok. Let the motion be seconded. Suspension is in order, then if it is carried we go ahead. ...

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I rise to second the Motion that was moved by the hon. Member for Oji River (*Mr Obidinma*), that order 25 of this honourable House be suspended to enable him come up with his proposed amendment in prayer one. Thank you.

Question put and agreed to

Mr Obidinma: Mr Speaker, may I move that the amendment should read thus: *That this honourable House do call on the Federal Government and the 36 States of the Federation including the Federal Capital Territory to patronize ANAMMCO (Nig) Limited.*

Mr Onyeze: Mr Speaker, Sir, I stand to second the amendment as proposed by the hon. Member for Oji River (*Mr Obidinma*).

Question put and agreed to.

Resolved: That prayer one of the Motion reads thus: That this honourable House do call on the Federal Government and the 36 States of the Federation including the Federal Capital Territory to patronize ANAMMCO (Nig) Limited.

Mr Obidinma: Mr Speaker, Sir, I have said earlier that after the Question has been put and agreed to, that I will continue with contribution in support of the Motion. Like we have said earlier, that it is important that we support the call being made to the Nigerian President and the

Governors to patronize the Anambra Motor Manufacturing Company (Nig) Limited.

Mr Speaker, apart from that, patronizing ANAMMCO will mean a boom to the people of Enugu State because they will go into capacity utilization thereby employing more hands in the State, and the people they will employ will spend their money in the same State. Therefore, it will ... (*interruptions*). Mr Speaker, do I have your protection?

Mr Speaker: The hon. Member for Oji River (*Mr Obidinma*) is protected, but whenever we are trying to suspend the Rule, we should not be in a hurry, and I continue to appeal to hon. Members to try to sit down on the sitting day, so that even if we stay up to five hours, nobody should be in a hurry. When we go back to our various offices or at our own time, we look at all these Rules.

Mr Obidinma: Noted, Mr Speaker.

Mr Speaker: From what the hon. Member for Oji River has done now, but I am going to ignore it, because it will entail his re-presenting that amendment for he is supposed to invoke Order 25 instead of suspending it.

Mr Onoh: He can still invoke it now (*laughter*), because I invoked it the other day. (*Prolonged laughter*).

Mr Speaker: Order! For the purpose of another time, if we look at that Order 25, what we now do is to move a Motion in line with Order 25. That is, we seek leave

Mr J. Obidinma: So, Mr Speaker, have you ignored my prayers?

Mr Speaker: No. Just go on and support the Motion because you are the Secunder of this Motion, you should go ahead and make your contributions and leave the prayers as they are.

Mr Obidinma: Mr Speaker, Sir, they are trying to change your mind.

Mr Speaker: No. My changing my mind is on the principle or on the rule of Law or Order of the House *(Interruptions)*.

Mr J.U. Onoh (Enugu North): Mr Speaker; Sir, my question is that, can any hon. Member outside the Secunder move for amendment in any of the prayers? Thank you.

Mr Speaker: Why? What have you done?

Mr Onoh: Mr Speaker, Sir, the crime I observed is that he seconded the Motion.

Mr Speaker: No. No, it is not true. The hon. Member for Awgu North *(Mr Enebe)* should please go on.

Mr Enebe: Thank you Mr Speaker, I want us to look at Order 25 and see if it can help us. It says *Notice shall not be dispensed with in case of a Motion in respect of any other proceeding for which notice is required except with the consent of Mr Speaker and the general assent of the Members present.* That is the area we are quarreling about. So Mr Speaker if you

give the consent and Members followed it and accept it then we can take it.

Mr Speaker: Ok. You see, let me tell you that what we are doing here is based on Rules of the House. So I don't just wake up and do something because I have the power to do that. If you have superior argument now that it has been resolved with Order 25, I will not allow you to still have the debate on this, I would have given my own blessing. If the Members say yes, he will go ahead and present his Motion for the amendment. *(Laughter)*.

Mr Obidinma: Mr Speaker, Sir, may I seek leave of this honourable House to suspend Rule No. 25 of this House to enable me move a Motion on amendment to prayer one to read thus. ... *(Interruptions)*

Mr Speaker: The hon. Member for Oji River *(Mr Obidinma)* should go ahead and read the amendment. ... *(Interruptions)*

Mr Obidinma: Thank you Mr Speaker, Sir, to read that, I mean, prayer one. ... *(Interruptions)*

Several hon. Members: Mr Speaker, it is not correct it must be seconded.

Mr Speaker: Please listen, what do you want to second; is it order 25? *(Interruptions)*.

Several hon. Members: The suspension of order 25. ... *(Prolonged interruptions)*

we still nail the hon. Member for Oji River
(*Mr Obidinma*) (*Interruptions*).

Several hon. Members: Yes it is the process, go down and read that following. We are learning.

Mr Speaker: Okay let me go down we are making progress. And ... (*Interruptions*).

Mr Enebe: Mr Speaker, Sir, my question is since all of us are here for learning, there is nothing like sentiment in this matter. It is either we accept the due process or we do not. And if we do not, that is the end, because we are learning. In the Rules, do we have any provision for exemption of any part of the Rule in this matter? That is what I want to know. Again, assuming that the Motion is on Notice and somebody has fundamental amendment to make, is there any provision that will allow that? Thank you.

Mr Speaker: Well, the Rules are for all of us and everybody is supposed to be very conversant with the Rules. If you have any observation you can raise it. If we go through it and it is correct we can go ahead and suspend it and give room for the amendment to come.

Mr J. Obidinma: Mr Speaker, Sir, like I have said earlier that you are the Leader of this House. There is no need to have any issue with you or to join any issue with you. So what you have stated is right. (*interruptions*) (*laughter*).

Mr Speaker: Honourable Colleagues, let us agree that we are all here for learning. And let us agree that nobody is

above mistakes. Please listen. I am coming. ... (*Interruptions*)

Mr Enebe: Mr Speaker, Sir, sorry, my information is that if you would not allow him to make this amendment ... my position is that our decision is based on the Rules, not on sentiments. Let us come to the point of the Law and face the truth. (*Interruptions*).

Deputy Speaker: Mr Speaker. rule 19 says; *unless the standing orders otherwise directs*. ... It is where we are going to use otherwise. We are going to otherwise direct now. So we stood on otherwise direct. We will look to other rules and otherwise direct ... (*Interruptions*).

Mr Speaker: Honourable Members you see if we go by the comment or the speech made by the hon Member for Awgu North (*Mr Enebe*) that unless we are able to accommodate that whatever we are going to do has to do with the rule of the House. Are we together?

Several hon. Members: We are together, Mr Speaker.

Mr Speaker: Does the hon. Member for Awgu North (*Mr Enebe*) have any other thing he wants to add in what he has said, or do I go ahead?

Mr Enebe: Mr Speaker, Sir, go ahead.

Mr Speaker: Honourable Colleagues, let us believe that at this point in time we cannot go ahead and accept any amendment. Let us choose one. (*Interruptions*).

Mr Speaker: No! No! Let us look at the Rule.

Mr Obidinma: No! No! Mr Speaker, you are the Leader of the House, even if we go there you are still the Leader of the House, you have the right to effect a change. You are the Leader of the House.

Mr Speaker: I read:

'Rules No. 20(1) – *Where under any Standing Order (or the practice of the House) notice of motions or amendments is required, such notice shall be given on a day on which the house is sitting by being handed in at the Table; or by being received at the office of the Clerk within the hours prescribed by Mr Speaker for the purposes when the House is not sitting.*

Is that clear. Okay.

Mr Obidinma: You are the Leader of the House.

Mr C. Ugwu (Enugu East II): Information! Please, I do not think that at this point in time that there is need to amend our Rules since the hon. Member for Oji River (*Mr Obidinma*) has not presented his amendment before the commencement of the business of the House. ... (*Interruptions*).

Mr Obidinma: How does the hon. Member for Enugu East II (*Mr Ugwu*) know? Sit down.

Mr Speaker: Order! Does the hon. Member for Oji River (*Mr Obidinma*) not know he is insulting the House? A

Member who is airing his view, he is telling to sit down.

Mr Ugwu: Mr Speaker, pardon him, he is not with himself this morning. ... (*Laughter*).

Mr J.U. Onoh (Enugu North): Mr Speaker, the two of them have committed offence by the hon. Member for Enugu East II (*Mr Ugwu*) equally saying that the hon. Member for Oji River (*Mr Obidinma*) was not with himself this morning. ... (*Laughter*).

Mr C. Ugwu (Enugu East II): Mr Speaker, Sir, in addition to rule 20, if we go back to rule 19 it says *unless the Standing Orders otherwise direct, notice shall be given of any Motion or amendment which it is proposed to move with the exception of the following:* So he has not given any notice at all of his amendment so I do not think it is necessary. ... (*Interruptions*).

Several hon Members: Mr Speaker let him read down the following!

Mr Speaker: Honourable Members, let me tell you if you ask him to go down and read down to the last you will still see that what he is saying is correct. ... (*Interruptions*).

An hon. Members: Mr Speaker, we will welcome that because we have corrected one line and about ... (*Interruptions*).

Mr Speaker: No. No, if you want me to go down and read it I will go down and

a Motion that we must have discussed with the Mover of the Motion to have agreed with him to support him. And I think if somebody has an amendment to make it should not be the Secorder of the Motion. ... *(Interruptions)*

Mr Speaker: Well, please listen. In the first place, let me start with the fact that the Motion is on notice and I do not even know whether the hon. Member for Oji River (*Mr Obidinma*) has the Order Paper? If he has, this Motion is not on Urgent Public Importance but for the mere fact that this Motion is in the Order Paper shows that the Motion is on notice. However, even if it were on Urgent Public Importance we treat it as an urgent public importance. Not because atimes we allow Members to have ideas, otherwise if it were on Urgent Public Importance, he is not going to distribute it, the Mover goes with a copy and probably gives the Speaker a copy ... *(Interruptions)*

Order! So, the Rule say if you have an amendment on a Motion on notice, you should forward same amendment to the Speaker before the commencement of any given day of the House business. But in this case, I am just getting this now just now which means I have not even made use of it, unless it stands otherwise ... *(Interruptions)*

Mr Obidinma: How?

Mr Speaker: Excuse me. I am coming. Just like the hon. Member for Awgu North (*Mr Enebe*) said, let us believe that we are on learning process, otherwise if you go through the Rules of the House this document can never be accepted by me.

And more importantly, just like the hon. Chief Whip emphasized that if you are seconding a Motion you must have the knowledge or rather the back-ground of the Motion ... *(Interruptions)*

Mr Obidinma: Mr Speaker, where do you have that decision, point it out? It is not so, it does not really mean so. Can you quote that decision? I do not believe so. ... *(Interruptions)*

Mr Speaker: Order! Excuse me! Excuse me! The hon Member for Oji River (*Mr Obidinma*) should sit down, please. You see, he said he does not believe, that is the problem we are having. The problem we have is that Members do not have the time to read the Order Paper. Secondly, I do not know whether he looked at the Order Paper at all, if he did, he would have seen that this is in order. You see, if one are seconding a Motion, it is not just seconding a Motion, it is an agreement outside the Chambers with the Mover of the Motion and one must have the idea of what the Motion is all about. ... *(Interruptions)*

Mr Obidinma: Where is it here in our Rule?

Mr Speaker: Please, can you look at Rule 20. Let me read it, because since you want argument, let us argue it. If I do not want to argue it, I will just say, let us over look it because a Leader has a leading process and let us go ahead.

Mr Obidinma: Mr Speaker, you are the Leader of the House.

Thank you, Mr Speaker.

Mr J. Obidinma (Oji River): Thank you Mr Speaker, I am standing to give my support to this Motion moved by the Leader of this honourable House. Mr Speaker, I am supporting this Motion because it is a step towards furtherance of the course of the President in the advancement of the states towards recognizing Nigerian home-made goods.

Mr Speaker, you can see our President and our Governor championing the support of Nigerian home-made goods especially in the area of wears and other items in the country. So, patronage of Anambra Motor Manufacturing Company (ANAMMCO) means a boost in this regard, Mr Speaker.

However, Mr Speaker, may I please move a Motion for an amendment on prayer one before I continue my contribution to the Motion ... *(Interruptions)*

Mr Speaker: No! No! Please, you see this Motion is on notice ... *(Interruptions)*

Mr Obidinma: It is not.

Several hon. Members: It is on notice.

Mr Obidinma: No! It is not, I am telling you for sure, I got it today ... *(Interruptions)*

Mr Speaker: Well, I call tell you that this Motion I got it last week. You know, we want to have a second thought on this Motion, we better say no. so let us leave it for today. ... *(Interruptions)*

Mr C.O. Enebe (Awgu North): Information! Mr Speaker, my information is that even if a Motion is on notice we can seek the leave of the House to suspend the Rule 25 so as to make amendment. Let us understand that we are on learning process. ... *(Interruptions)*.

Mr Speaker: Excuse me! Excuse me! The hon. Member for Awgu North (*Mr Enebe*) should realize we have a procedure for amendment. The procedure is that if a Motion is on Notice, the proposer of that Motion should forward the amendment to the Speaker before any given day of the House Business. I do not know what is contained in the Rule that somebody can just wake up and say that we can suspend the Rule while the Motion is on notice and it is in the Order Paper. ... *(Interruptions)*

Mr Obidinma: Please, let me help you, Mr Speaker.

Mr Speaker: No! No! Please, do not help me, I do not need the help of the hon. Member for Oji River (*Mr Obidinma*). Let us believe that we should do something in a due process. ... *(Interruptions)*

Chief Whip: Information! Mr Speaker, my information is that it could have been necessary to effect this change or rather an amendment but what made the case of hon. Member for Oji River (*Mr Obidinma*) worse is that he is the Secunder of this Motion. ... *(Interruptions)*

Several hon. Members: He is the Secunder of the Motion.

Chief Whip: Please, listen, let me tell you, it presupposes that before we support

draw the attention of both the Federal and the thirty-six State Governments to patronize the ANAMMCO Nigeria Limited. This patronage is primarily centred on massive purchase of her motor products. As the most outstanding Automotive industry in this country, it will be an irony that most state governments and some major Federal Government Institutions/Parastatals or Commissions would prefer some foreign companies instead. A situation where Brazil, Germany, Egypt, for instance, would be preferred is a practical negation of the policy that charity begins at home.

Mr Speaker and hon. Colleagues, it is both an eye-sore and disheartening when one visits this famous automotive industry in this part of the country reflecting near total collapse. It is a fact that ANAMMCO products stand out as the best in motor transport. Do we talk of the unbeatable Mercedes products of all cadres or do we talk of the durable spare-parts. As the road masters as they are commonly called, the Mercedes Benz products have very long life period.

Mr Speaker Sir, it is a known fact that the ANAMMCO Nigeria Ltd., is jointly owned by the Federal/State Governments as well as some notable foreign companies and individuals. Any attempt at privatizing this company will spell doom to the now economic agenda of our government. A move towards the patronization of this company will guarantee stable motor transport system. It will also ensure maintenance culture in all the departments of the company.

A company with initial more than two thousand staff strength is presently operating with less than six hundred staff. The indication of this, goes to show that we can now allow ANAMMCO to die and perhaps the next will be the Peugeot automotive industry in Kaduna.

Mr Speaker and hon Colleagues, last year, the Lagos State government decided to introduce a state transport system that will guarantee enough buses on her roads. This will go a long way towards enhancing the economic life of the inhabitants. With this, the issue of these scraps on our roads will give way to a more decent transport system and will even add colour to the aesthetic beauty of the state, as well as providing jobs to the area boys. Other State of the Federation should take a cue from Lagos and patronize the excellent products of ANAMMCO Nigeria Limited.

Mr Speaker Sir, it is the view of the afore-said points and facts that I pray this honourable House to resolve as follows: -

1. That this honourable House do call on the thirty six State Governments to patronize ANAMMCO (Nig) Limited.
2. That this House condemns, in its entirety, the preference of foreign countries and companies for such bus purchases.
3. That both the Federal and State Parastatals, institutions and commissions should henceforth be directed to patronize ANAMMCO instead.

Be it moved and it is hereby moved.

into a thorough legislative scrutiny and x-rayed all the sections of the Bill with the purpose of coming out with amendments that will ensure good governance to the people of Enugu State and also stand the test of time especially in the environmental sector.

During the Committee work, we were able to organise a very fruitful public hearing that attracted the members of the public, the press, non-governmental organisations and other professional bodies.

Also, the Hon. Commissioner for Environment and the Staff of Enugu State Environmental Protection Agency (ENSEPA) were present for certain clarifications and inputs too. The Joint Committees in its series of sittings and deliberations had interviews with the members of the public and also received memoranda.

From the objective and useful contributions made by the public, the Committee members and the hon. Members during the first and the second readings of the Bill, the Members of the Committee were able to make some amendments and it is hereby attached. Thank you.

Mr Speaker: Please give the Clerk of the House a copy.

Leader (Mr J. Anichukwu): Mr Speaker Sir, may I move that the Report from the Joint Committee on Environmental Management and Judiciary before the House be accepted for consideration at a later date to be

determined by the Rules and Business Committee of the House.

Mr F.C. Onah (Nsukka West): Thank you Mr Speaker, I have risen to second the Motion as moved by the Leader of the House.

Question put and agreed to.

NOTICE OF MOTION

PATRONIZING ANAMBRA MOTOR MANUFACTURING COMPANY (ANAMMCO) NIGERIA LIMITED

That this Honourable House do call on the thirty-six State Governments to Patronize ANAMMCO NIG. Limited by Purchasing Her Products.

Deputy Leader (Mr P. Anikwe): Mr Speaker Sir, may I move a Motion standing in my name that this Honourable House do call on the thirty six State Governments to patronize Anambra Motor Manufacturing Company (ANAMMCO) Nigeria Limited by Purchasing her Motor Products.

Mr J.C. Obidinma (Oji River): Mr Speaker Sir, I have risen to second the Motion as moved by the Deputy Leader of the House (*Mr Anikwe*).

Deputy Leader: Thank you Mr Speaker, may I move that this House do call on the thirty-six State Governments to patronize ANAMMCO Nigeria Limited by purchasing her Motor Products.

Mr Speaker Sir, hon. Colleagues, it has become pertinent at this point in time to

Votes and Proceedings No. 14 of Thursday 15th July, 2004 accordingly adopted.

ORDER OF THE DAY

Report from Joint Committees on Petroleum Resources and Environmental Management; and Judiciary, Public Petitions, Ethics and Privileges on the Enugu State Waste Management Authority Bill, No. 8, 2004.

Chairman Joint Committee (*Mr J. Obidinma*): Mr Speaker, Sir, this Bill was committed to the Joint Committee three weeks ago, and since then the Committee has been working very assiduously to get these things done correctly. We had public sittings, received memoranda from various persons, and at the end of the day Mr Speaker, we are able to report out as follows: Section 2 (*Interruptions*) paragraph 18 line one, after *Governor means Governor*, insert *of Enugu* and delete *the* thus: *Governor means Governor of Enugu State*.

Mr Speaker: Order! Where is the Chairman (*Mr Obidinma*) reading?

Chairman Joint Committee: Mr Speaker, I have addressed the House.

Deputy Speaker (*Mr Atigwe*): How did the hon. Member for Oji River jump to that place?

Mr Speaker: O! No! But he said here, Report of Joint Committees, and so on; sequel to the mandate ... He did not give us these information.

Chairman Joint Committee: I have said that Mr Speaker.

Mr Speaker: I did not hear him.

Deputy Leader (*Mr Anikwe*): He has summarized it.

Mr Speaker: Summarised what? No! He has to give us the run down. This is the dividend of his work. The other aspect is the amendment he made, and he is not even supposed to read that on the Floor of the House. He should just read the first page, that is the address, and hand over the document to the Clerk. Then the Leader will move that we accept the Report, and we move on. It is only when we go into the Committee of the Whole House that we consider his proposed amendments.

Chairman Joint Committee: Mr Speaker, Sir, noted Mr Speaker.

REPORT OF THE JOINT COMMITTEES ON ENVIRONMENTAL MANAGEMENT AND JUDICIARY ON A BILL FOR A LAW TO DISSOLVE THE ENUGU STATE ENVIRONMENTAL PROTECTION AGENCY AND TO ESTABLISH THE ENUGU STATE WASTE MANAGEMENT AUTHORITY AND OTHER MATTERS CONNECTED THEREWITH, BILL NO. 8, 2004

Sequel to the mandate given to the Joint Committees on Environmental Management and Judiciary sometime ago by the honourable Speaker, to critically examine the aforementioned Bill, the Members of the Joint Committees went

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 22nd July, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before us are the Votes and Proceedings No. 14 dated 15th July, 2004. I have gone through them and to the best of my knowledge, they are correct. However, I call for your comments. Thank you.

Mr O.C. Nnamani (Nsukka West): Mr Speaker, Sir, it happened that I was not physically present at our last sitting, but I have to contribute to this Votes and Proceedings. I have equally gone through the Votes and Proceedings, and I am not comfortable with the announcement No.4 because it is not going to go well with me and my Constituency.

I believe that we are one family here and a lot of these things should not come up in the Chambers, and even if it will come up, it will not form part of our deliberation. On that basis, I move that announcement No. 4 be expunged. That is my observation. Thank you.

Mr J. Onoh (Enugu North): Mr Speaker, hon. Colleagues, I rise to second that Motion.

Mr Speaker: Order! What is the hon. Member for Enugu North (*Mr Onoh*) seconding? (*Laughter*).

Mr Onoh: Mr Speaker, that Motion moved by the hon. Member for Nkanu West (*Mr Nnamani*) (*Laughter*)

Mr Speaker: Order! Order!! The hon. Member for Nkanu West has only made his observation. Motion is not allowed yet, and what we can do is that having observed it, it is left for me to give the Clerks-at-Table directives on what to do. It does not require any Motion. May any other Members who have observations make them.

If there is no other observation, I say that the announcement observed by the hon. Member for Nkanu West (*Mr Nnamani*) was made by me, and having raised a kind of objection, I appreciate the hon. Member's predicament and I clearly understood him very well, because he talked about family. On the strength of that may I request that the announcement No. 4 be expunged; Clerks-at-Table, take note.

Mr F. Amu (Nsukka East): Mr Speaker, thank you, I have equally gone through the Votes and Proceedings and they are correct. I, therefore, move for the adoption. Thank you.

Mr E.C. Maduabu (Awgu South): Mr Speaker, Sir, I have risen to second that Motion. Thank you.

Question put and agreed to.

venue is the Conference Hall, Enugu State House of Assembly Complex, Independence Layout Enugu. Every Member is expected to submit his/her memorandum to the Committee. The general public and staff are equally expected to submit any input they have made.

Meeting

The House Committee on Economic Development, Civil Service and Labour Matter will meet as follows: Friday 13th July 2004 at the Chairman's office.

Submission of Forms

Please, we might not have time to discuss again about the forms. Honourable Members should submit their forms to me latest 2 p.m. because I have to dispatch them today. We are adjourning till Thursday next week because it is most likely that we will be going to Abuja.

For those of us who are fond of traveling out of Enugu: if anybody travels out of Enugu and it happens that he is required here, I do not know where to communicate him; and everything is done as a group arrangement.

Launching

Please, on the rising of the House, we will go to Hotel Presidential Enugu for the launching of the Community Police. Everything is supposed to be there.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, may I move that this honourable House do now adjourn till Thursday, 22nd July 2004 at 10 a.m.

Deputy Leader (Mr Anikwe): I have risen to second the Motion for adjournment as moved by the Leader.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 22nd July, 2004 by 10 a.m.

Adjourned accordingly at 10.36 a.m.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 15th July, 2004

(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, before us are our Votes and Proceedings No. 13 of Tuesday, 13th July, 2004. I have carefully gone through them and to my mind they are correct. However, I wish to call of your comment.

Mr E. Maduabu (Enugu South): Mr Speaker, I have gone through the Votes and Proceedings of Tuesday, 13th July, 2004. I found them to be a true reflection and accurate recordings of our proceedings that day. I therefore move for the adoption of the Votes and Proceedings.

Mr E. Azia (Nsukka East): I rise to second the Motion.

Question put and agreed to.

Votes and Proceedings of Tuesday, 13th July 2004 accordingly adopted.

ANNOUNCEMENT

Absence

Mr Speaker: The hon. Leader (*Mr Anichukwu*) should try to get in touch with the hon. Member for Nkanu West (*Mr Nnamani*) because I do not know whether he is aware that there are number of days we are supposed to sit in a year. It is good to inform him. He is our brother. I need not talk about the hon. Member for Enugu North (*Mr Onoh*), because there are some days he comes from Abuja.

Henceforth, I will never make any Committee announcement without the Chairman being present. I can never announce it. Today will be the last day somebody will send an announcement to me and I will announce it without seeing that person physically present here.

Visit

The House Committee on Works and Transport will visit Enugu Airport on Monday 19th July 2004 at 10 a.m. prompt. All Committee Members are expected to assemble at Room 119, House of Assembly Complex for the take off.

Public hearing

The Members of the Committee on Environmental Management and Judiciary, Public Petitions, Ethics and Privileges are invited to a public hearing on the 16th July 2004 at 12 noon. The



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
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he is given an appointment he can't come.

Mr Speaker: O.K., please, it is not good. Let me tell you. (Interruptions).

Please carry on. I am now. Let us leave the issue that you asked the Commissioner to come for the meeting and he could not come. Does it mean that you cannot hold meetings on your own. You can hold meetings pending when he comes and if along the line you find that he does not want to come, we will take care of him. It is a small thing.

Please there should be a formal meeting; they are going to report out this Bill. I am still appealing that the Chief Whip should assist us on this matter. If he has problem along the line let me know, please.

Finally, I will be very, very happy if on Thursday we have enough thing to discuss, please. You can make effort and let us have a Report from the Committee. Please, try as much as possible to see it done.

Then, like I said earlier on, this issue of sponsoring a Bill, if any hon. Member has a Bill he is sponsoring, we can give him our assistance. Thank you.

ADJOURNMENT

Leader (Mr. Anjukwu): Mr Speaker, Sir, may I move that this honourable House do now adjourn till Thursday 15th July, 2004 at 10 a.m.

Mr D. Ani: Mr Speaker, Sir, I rise to second the Motion for adjournment. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday 15th July, 2004 at 10 a.m.

Adjourned accordingly at 10.50 a.m.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 13th July, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, before us are the Votes and Proceedings of Thursday, 8th July, 2004. I have gone through them, and to the best of my knowledge, they are correct. I need your comments to give me full backing. Thank you.

Mr C. Ugwu (Enugu East): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of Thursday, 8th July, 2004 and found them to be correct. I, therefore, move a Motion for their adoption. Thanks.

Mr J. C. Maduabu (Enugu South): Mr Speaker, Sir, I have gone through the Votes and Proceedings of Thursday, 8th July, 2004 and found them to be correct. I like to second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 8th July, 2004, accordingly adopted.

ANNOUNCEMENT

Report: Out the Bill

Mr Speaker: Honourable Colleagues, I wish to appeal to the Joint Committees on Petroleum Resources and Environmental Management and Judiciary Public Petitions, Ethics and Privileges to hasten up in the assignment given to them. I don't know what is happening. The time given to them had lapsed and I know that we extended the time but I do not really know the effort they are making in trying to turn up their Report. I am appealing that the Chief Whip (*Mr Odo*) should try and find a way to assist us. I know that he is not the Chairman of this Committee, but I know that if he fails to put every effort, they are not going to turn up the Bill in the next one year. *(Interruptions)*

Mr L. A. (Enugu South Rural): Mr Speaker, Sir, my point of information is on the issue of Committee. The Chairman of the Committee is not the person that is causing the problem but the Commissioner. We have invited him almost three times; he could not attend. We wish to see him so as to know the details on this Bill, so that we can complete it.

Mr Speaker: I think I saw him this morning; and he said that he visited the Chairman yesterday.

Mr Ani: He used to see the Chairman when he is not in the office. And when



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Assembly Complex. All members are expected to attend this meeting as crucial matters are going to be discussed. Signed Mr J.N. Anichukwu, Leader of the House, Chairman.

ADJOURNMENT

Leader: Mr Speaker, Sir, may I move that this honourable House do now adjourn till 10 a.m. on Tuesday 13th July, 2004. Thank you Sir.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have risen to second the Motion as moved by the Leader of the House (Mr Anichukwu) and in doing so, I have the honour to draw the attention of those involved in the drafting of Executive Bills that comes to the House to do a thorough job before sending such Bills. I recall the experience we had on the issue of Okada Bill or on the issue of what we call Enugu State Waste Management Bill formerly ENSEPA, and presently this Bill which has just been passed, as amended. There are lots of confusion arising each time before such Bills are passed. If the Clerks-at-Table, had not able to handle some of these complex issues, the House would have been into more difficult situations.

So I am calling on all those involved in the drafting and writing of these Bills particularly, the Commissioners involved, to take good care to make every Executive Bill clear so that series of amendments will be reduced.
(Interruptions)

Mr Speaker: The Deputy Leader should please sit down.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday 13th July, 2004 at 10a.m.

Adjourned accordingly at 1.02 p.m.

Deputy Speaker: Chairman, then let it be with effect from 1st July, 2004.

Question put and agreed to.

Citation – This Bill may be cited as the Enugu State Council of Traditional Rulers (Amendment) Bill, 2004, and shall come into force on the 1st day of July, 2004.

Mr. Speaker resumed the Chair

Leader: Mr Speaker Sir, may I move that the Bill, as amended, be now read the third time.

Question put and agreed to.

Bill accordingly read the third time and passed.

Mr Speaker: Honourable Colleagues, the Bill before the House, the Enugu State Council of Traditional Rulers Law Amendment Bill No. 9 of 2004, has now been read the third time and passed. I wish to thank you all for your cooperation. When I came this morning, I never knew that all the hon. Members were really prepared for this Bill. When I listened to the debates and contributions, I felt very very proud and honoured. I am happy that the House is making lots of progress and urge the House to keep it up.

I equally wish to thank the Clerks-at-Table and other members of staff for a job well done. This Bill came almost at the close of work yesterday and of course, the House made serious efforts to put the

Bill in order before it could be presented on the Floor of the House. I thank everybody, the press are not left out on this matter. Thank you all for your cooperation. May God bless you.

ANNOUNCEMENT

Inaugural Meeting

Mr Speaker: There will be an inaugural meeting of Public Petitions, Ethics and Privileges Committee tomorrow 9th July, 2004 at 11 a.m. venue is office of the Chief Whip (Mr E. Odo), Room 116. Signed by Mr E. Odo.

Emergency Meeting

Following an emergency meeting and a call at the Fertilizer Distribution Agency Office yesterday, 7/7/2004, there is every need for Committee members to attend a very important meeting at the Chairman's office (Room 218). Time: after today's sitting. Signed by hon. A.O. Chigbo, Chairman, House Committee on Agriculture and Natural Resources.

Briefing

Please there is something I will like to brief members on the rising of the House in my office. I will not be too long, so that you can attend other emergency meetings.

Meeting

There will also be a meeting of House Committee on Rules and Business, date Friday 9th July, 2004. Time 9 a.m. Venue Chairman's Office, Room 123, House of

Then I do not see anything wrong, if we now say okay, grand patron is the grand patron of the Council; and patrons are the patrons of the Council. That does not mean that we should start talking about their functions. We have nothing to do with their functions.

Now, let us agree, after Citation, the Interpretation will come, that is, before section 2; section 2 will now become section 3, and side heading of section 2 will now become Interoperation, which means:

1. Grand patron means grand patron to the Council.
2. Patrons means the patrons to the Council.

Question put and agreed to.

3. The Enugu State Council of Traditional Rulers Law 2003 hereby amended:

(a) By renumbering the existing Section 4 thereof as Section 4 subsection (1) and adding immediately thereafter an new subsection (2) as follows: "(2) There shall be appointed by the Governor a Grand Patron and 2 Patrons from among the Traditional Rulers of the 3 Senatorial Zones of the State, who shall hold office at the pleasure of the Governor".

(b) In the First Schedule thereof by adding new paragraphs (e)(f) and (g) immediately after the full stop in paragraph (d) as follows:

"(e) One grand patron and

(f) One patron to be appointed from each of the remaining 2 senatorial zones other than the zone from which the grand patron was appointed.

(g) Notwithstanding the provision of Section 6(2) and section 3(d) of the first schedule of the parent law and any other section in the said parent law that conflicts with the provisions of this subsection, the Governor may in his absolute discretion appoint such other members as he deems it fit to appoint.

Question put and agreed to.

(c) In sub-paragraph (1) of paragraph 6 of Schedule 2 thereof by adding the expression *Grand Patron, Patrons*. Between the words *the* and *Chairman*.

Amendment agreed to

Title – Agreed to.

Enactment / Citation - Agreed to.

The Chairman: Honourable Colleagues, let us say First of July, 2004.

Deputy Leader: Mr Chairman, it should take effect from today (8/7/2004). *(Interruptions).*

Chief Whip: Mr Chairman, it should be with effect from today.

Chief Whip: Mr Chairman, there is no harm in interpreting the Grand Patron or Patron. Hence, even in the interpretation, they just said "Chairman" means Chairman of the Council. Then we say Grand Patron of the Council, patron means the patron of the Council. Why do we make issues out of nothing?

Mr Onyeze: It is the import of the amendment. It is necessary.

Deputy Leader: Information! Mr Chairman, I am not very comfortable with the issue of interpreting patron and grand patron. We can even go ahead to say functions of the patron and grand patron. Because where we have in the interpretation of Chairman and others, we also have their functions.

What I believe here is that in line 2 where it says unless otherwise, as mentioned earlier by the hon. Member for Enugu East II (*Mr Ugwu*) we shall allow it like that, because we can go ahead now to say the patron is patron of the Traditional Rulers' council. The grand patron is the grand patron of the Traditional Rulers' Council. We can now go further to say functions of the Patron include this and that which was not included in the original bill. This is an Executive Bill.

Mr Onyeze: Mr Chairman, we are here this morning for a very important business, amending the existing law and there is an import there. There is a new thing going into that law, and that new thing is appointment of patrons and grand

patron. They should have meaning. What we have come to do is for it to have meaning, and that meaning is simply the appointment of grand patron and patrons of the Council.

It is not ambiguous, it is a straightforward thing. It is an import into the law that we are preparing, so let us add their interpretation.

Mr A.O. Chigbo (Uzo Uwani): Mr Chairman, our function today, as far as I am concerned here, is for inclusion of patrons and grand patron of Traditional Rulers in Enugu State. In the original Bill there is provisions for patron and grand patron. The Executive is asking that the three Zones in Enugu State should have patrons and grand patron.

The Chairman: No! No! Order! In the original Bill there is no provision for patrons and grand patron, and that is why we are amending it.

Mr Chigbo: Every Zone is to have Grand Patron and patrons.

Several hon. Members: No! No! (*Laughter*).

The Chairman: Order! Honourable Colleagues, I do not see anything wrong in saying after all whether we like it or not, whether we do the interpretation or not, we are all aware that the grand patron is not the grand patron of the House of Assembly, he is the grand patron of the Traditional Rulers' Council.

Question put and agreed to.

Enugu State Traditional Rulers Amendment Bill, 2004 accordingly considered in the Committee of the Whole House

The Chairman: Honourable Colleagues, let us postpone Enactment, Citation and let us start with Section 2.

"The Enugu State Council of Traditional Rulers Bill or Law 2003 is hereby amended as follows:"

Mr M. Onyeze (Igboeze North I): Mr Chairman, Sir, I do not know whether we can talk about the Interpretations here because in view of this amendment, the dominant words there, grand patron and patron should be properly interpreted along with other posts in the law because that is the main business.

The Chairman: I do not understand the hon. Member for Igboeze North I (*Mr Onyeze*)

Mr Onyeze: In the original interpretations, nothing was said about patron and grand patron. This amendment has these key words, apart from that, they are the dominant words.

So, I do not know whether we can include them now. The inclusion of patron and grand patron.

The Chairman: Do we go ahead and include what was not given to us? Excuse me, we will come back to the Long Title which has to do with the Grand patron

and patron. We will come back to that later.

Mr Onyeze: What I am saying is that the original bill which we are now considering with the amendment, in the interpretation, nothing was said about grand patron or patron.

Now that we are considering the amendment alongside with the original bill, I feel we can now make attempt to define what we have in mind as grand patron or patron in the Enugu State Traditional Rulers' Council Law.

Mr J. Obidinma (Oji River): Information. Mr Chairman, I do not know whether the hon. Member for Igboeze North I (*Mr Onyeze*) our close-door meeting.

Mr E.C. Maduabu (Awgu South): Mr Chairman, what the hon. Member for Igboeze North I (*Mr Onyeze*) said is true. Like we have here in the main bill, we have Chairman -- the interpretation means the Chairman of the Council.

The Chairman: Okay. Let us not over-flog the issue. Let us have an idea of what we want to be the interpretation of grand patron and patron.

Mr C. Ugwu (Enugu East II): Mr Chairman, if you go to the interpretation in the original, line two, it says *unless the contents, otherwise*. That unless, otherwise can even take care of the patron and grand patron. I do not think that it is necessary to interpret grand patron and patron.

existing ones. We need growth and that is what this Bill is asking for. When we have Grand patron and two other patrons it means more Members. I know that at the end of the day this Bill will sail through. So, what we are saying is that we need those that will lead and bridge the gap by using their wisdom. Even in Heaven there are Arch-Angels like Arch-Angel Michael, Raphael and others. So, Mr Speaker ...

Deputy Leader: Mr Speaker Sir, the Deputy Speaker is mentioning Arch-Angels while he does not go to Church *(Laughter)*

Mr Speaker: Did I hear the Deputy Speaker mention Angels?

Deputy Speaker: We are making laws here. We have Arch Angels in Heaven.

Deputy Leader: The Deputy Speaker is not a Christian.

Mr Speaker: The Deputy Speaker should conclude.

Deputy Speaker: Like I said, even in the Bible, we have it recorded that in Heaven we have Arch-Angels, Arch Angel Gabriel and others. Mr Speaker, Sir, I am of the opinion that the law be amended accordingly.

Mr E. Amu (Nsukka East): I have risen to support this amendment to the Bill. The inclusion of the patron to the Traditional Rulers Council will no doubt bring extra experience that will make the Traditional Rulers very very effective and

experience oriented. His Excellency, the Executive Governor, in his efforts to balance his appointments on basis of triangular equilibrium has already announced the names of the Traditional Rulers each from the Zones in his effort to make the Traditional Rulers Council formidable and result oriented. We know his spirit and his ingenuity. With this Mr Speaker, I do not think that anybody in this Parliament is against the amendment. I therefore ask that the Question be put.

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

Main Question put and agreed to.

Bill accordingly read the Second time.

Mr Speaker: Honourable Colleagues, the amendment bill before the House has now sailed through the First and Second stages. May I humbly wish to thank you for your contributions and your co-operation. May God continue to bless us all.

Leader (Mr Anichukwu): Thank you Mr Speaker, may I move that the House do resolve itself into the Committee of the Whole House for the consideration of the Bill alongside with the proposed amendment bill.

Deputy Leader (Mr Anikwe): I have risen to second the Motion by the Leader seeking the House to resolve itself into a Committee of the Whole House to enable us consider the amendment Bill alongside the original Bill. Thank you.

severing the past because the law which restricted the appointments of inexperienced or those who have not gone to the Council before is in itself aberration, because it did not take care of the past. So this amendment is a welcome development because it has given the Governor of the State the power to appoint anybody into the Council even if you have been there several years provided that the services will be beneficial to the State Council of Chiefs.

There is no need over-emphasising the obvious that continuity is so necessary in such an institution. We cannot sever the past. The experience of our past leaders are indispensable in the day-to-day running of the Council. Again this amendment goes further to talk about expansion, that is, section (g). Once it is necessary that somebody should come on board and serve in that capacity the Governor will go ahead and appoint the person no matter the time and the number of days or years the Council has stayed.

If you remember that somebody played a significant role so vital to the State and he is useful and he will help in formulating correct policies, the person could be brought on board. It is a welcome development because in the other parts of the country the Council of Traditional Rulers are never terminated, they are always there, they are there to serve because of their wealth of experience. So, Mr Speaker, Sir, I urge my Colleagues to support this Bill so that it will be passed and become operational.

Mr E.C. Maduabu (Awgu South): Mr Speaker Sir, I have risen to support this amendment to the Bill because this amendment is trying to expand the membership of the Traditional Rulers Council. We have three Senatorial Zones. If the Grand patron is appointed from any of the Zones and the other zones are not taken care of, there may be some grudges from the other Zones. Now, that we have two Patrons and Grand Patron and if one is appointed from each of the Zones it will be balanced. Secondly, there are other States where we have the Traditional Rulers Council. They have Patrons and Grand Patron and our own cannot look different so that when it comes to any national level and issues are being discussed and patrons are called, Enugu State will be properly represented. Therefore I am saying that it is very important to have patrons and grand patron for the Traditional Rulers Council.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, I have risen to support the Bill. If this bill is passed the, Council will be fortified. I mean that by the time the patrons are appointed new blood will be injected into the system and with the new blood things will work better. I am of the opinion that we pass this Bill.

Deputy Speaker: Mr Speaker, Sir, I am on my feet to contribute to the ongoing debate on the amendment of the Traditional Rulers Council Law of this State. Mr Speaker, Sir, this amendment further provides for an addition and nobody quarrels with the addition. His Excellency, being a wise leader is simply concerned to give more wisdom to the

nothing bad there, so that people can understand our Law very well. So let us try and expunge this Section. It is absolutely unnecessary. You should look at it very well. Thank you.

Chief Whip: Mr Speaker, Sir, my information is that the process of expunging it does not mean that the provision is no longer correct, but the only thing is that as it concerns this Section 4(g), if you expunge it the provision of Section 4(g) is not absolutely relevant and where it is supposed to be applicable well, you can not invoke it any longer. So it is not good to expunge it. Thank you, Mr Speaker.

Mr Speaker: Honourable Colleagues, what I am saying is that instead of expunging, let us have the amendment the Chief Whip have just read. However, if it is your whole opinion to expunge it, is okay, but in my own opinion I do not think it is the proper thing to expunge it but if you say we will expunge we go on and expunge.

Several hon. Members: Mr Speaker, let us expunge it.

Chief Whip: Mr Speaker, the substitute is very clear. It is not good to expunge it.

Mr Speaker: Chief Whip, please just read the amendment and move the Question, if it is carried then we use that point.

Chief Whip: Mr Speaker, I think that it is to be considered in the Committee of

the Whole House and people are just giving their contributions. ...

Mr Speaker: No problem, just go ahead.

Chief Whip: May I move that notwithstanding the provisions of Section 6(2) ...

Mr Speaker: Move with amendment.

Chief Whip: May I move that Section 4 (g) of the amendment law be amended as follows: -

That notwithstanding the provisions of 6(2) and Section 3 9d) of the first schedule of the current law and any other section the current law that conflicts with the provisions of Section 4(g), the Governor may in his absolute discretion appoint such other members as he deems fit to appoint.

Deputy Leader: I rise to second the Motion.

Amendment put and accordingly agreed to.

Mr Speaker: The hon. Member for Igboeze North I (*Mr Onyeze*) should go ahead with his contributions.

Mr Onyeze: I stand to support this amendment because, in the first instance, when we are talking about the Traditional Rulers and their Council, we are talking about the tradition and culture of our people basically and it is an aberration to

pointed out, and recently schedule 3 sub (d). So if we go into the technicalities of expunging, we may really run into problem. The whole essence in what we are doing is that there appear to be a lacuna in the original Bill that we passed, and the essence of amending it is to take care of the problems in the past. So, my thinking is that sub-section 9g) as we are currently amending that all other provisions of the original or the parent Law as in Section 6(2) and then Section 39d) first schedule should be read subject to 4(g) and any other provision in the parent Law as in Section 6(2) and any other provision in the parent Law that appears to conflict this.

So, it has to be couched in a way that Section 4(g) should take precedent if it appears to conflict with any other thing in the parent Law that will obviously not defeat the purpose of what we are doing here. Because if a Law is for an amendment, then his proposal for amended Law ought to take precedent over the pieces of materials being amended. So it is my thinking that sub-section 6(2) and then 3(d) should be read subject to this very 4(g). And if any other provision of the parent Law appears to come in conflict with this 4(g), then 4(g) will prevail. That is my suggestion. Thank you.

Mr Speaker: Chief Whip should please let me have what he has just said, please put it down. I think there is more sense in it.

Mr C. Ugwu (Enugu East II): Mr Speaker, Sir, why we are trying to do this,

more importantly to Section 2(g) is to take care of 6(2) and 3(2) so as to give more importance to Section 2(g), what I have here might even take care of it. Section (g) can read *and such other Members as the Governor may in his absolute discretion appoint other Members as he deems fit to appoint, notwithstanding the provisions of Section 6(2) and 3(d)*. I think it can take care of all this thing. Thank you.

Mr Speaker: You know that the moment you say notwithstanding; that section should be ignored. So the Chief Whip should let us have his amendment.

Chief Whip: Mr Speaker, Sir, what I have said is that, notwithstanding the provisions of Section 6(2) and Section 3(d) of the first schedule of the parent Law and any other Section in the same parent Law that conflicts with the provisions of section (g), the Governor, with his absolute discretion may appoint such other members as he deems fit to appoint.

Mr Speaker: Honourable Colleagues, I think what the Chief Whip have read is correct.

An hon. Member: Mr Speaker, Sir, it is not correct.

Mr F.E. Amu (Nsukka East): Mr Speaker, Sir, I align myself with the hon. Member for Igboeze North I (*Mr Onyeze*) that this Section 6(2) be expunged. You cannot say notwithstanding. If you did not expunge it, it will contradict completely Section (g), but if you expunge it there is

Mr Speaker: Order! Excuse me, my hon. Members, let me come in. You see, if you look at the First Schedule, Section 3 of the Old Law, the composition of Council and you should equally look at the Section 2(g) of the Amendment Bill, can anybody give the clarification on First Schedule Section 3 of the Old Law and the Section 2(g) of the Amendment Bill, the relationship between what we are trying to do this morning and that of Section 3 sub-section (d) of the First Schedule of the Old Law?

Deputy Leader: Mr Speaker, please come again.

Mr Speaker: If you look at the composition of Council, First Schedule, Section 3(d) of the Old Law, it said:

*Not more than 15 other
Traditional Rulers to be
appointed equally from the 3
Senatorial Zones of the State*

And that is why I said that this Bill is seeking for expansion, that is, it seeks to expand the Membership of the Council because it is in my own mind that if you have different view about 10(ten), you have problem within but because like I have said that this Bill now has to do with expansion of the Members of the Council we should now try to ignore that sub-section.

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, I am not trying to waste much of your time but if the law says that somebody is not qualified to be appointed and the Governor now has an absolute authority to appoint anybody, in my own

opinion it appears contradicting. And to avoid contradicting in law making we have to expunge that Section 6(2) in the old law and even that Section 3(d) in the First Schedule of the old law which you have pointed out now. And any Bill that will put constraint on the Governor on the number of people he is appointing is still contradictory to the power you are giving him under this proposed amendment therein. ... (*Interruptions*)

Mr Speaker: Order! That was why I said that what we can do after we might have said: *such other Members as the Governor may, in his absolute discretion, deem fit to appoint*; we now have to relate or link it up with *notwithstanding* or some other things we are talking.

Deputy Speaker (Mr Atigwe): Mr Speaker, I am on my feet to second the Motion as moved by the hon. Member for Igboeze North I (*Mr Onyeze*) because in Law they said what is not included is excluded, so what I mean is that the Sub-section 6(2) in the old law should be expunged to retain sub-section 2(g) in this Amendment Bill. ... (*Interruptions*)

Mr Speaker: No! Let us add *notwithstanding* and not to expunge it but if it is the rule of Law by this honourable House, we go ahead to expunge it.

Deputy Leader: No! We are not going to expunge it.

Chief Whip (Mr E. Odo): Mr Speaker, Sir, it appears to me that a conflict arises between Section 4(g) currently under amendment and then Section 6(2) as

traditional Rulers Council, that is what the Section is quoting. The (g) he is talking about says such other members that the Governor may in his absolute discretion deem fit to appoint.

Mr M. Onyeze (Igboeze North I): So my argument Sir, is that if we do not expunge section six, subsection (ii) then the Governor is still constrained in making further appointments into the Council because you are caging him and giving him absolute powers at the same time. So there is need to expunge that section six, sub-section (ii).

Mr Speaker: Honourable Members, please let us look at this critically because assuming that we do not have (g) here, we will not be quarrelling with Section 6(2). But because we have (g) here which says – I read:

“Such other Members as the Governor may in his absolute discretion deem fit to appoint”.

So, let us look at it critically before we take a decision on this matter, please.

Mr E.C. Maduabu (Awgu South): Mr Speaker, unless we say: *such other Members as the Governor may in his absolute discretion deem fit to appoint* provided ... *(Interruptions)*

Mr Speaker: Excuse me! I think, unless we should say *such other Members as the Governor, may in his absolute discretion, deem fit to appoint, notwithstanding the provision of section 6(2)*. Is it clear? I mean, is that a popular opinion?

Several hon. Members: Yes.

Mr Speaker: Okay!

Deputy Leader: Mr Speaker, I do not align myself to the idea to expunge either 6(2) or (g). The 6(2) as contained in the original law is talking of Tenureship, either two or three consecutively. If you go round before the Section, you will see where the law was talking of Tenureship, that is number of years you must have served. I read:

No Traditional Rulers shall be qualified for appointment as a Member of the Council if having previously been appointed as a Member of the Council he has been reappointed for a further term as a Member of the Council.

This Bill is talking of Tenureship and if you watch what the new amendment is seeking under (g) is talking of not restricting the number because that old Law restricted number where it says that. *I think, such Local Government shall have a Member to represent it in the State Local Government Council of Traditional Rulers* and the old law did not make further provision. But this Amendment Bill Section 2(b)(g) is trying to make a provision whereby the Governor even at the expense of refilling the Local Government representatives that they can still go ahead, given the discretion, to avoid such other Members. So the 6(2) in the old law is talking of Tenureship and not Membership. ... *(Interruptions)*

Mr Speaker Sir, this is my main reason for the inclusion of grand patron and patron into the Enugu State Traditional Rulers Council. I am urging my hon. Colleagues to consider this bill as important as any other bill which this honourable House has been passing. At any point in time whether it is a Motion, a Bill passed by the House, the feelings of the people in our Constituencies has always been that we have the brain to do the correct things, they have sent us to the House to do the correct thing and we are doing them. So this honourable House has been maintaining a high esteem and by passing this very Bill, I believe it will go a long way to enhance the good image and prestige of this House. Thank you, Mr Speaker.

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, I have risen to support the Bill before the House seeking to amend the Enugu State Traditional Rulers Council Bill No. 4 as passed by this House. I will like to point out, Mr Speaker, before I continue with my contributions, when you look at the proposed amendments at page two, that is, (g) says: *such other members that the Governor may in his absolute discretion deem fit to appoint*. If you read it along with the original Bill, at page three that is section six sub-section (ii) it says *no Traditional Ruler shall be qualified for appointment as a member of the Council which has been reappointed for a further term as a member of the Council*. What I am trying to observe, Mr Speaker, Sir, is that there is need to consider and expunge that sub-sections (ii) of Section six,

because that qualification and the powers of the Governor are in conflict because the Governor is still restricted by that sub-section (ii) but if we expunge it, then he now has the powers to appoint anybody no matter the number of years such a member had served in the past. This is one of the observations I want to make before my contributions.

At page three sub-section six (ii) if you read it along with the amendment before the House you will observe ...

Mr Speaker: What does the hon. Member for Igboeze North I (*Mr Onyeze*) require the House to do?

Mr Onyeze: Mr Speaker, I suggest that the House should expunge sub-section six (ii) so as to allow the Governor to appoint whoever among the traditional rulers irrespective of the number of years he has served in the past, that is the observation.

Mr Speaker: The area quoted by the hon. Member for Igboeze North I (*Mr Onyeze*) I do not think it has any relevance because from Section one, what the House is doing is amendment, and amendment has nothing to do with areas that we were not asked to amend. The purpose of this Bill is to expand the Council of Traditional Rulers by accommodating the grand patron and patrons. However, I understand your line of argument. I understand it very clearly because that Section you quoted is saying assuming that somebody was previously appointed, that the Governor cannot reappoint him to serve as a member of the

PRESENTATION OF BILL**THE ENUGU STATE COUNCIL OF
TRADITIONAL RULERS
(AMENDMENT) LAW 2004**

A Bill for a Law to amend the Enugu State Council of Traditional Rulers Law and make provision for Grand Patron and Patrons, presented by the Leader of the House (*Mr J.N. Anichukwu*): read the First time.

Mr Speaker: Hon. Colleagues the Bill before us, the Enugu State Council of Traditional Rulers (Amendment) Bill No. 9, 2004 has been read for the first time.

Leader: Thank you, Mr Speaker, may I move that the Bill be now read for the second time.

Mr E. C. Maduabu (Awgu South): Mr Speaker, Sir, I have risen to second the Motion.

Order for Second Reading read.

Leader: Mr Speaker Sir, you will recall that in November, 2003, this honourable House of Assembly did pass a Bill reconstituting Enugu State Council of Traditional Rulers and today again there is an amendment to that particular Bill. The primary reason behind it is that courtesy demands that to whom honour is due so honour is given. In the Bill the Executive Governor of Enugu State has deemed it fit that there is every need for the provision for grand patron and patrons of Enugu State Traditional Rulers

Council, which is just like in every organisation be it clubs, communities, town unions where there is provision for grand patron and patrons.

As you will agree with me we know that their roles are advisory. At times, experience, we say, cannot be waived away, more especially in critical positions, more importantly in positions like the Traditional Rulers Council. The Council is constrained in their delegations because the traditional rulers represent different communities. One of the primary purposes of democracy is that everybody, every group has got to play his own role at various levels and at various times. The role of traditional rulers cannot be undermined by any well reasoning citizens of this country. Their contributions in maintenance of peace and order in their various communities cannot be over-ruled.

It is in this vein that the Governor of Enugu State deemed it necessary that since peace can be maintained at various communities, at the same time, there is a meeting point whereby at least, once in a while, all the Traditional Rulers will come together to discuss issues affecting Enugu State and as emanating from their communities respectively.

As a result they are those who are supposed to be there at the meeting to contribute their opinions for the progress of their communities and the Council itself, as well as Enugu State. They should have a forum for the exchange of ideas and for them to come up with suggestions to strengthen the progress of Enugu State.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 8th July, 2004
(The House met at 11 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 11 of 7th July, 2004 are now before the House. I have gone through them and to my mind I found them to be correct, but I still call for your comments.

Mr A.C. Chigbo (Uzo Uwani): I have equally gone through ...

Deputy Leader: Observation Mr Speaker, I believe that in our Standing Order the Speaker is vested with the power to adjourn the House without Question put. I thought that what would have been there is that Mr Speaker adjourned the House accordingly on Tuesday without Question put.

Mr Speaker: The House adjourned based on the Question.

Deputy Leader: We did not agree.

Mr Speaker: I told you that I determine the votes of those in favour or against by the voice when I put the

Question. We agreed and we have the adjournment taken

Deputy Leader: If you go to the Verbatim Report, you will see what I am saying.

Mr Speaker: There was no division. We agreed on that day. If we did not we would have called for a division say 15 say yes and 3 said no then you will have that in the Verbatim Report.

Deputy Leader: If you understand where I am going to I was saying that you have the right to adjourn the House without Question put.

Mr Speaker: I am surprised that you are making this type of amendment. I am very surprised because the Verbatim Report will not carry this amendment. If you insist I know that I have the right to do it.

Deputy Leader: Mr Speaker, please go ahead.

Mr Chigbo (Uzo-Uwani): Mr Speaker, Sir, I have gone through the Votes and Proceedings of our last sitting and found them to be correct. I, therefore, move for their adoption.

Deputy Speaker: Thank you Mr Speaker, I rise to second the Motion.

Question put and agreed to.

Votes and Proceedings of Wednesday, 7th July 2004 accordingly adopted.



REPUBLIC OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE

THIRD ASSEMBLY

HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 90

Thursday
8th July, 2004

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Main Question put and agreed to:

Resolved: That this honourable House today, the 7th day of July 2004 confirms the appointment of Mr Chukwu Samson M. as a Member of Enugu State Judicial Service Commission.

ANNOUNCEMENT

Appreciation

Mr Speaker:

1. First of all I wish to thank our Secretariat, that is the Clerks office. We sat yesterday, and had a very long sitting. We never knew that we are going to sit today. We did everything possible to see that our Votes and Proceedings and other things are ready before today. So, that is true commitment and determination. I thank you very much for a job well done, and, of course, I wish to extend my happiness to my Colleagues. This appears to be the highest honour because of the short notice. So, I thank you very much for answering our call.

Meeting

2. There will be a meeting of the House Committee on Land and Housing, Works and Transport today 7th July, 2004, on the rising of the House. all Committee Members are invited to the meeting. The venue is Chairman's office, Room 116. Mr Chukwu Egbo signed.

ADJOURNMENT

An hon. Member: Adjourn till Tuesday!

Mr Speaker: We are not adjourning till Tuesday, we are adjourning till tomorrow.

An hon. Member: No! Mr Speaker!

Mr Speaker: Order! Honourable Colleagues, there is a Bill sent this morning, and we may recall that the other day we were hinted on that. If we listened to the Radio, we would have heard the announcement. So, we have to go ahead and make the amendment. We, therefore, adjourn till tomorrow, please.

Leader: Mr Speaker, Sir, may I move that this honourable House do now adjourn till Thursday, the 8th day of July, 2004 at 10 a.m. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker. Sir, I have risen to second that Motion as moved by the Leader. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday 8th July, 2004, at 10a.m.

Adjourned accordingly at 12.06 p.m.

of the man in terms of age, in terms of comportment as was detailed and demonstrated before this honourable House, can go a long way towards guiding him in future endeavour.

He is not over-assuming, he believes actually and I believe that there is no end to learning. Learning is a progressive realization. It is a journey towards a progressive realization of a predetermined worthwhile venture. So, as a journey, one continues to learn until one dies. There is no end to it.

I believe that by this honourable House confirming this man's appointment, he will even continue to learn even as a tutor and every other thing. So I commend once more the ingenuity of the Governor going for an elder to come under the Judicial Service Commission because of his wealth of wisdom in terms of seniority and exposure because if you watch the CV you will see that he is a retired, seasoned, career civil servant, but from his own explanation, he is not yet tired. He may be retired but not yet tired. And I think this energy of unrelentlessness is what the Governor has seen in him and requires to be tapped. So I call on my Colleagues to consider this man's appointment by looking at both his wealth of experience. Experience they say is the highest teacher, and the best teacher, and then give him the necessary confirmation. Thank you, Mr Speaker.

Mr Enebe: Mr Speaker, I will be very brief; having listened to the Member designate, and I am happy that we have seen him. His educational qualifications may not be as compact and as sound as we would have wished it to be. I am, however, supporting his confirmation based on one

point; I am supporting his confirmation because the qualification that is meant for membership is not cheap: somebody who has problems and somebody who is of questionable character. For him to have stayed in the civil service all these while and rose to the post of Director and retire, we take that into consideration for him.

So, in the course of governance, there is always room for a mixture of both the old and the young, so that the old will be acting as a break to the acts of the youths. So, I urge my Colleagues to kindly help to confirm the appointment of the man, hoping that as he promised, he is going to bring his experience to bear on the job. But I will quite disagree on the issue of learning, because learning is a means to an end. It is after learning that one begins to match into determining what to do. He is going there to do a job and not to learn, we expect him to do a job at the Judicial Service Commission. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, having heard the Member designate, his appointment is a round peg in a round hole, and I request this honourable House to clear him. Thank

Leader: Thank you, Mr Speaker. Having satisfied the constitutional and legislative requirements of this honourable House by answering the questions posed to him by our Colleagues, may I now move that the nomination of Mr Chukwu M.S. as a Member of the Judicial Service Commission, be confirmed by this honourable House, and that the Question be now put.

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

can bring the previous experience into play wherever you are called upon to serve.

The Judicial Service Commission deals with more or less, every aspect of life, Peoples problems here and there. And I said advisory in that when you see certain things, hear certain things, you assist in taking decisions in such issues and then advising for a final analysis. This is what I mean. I think by the nomination or the appointment, His Excellency has actually mentioned, he has graciously done that by considering quite a lot of facts, a lot of things in making me to appear before you today. Thank you.

Mr E. Maduabu (Awgu South): Mr Chukwu, welcome, because it is not easy to be appointed and from the type of education you had, it is a great achievement. You may not have known that it is because of you that the honourable House convened today.

From what you have seen, how would you assess the Members of the Enugu State House of Assembly? And in your day to day activities in the State, how will you relate with them? That is one. Going through the CV, you are well vast in health matters and issues, cum education, do we say that it is a square peg in a round hole?

Member Designate: Thank you very much. From what I said earlier on, as far as education experience is concerned, I do not think that there can be any analogy of being a square peg in a round hole, because, I have said earlier on, the experience you gathered over the years that you are using in any new venture, any new carrier.

Let me say that I am eternally grateful for the House to have convened for my sake. I am eternally grateful and in fact one will

sort of not deny himself of the cooperation and gratitude both individually and collectively. So that is what I have to say. I am grateful to the Speaker and to all the hon. Members for taking time to consider me.

Leader (*Mr Anichukwu*): Mr Speaker, having answered all relevant questions from the hon. Members, may I move that Mr Chukwu takes a bow and leave. Thank you.

Mrs C. Eneh (Udi South): Thank you, Mr Speaker, I have risen to second the Motion that Mr Chukwu takes a bow and leave.

Question put and agreed to.

Mr Chukwu accordingly took a bow and left the Chamber.

(Mr Speaker resumed the Chair)

Mr Speaker: Honourable Colleagues, the interview has been conducted. May I call on you now to make your comments. Let us have an overview of the interview we just concluded about that candidate. Thank you.

Deputy Leader (*Mr Anikwe*): Mr Speaker, I noticed one particular factor during the interview. The gentleman was very consistent, very un-shivering and actually I wish to believe that the genesis of some of our lawyers, and all the lawyers, not even some, the genesis of wearing wig on duty symbolizes wisdom and that emanates from the man. He must have been an elder, well tested. If you watch the CV of the man, he is not a young man. He was born in 1941 and I believe, working under this Judicial Service Commission deals with some aspects of the legalities and laws of the State. I believe that the wealth of experience

Member Designate: No, Mr Chairman, Sir, I did Psychiatric, that is about mental illness, and I was teaching that in the School.

Mr Enebe: Mr Chukwu, I have seen you C.V. ... Are you a graduate?

Mr Designate: Yes I am a graduate. I think that when you talk of graduate it is somebody who has undergone a course under particular discipline where you are, not matter of a graduate the University and in obtaining your B.Sc., MSc., and Phd. Being a graduate is graduate of your own profession.

Mr Enebe: Did you do NYSC?

Member Designate: No, Sir.

The Chairman: Please, I think we are getting a little confused in your C.V. document before me. What I see is Chukwuka M.S. Chukwu. Then, the certificate of Administrative Course you got from Staff College of Nigeria, I have Chukwuka Mbonu Andrew ...

Member Designate: Mr Chairman, Sir, M.S. is Mbonu.

The Chairman: What is Chukwuka?

Member Designate: Chukwuka is my first name that I am known by almost every member of the Community. It is my Igbo name.

The Chairman: What is your surname?

Member Designate: My surname is Chukwu. The name that everybody calls me is Chukwuka. Even His Excellency knows

me with that particular name. Almost everybody calls me with that particular name in Agbani. And my other names are Chukwuka Chukwu is my father's name, Mbonu is my other Igbo name.

Chief Whip (Mr E. Odo): Mr Chairman, Sir, Mr Chukwu, having studied your C.V. I want to believe that you really merited this position and that you know what you are going there to do. Is it true?

Member Designate: I agree with you, Sir.

Chief Whip: Well, having done that and at one time you said that your role is mainly advisory, that is why I ask you that you now shows that you know what to do, and at a point you equally said that. I don't know what again you are still going to learn. But my question is that having acquired a lot of certificates in the Health Sector or Civil Service you have now left that to go to Judicial Service Commission. What do you think that you have merited as to qualify you in the first instance to be a Member of Judicial Service Commission and secondly, what kind of advise do you intend issuing and to whom is that advise to be issued? Thank you.

Member Designate: Anything anybody is doing is a learning process. There is no end to learning. So when we say that we continue to learn, we continue to learn. We cannot say that we are perfect in whatever profession we are. There is a continuous learning process. Well, matter of my being eligible or most qualified or whatever in this my profession at the time. We continue serving and I think I am able to continue serving. I can serve in any capacity. So we

B.A. at tertiary level. I have not seen where you wrote your WASC or First School Leaving Certificate and what of other certificates?

Mr Chukwu: What is happening is that my course or rather my training took care of my initial qualifications and this is why I did not actually dwell on the initial qualifications of the Senior School Certificate and Standard Six. I proceeded to study nursing first; from there I was making progress in different areas in health matters.

Deputy Leader: Certificate for qualified, certificated person; what is it called?

Mr Chukwu: It is there. The State Registered Nurse is there; the State Psychiatric Nurses is there. I have them there, that is, R.M.N. and S.R.N, they are there.

Deputy Leader: Did you study at C.I.C. because I saw C.I.C. here?

Mr Chukwu: Yes I studied in C.I.C.

Deputy Leader: Did you obtain your WASC there?

Mr Chukwu: I did secondary Class four there. My further educational qualifications took care of – take for example my city and Guild Examination took care of those lower qualifications. At least I have City and Guild Teacher's Certificate that took care of all those other initial certificate. Am I understood?

Several hon. Members: Yes.

Deputy Speaker: Mr Chairman, Sir, may Mr Chukwuka M.S. Chukwu (Member

Designate) run down his C.V. for us so that we will know him. Thank you.

Member Designate (Mr M.S. Chukwu): My names are Chukwuka M.A. Chukwu. I hail from Agbani. My permanent address is Ndibunagu Amagu Agbani. My address of contact is No. 8 Boardman Street Uwani Enugu. I was born on 17 May, 1941, and I started school, - I think in 1947 if my memory put me right. I attended primary School at Methodist School Ogui. I attended Secondary School at C.I.C. Enugu. After C.I.C. I traveled to England where I did my Nursing Profession. One is in the Hospital, that is, Psychiatric Hospital and the other in the medical Hospital. After that I started work. While working I started taking other courses. I did a course in Teaching where I got the City and Guilds.

After that, I came back home in 1976 and I took a job with the Ministry of Health as a Nurse Tutor, having transferred my carrier to Teaching as I mentioned earlier on with City and Guilds qualification which I obtained in one of the Technical Colleges in U.K. So, I came back and I had a job to teach in the school of Psychiatric Hospital here in Enugu and from there I progressed from where I was till I retired. I left the School to the Ministry for Administration purposes. And from there carried on. During my course I was also attending lectures, doing lectures here and then both in the School of Nursing and in the general School in UNTH and other courses on ground at the UNTH.

The Chairman: Excuse me, Mr Chukwu, do you have any idea about surgery?

proceedings of this aspect. In the first instance, what was demanded was two people who might have been legal practitioners. Then if for any reason the House in error, may be out of not working in their own particular jurisdiction, clears two people for instance and there are some other persons there who is not a lawyer, then it is now the duty of the Executive if somebody petitions to now strike out the name of the erring party, you understand, so, I think our business as far as I am concerned is to clear the person, then as to whether or not the composition is in order there is no way the House could be a magician because in the first instance we never screened any person here as a Member of Judicial Service Commission and we ought not know what we are not exposed to know, my thinking is that after screening the person in question and in screening him we are left with option of examining whether or not the person has an unquestionable integrity as was specified in the Constitution. After that, if any for reason it is not geographically spread, that is, a different matter altogether if there is a petition really, and if there is none it constitutes a waiver, so let us carry on. Thank you.

The Chairman: Honourable Colleagues, Mr Chukwuka M.S. Chukwu is here before us, he has been nominated by His Excellency, the Governor of Enugu State, Dr Chimaroke Ogonnia Nnamani as a Member of Judicial Service Commission. You can go ahead to ask your questions.

Mr M. Nze Onyeze (Igboeze North I): Mr Chairman, my question is, Mr Chukwuka M.S. Chukwu, the function of Judicial Service Commission, now tell us the functions considering your background.

How do you think that you are fit to do the work?

Mr Chukwuka M.S. Chukwu (Member-Designate): Thank you Mr Speaker and my hon. Members, I think from my little understanding the functions of the Judicial Service Commission is based primarily on advisory, recommendation and generally just on advisory. And my experiences as a Civil Servant previously, I think this may be the opportunity to still have some knowledge that can be exploited by the Commission in the performance of duties involved. I am of the opinion that experience in dealing with people in the past years continues. Thank you very much.

Mr Onyeze: Mr Chukwu, my question, I am not satisfied with your answer because this is something standing in the Constitution. It is expected to have authority and is not a merely advisory body. How do you draw the line between authority and advisory concept which you are proposing, the authority and advisory function, how do you draw the line?

Mr Chukwu: I think the test of the pudding is in the eating, when one gets in one will then find out exactly the details of the function and really I am not yet there. Am I understood?

Several hon. Members: Yes.

Deputy Leader: Thank you, Mr Chairman, Mr Chukwuka, having gone through your C.V; I find it difficult to appreciate what one can, just with wave of hand, say these are your certificates. For instance, we have First School Leaving Certificate at primary level, WASC at Secondary level, OND or HND or BSc or

say on the matter. What I am saying is that, it is at this stage or point of consideration that the House can now pinpoint that there are no geographical spread.

The Chairman: Is the hon. Member for Awgu North (*Mr enebe*) now requesting that we should go ahead to request the Executive to send to the House the list of those already appointed as members of the Judicial Service Commission and to clear if they were geographically spread?

Mr Enebe (Awgu North): Mr Chairman Sir, we were about calling the nominee in when an hon. Member raised the issue of Section 144 of the Constitution. Thereafter, another hon. Member stood up and said that it is not our business to appoint people. In reply, I said that it is our business too.

Deputy Speaker: Thank you Mr Chairman, according to the Constitution, our duty is to clear the names. If we jettison the Constitution, that means we are flouting the Constitution, which should not be. We should not dwell more on whether there is geographical spread. Our duty is to clear the names presented to the House at any given time.

Deputy Leader: Are you now abandoning the hon. Member for Awgu North (*Mr Enebe*) (*Prolonged laughter*).

The Chairman: Hon. Colleagues, the Deputy Speaker is referring to the Constitution and he is quoting that it demands on us to find out if the candidate is qualified to be a member of the Commission. This is no argument. He is not asking whether the candidate is from Oduma, Umulokpa, Mmaku or Agbani.

Mr Enebe: Mr Chairman, Sir, we are here on a serious business. The issues raised could be thrown back to the Executive. There is no reason why somebody should mention my name asking whether you are abandoning hon. Enebe. Are we joking here?

The Chairman: Honourable Colleagues, please if you want to talk, you should address the Chairman or Mr Speaker and not addressing individuals (*Laughter*).

Mr J.C. Obidinma (Oji River): Mr Chairman, Sir, the question is that there are certain things we will do and the integrity of the house will be at stake. On the issue of membership of the Judicial Commission, we do not need to know whether any vacancy exists or not. So I do not know how it may sound if the House refers the document back for clarification.

The Chairman: I am sorry this issue came to me now and I have to read it out, and I am going to tear this paper. I have appealed to the hon. Members that they should not sign attendance list for an hon. Member that is not in the Chamber. Today, again somebody has signed for the hon. Member for Udi North (*Mr Njeze*). I do not understand, please stop this practise ... (*Interruptions*).

Please Mr Chukwurah kindly give them another attendance sheet again, but do not sign for an hon. Member that is not here. From today on wards, no hon. Member should touch the Attendance sheet until we finish our sittings, thereafter we call names to know who and who that are present.

Chief Whip: Mr Speaker, my observation is that I think it appears in order for the House to resume this normal

mandatory that the President of the Customary Court must be there.

Mr C.O. Enebe (Awgu North): Mr Chairman, Sir, I want to point out that it is not conventional for people to use the information that is outside the coffers of the House to argue on the Floor of the House. If the Customary Court Board is dissolved, the Clerks-at-Table can buttress it for easy reference. You do not assume that something happened somewhere, rather let us sit down and do the business of the day. It is either we are deliberating or not and we could stay up to three hours. We sit and discuss something that is concrete. We do not come here to say let us do it and go, and I will not be a party to vote on an issue that is not clear.

Mr M. Onyeze (Igboeze North I): Mr Chairman, we listened to the Constitution very well. The constitution stipulates that in making such appointments, it did not say in considering such candidate. The appointment was made by the Governor and it is the duty of the governor to make an appointment. In making the appointment, he takes three things into consideration our business is to consider the candidates whether they are qualified or not. It is not our business to appoint or see whether they were spread or not spread. If a candidate is qualified you say he is qualified and send the name back to the Executive for swearing or and otherwise. So it is not our business to consider these factors you are saying now.

The Chairman: What we are quarreling with is not the stipulations of the Constitution; the provisions are very clear. Why I disagree with the hon. Member for Awgu North (*Mr Enebe*) is that it is not our duty as to know whether there is existing

vacancy or not. Again the House does not appoint. Appointments are made according to the law; rather the house has the powers to rectify appointments. I am sure that before ever the issue of appointment comes to the House, they must have referred to the Constitution.

I appreciate every hon. Member's contributions; I still appeal that the moment we are in the Chambers let us believe that we are here to learn. In as much as some of us do not have the opportunity to be going through the Constitution, page by page, the moment we are in the Chambers we are here to learn, whether we sit everyday or not hence we are legislators we can sit six times in a week.

Mr Enebe: Mr Chairman, Sir, we have twenty-four hon. Members in Enugu State. Each Constituency is represented by an hon. Member. We have three Senatorial Zones and we have about nine members in the House of Representatives. What I am saying is that there are things we will be saying and that we will want it to be in conformity with the bureaucratic laws. If a list of candidates for twelve positions is presented in the House of Assembly for consideration, the House can insist in doing it. It is at the point of consideration that the House can now tell the governor that from Awgu Constituency there is no representation. It is the duty of the House to do it. It is not done in the air. What I am saying is that the House of Assembly ... (*Interruptions*).

The Chairman: I hope you are not quarreling with geographical spread?

Mr Enebe: I am not quarrelling with it. It can be mentioned that I do not want to keep quiet, so that people will not ask what did I

Deputy Speaker (Mr Atigwe): Mr Chairman, Section 197 of the 1999 Constitution reads:

197(1) *There shall be established for each State of the Federation the following bodies, namely –*

- (a) *State Civil Service Commission,*
- (b) *State Independent Electoral Commission; and*
- (c) *State Judicial Service Commission.*
- (2) *The composition and powers of each body established by sub-section (1) of this section are as set out in part II of the Third Schedule to this Constitution.*
- (3) *In appointing Chairman and Members of boards and Governing bodies of statutory corporations and companies in which the Government of the State has controlling shares or interests and councils of Universities, colleges and other institutions of higher learning, the Governor shall conform with the provisions of Section 14(4) of this Constitution.*

Then, let us go to Third Schedule, Part II, No. 5: State Judicial Service Commission. It says:

A state Judicial Service Commission shall comprise the following Members –

- (a) *The Chief Judge of the State, who shall be the Chairman;*
- (b) *The Attorney General of the State;*
- (c) *The Grand Kadi of the Sharia of Appeal of the State, if any;*
- (d) *The President of the Customary Court of Appeal of the State, if any;*
- (e) *Two Members, who are legal practitioners and who have been qualified to practice as legal*

practitioners in Nigeria for not less than ten years; and

- (f) *Two other persons, not being legal practitioners, who in the opinion of the Governor are of unquestionable integrity.*

The Chairman: Honourable Deputy Speaker, I think, we have already passed that stage, because what the hon. Member for Awgu North (*Mr Enebe*) wanted to know is whether there is vacancy or not.

Deputy Leader (Mr Anikwe): Point of Information. Mr Chairman, the information is that you recall that barely last month, the Chairman of Judicial Service Commission dissolved the Customary Courts in Enugu State.

Mr Chairman, I am aware that the President of Customary Court is a member of Enugu State Judiciary by provisions of an Act embedded in the stipulations and as read out by the Deputy Speaker (*Mr Atigwe*). Now it is making it compulsory that the President of the Customary Court must be a member following the dissolution of the Board. I do not know what we are quarrelling with here. There is provisions for the same Customary Court, that you cannot appoint somebody there without constituting the Customary Court. It is not even easy to find out whether the components ...
(Interruptions)

The Chairman: The hon. Deputy Leader (*Mr Anikwe*) is derailing. What we are talking about is not customary court, rather we are discussing Judiciary Service Commission. There is no way; the two things will be the same. However, one is aware that the Customary court has been dissolved and the Constitution made it

My second question is now that he is qualified based on that provision, that Commission, how many Members do they have now. Are we sure that we have only one member there who is not a legal practitioner? Based on the information they gave you, do we have space for additional member? These are things we have to look at.

The Chairman: Well, the question raised by the hon. Member for Awgu North (*Mr Enebe*) cannot be answered because they just sent in the name and they know why they appointed him.

Mr Onyeze: Mr Chairman, I think the business of the House is to find out whether a person is qualified or not. The composition of the Judicial Service Commission is not our business. We are treating an individual case, that is the business of the House. We were not given seven or 10 names.

Mr Enebe: Information. Mr Chairman, I disagree that our business is to screen. Our business is to make sure that the members are appropriate and suited. It is not just for screening.

The Chairman: Honourable Colleagues, I do not think, apart from the Special Advisers (SPAs) where we have Constitutional right, or powers to determine, because the Constitution states what the Governor should have as SPAs, I do not know of Judicial Service Commission and I am sure that for them to have sent this nomination to us means that there is vacancy there. There is no way they could have sent this nomination when the place is already over-staffed. However, whatever the House decides to do, fine and good.

Mr Enebe: Mr Chairman, I quite agree with what you are saying on the assumption that probably there is a vacancy there. But, I disagree that if the membership of that Commission has people who are not lawyers is not ambiguous, it is ambiguous if they have people who are not lawyers.

Mr A.C. Chigbo (Uzo Uwani): Mr Chairman, what the hon. Member for Awgu North (*Mr Enebe*) is saying is an administrative job, it is not our job. Our job is to clear the candidate brought here by the Executive.

The Chairman: Fellow Members, let me make an appeal. If we have any issue to discuss and a Member wants to get clarification, that does not necessarily mean that the Member is against what we are doing. Let us not look at it as if we are in a hurry.

I am sure that up till today there is somebody that has never known the qualification of Members of the Judicial Service Commission. And having said that even two Members are not supposed to be lawyers, it is alarming that some Members are just saying let us do it and go. Those Members do not even know that we are learning. If we get our Rules, we see that we are supposed to sit on Wednesdays. There is no day we are not supposed to sit. It is only because we amended it that is why we do not sit.

The hon. Deputy Speaker is quoting Section 197 of the Constitution which I am sure that some of us have not even come across. So, let the Deputy Speaker read that Section.

Leader (Mr Anichukwu): Mr Speaker, may I move that the message from the Governor of Enugu State be accepted for immediate consideration. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, I have risen to second the Motion as moved by the Leader (Mr Anichukwu).

Mr C.O. Enebe (Awgu North): Mr Speaker, my question is whether we can have an idea of what qualifies someone to become a member of the Judicial Service Commission.

Mr Speaker: Well, the Constitution said something on it. It is just like other Commissions. You do not need to major in any discipline before you be a member of the Judicial Service Commission. You do not need to be a lawyer, provided moment you are well read.

Deputy Speaker (Mr Atigwe): Mr Speaker, the Third Schedule of the Constitution. It is there, that you must be a lawyer and the other one you must qualify in other things.

We want to know whether this man is coming as a qualified lawyer or as what?

Mr Speaker: Excuse me. There is a Motion on the floor that has been duly seconded. This thing could be discussed in the Committee of the Whole House. When we get to the Committee, we can talk about all these things. If he is not qualified, we will forget about it.

Question put and agreed to.

Resolved: That the House do accept the Message from the Governor for immediate consideration.

Leader: Mr Speaker, may I move that the House do resolve itself into the committee of the Whole House for the screening of the candidate. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, I have risen to second the Motion as moved by the Leader (Mr Anichukwu). Thank you.

Question put and agreed to.

NOMINATION OF MR CHUKWUKA CHUKWU AS A MEMBER OF JUDICIAL SERVICE COMMISSION

(Considered in the Committee of the
Whole House)

The Chairman: Honourable Colleagues, now that we are in the Committee of the Whole House, may we hear the issues raised by the hon. Member for Awgu North (Mr Enebe) before we call in the member designate.

Mr Enebe: Mr Chairman, I wanted to be cleared, because I looked at his Curriculum vitae and saw that he, the Member designate, is not a lawyer ...

The Chairman: He is not a lawyer!

Mr Enebe: Yes! So I wanted to find out if people who are not legal practitioners are free to be appointed as Members of the Judiciary. We have gone through the First Schedule of the Constitution and we see that we have provision for two Members who are not legal practitioners.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Wednesday, 7th July, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Distinguished Colleagues, our Votes and Proceedings No. 10 of Tuesday, 6th July, 2004, are before us. I have gone through them and found them to be correct. However, I call for your comments.

Mr F. Amu (Nsukka East): I have equally gone through the Votes and Proceedings of our last sitting and found them to be correct. I, therefore, move for the adoption of our Votes and Proceedings. Thank you.

Mr F. Onah (Nsukka West): Mr Speaker, I have risen to second the Motion for the adoption of the Votes and Proceedings.

Question put and agreed to.

Votes and Proceedings of Tuesday, 6th July 2004 accordingly adopted.

MESSAGE FROM HIS EXCELLENCY, THE
EXECUTIVE GOVERNOR OF ENUGU
STATE, DR CHIMAROKE NNAMANI

OFFICE OF THE SECRETARY TO THE
STATE GOVERNMENT

Government House,
(Abuja Building)
Enugu.

Telephone: 042454357

Our ref: ENS/SSG/M.260/II/544

July 6th 2004

The Speaker,
Enugu State House of Assembly,
Legislative Chambers,
Independence Layout,
Enugu.

**NOMINATION OF MR CHUKWUKA
CHUKWU AS A MEMBER OF JUDICIAL
SERVICE COMMISSION**

His Excellency Chimaroke Nnamani has nominated Mr Chukwuka Chukwu as a member of Judicial Service Commission.

2. *Consequently, I have been directed to forward his name to you for consideration and possible confirmation of the appointment.*

3. *Your usual prompt action is please solicited while assuring the Honourable House of His Excellency's highest consideration.*

(sgd)
Dr Dan Shere
Secretary to the State Government



ENUGU STATE OF NIGERIA
PROCEEDINGS

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THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 87

Thursday
1st July, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 1st July, 2004

(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings of Tuesday, 29th June, 2004, are before us. I have gone through them and to the best of my knowledge they are correct. However, I need your comments. Thank you.

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of Tuesday, 29th June, 2004, and found them to be correct. I therefore, move for its adoption. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, having gone through the Votes and Proceedings of Tuesday, 29th June, 2004, I rise to second the Motion on the adoption of Votes and Proceedings. Thank you.

Question put and agreed to.

Votes and Proceedings of Tuesday, 29th June, 2004 accordingly adopted.

**Confirmation of Return of Writ
from Independent National
Electoral Commission (INEC)
Enugu in Respect of Member
Representing Awgu South
Constituency and Igboeze South
Constituency**

Mr Speaker: Honourable Colleagues, you will recall that following the nullification of the election of the hon. Member for Awgu South (*Mr Maduabu*) and the subsequent declaration of a vacant seat, and the resignation of the hon. Member for Igboeze South (*Mr F. Ezema*) who contested and won election as Local Government Chairman, a by-election was held last weekend in these two constituencies to fill the vacant seats. I have before me now, the returns of the INEC result which confirmed that (*Mr Emmanuel C. Maduabu* and *Mrs Elizabeth Ezeugwu*) respectively are the winners in the two constituencies to represent them in the House. In view of this development they have to be sworn-in this morning. They should be call in for the swearing-in exercise. Thank you.

OATHS

**OATH OF ALLEGIANCE OR
AFFIRMATION**

AND

OATH OF MEMBERSHIP

Thereupon the following Members took and subscribed the Oaths required by Law.

- i. *Mr Emmanuel Chukwunalu Maduabu* (Awgu South Constituency)

- ii. *Mrs Elizabeth Ezeugwu* (Igboeze South Constituency).

Mr Speaker: Honourable Colleagues, I wish to congratulate the hon. Member for Awgu South (*Mr Maduabu*) and the hon. Member for Igboeze South (*Mrs Ezeugwu*) on behalf of all of us.

I wish them well and do hope that the zeal with which they came in will match with the tempo of work.

I always appreciate the efforts of the hon. Member for Awgu South and I can tell Members that within the last few months he was with us, he was able to turn out many Motions, and I believe that having won the battle again this time around, he will endeavour to turn out a private Member Bill.

We also repose our confidence on the hon. Member for Igboeze South (*Mrs Ezeugwu*). We wish two of you well, and I say once more, *congratulations*. Thank you.

ORDER OF THE DAY

THE ENUGU STATE WASTE MANAGEMENT AUTHORITY, BILL NO. 8, 2003

Adjourned Debate on Question (29th June, 2004)

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I move that the Bill be now read a Second time. Thank you.

Mr D.A. Anih (Enugu South I): Mr Speaker, Sir, I rise to second that Motion as moved by the Leader of the House.

Mr Speaker: Honourable Colleagues, we may recall that debate on the second reading of the Bill was deferred during our last sitting on Tuesday 29th June, 2004. So, having moved a Motion for the second reading, the gate is now open for those Members who have not made their contributions, to do so.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, I stand to support the Bill. The Bill is a double barrel document. The Enugu State Waste Management Authority and the Environmental Court all aimed at producing a clean environment and healthy human person.

I will not go down the lane to enumerate the gains of a clean environment because the earlier speakers have spoken so much on that direction, and they did very well.

Mr Speaker, I am in support of the Bill, like I have said earlier, except some ugly parts of it; like the following: Section six, page six, No.1

I read: *The authorities shall have powers to do anything which in its opinion is calculated to facilitate the carrying out of its function under this law including without limiting the generality of the following:*

Mr Speaker, this is an open-ended statement, and if we pass it, it will become a law, and a law should not have any open ended statement.

Mr Speaker: What is the hon. Member for Oji River (*Mr Obidinma*) suggesting that we should do?

Mr J.C. Obidinma: Mr Speaker, Sir, I said that the authorities have too much powers to do anything. I mean they should be guided and the Committee should look at their powers and check it.

Mr Speaker: You said that the authorities have powers to do anything. What are you quarrelling with?

Mr J.C. Obidinma: Mr Speaker, I am quarrelling with their powers. They should be limited to a point.

Section 8A *Powers to Employ:* The Bill empowers them to employ staff from grade levels 01 – 06 without referring to the Ministry. The question is: If these staff are recruited are they Civil Servants or not? I suggest that they should refer to the Ministry before recruiting or to the Civil Service Commission. Again, Mr Speaker, Section 11(a) *Annual Account and Audit:* *The authority shall have Internal Auditor who shall ensure that the authority and their agents/consultants and/or advisers comply with the financial and contractual performance act.* What I am saying here in effect is, if this Bill is passed without amendment, it will not be a Parastatal because I know that the Book of Accounts of Parastatals must comply strictly with Companies and Allied Matters Decree of 1990. So I want the House to specify it here.

Then Section 11(iii); *The Auditor General of the State shall within three months of receipt of the said financial statement complete the Audit and forward same to the Ministry.* Mr Speaker, this Bill is seeking to control the working capacity of the Auditor General. I do not know how

possible it will be. To my mind they cannot control him.

Mr Speaker: Then what do you say?

Mr Obidinma: That side should be expunged entirely. The Auditor General should be given space to work and not giving him time frame because we do not know his time schedule.

Mr Speaker: Come again!

Mr Obidinma: I said 11(iii) *The Auditor General of the State shall within three months of receipt of the said financial statement complete the Audit and forward the certified copies of the audited accounts to the Ministry. I am saying that they do not know the working schedule of the Auditor General, he should not be limited to a time.*

Mr Speaker: Does the hon. Member for Oji River (Mr Obidinma) mean that there should be no time lag?

Mr Obidinma: Yes, Mr Speaker, because the Auditor General is a human being, he knows what to do and the authorities have no powers to do that.

Section 13(i) *Owners of Undeveloped Plots in a built up areas:*

- (i) *The owner of any undeveloped plot in a built up area who fails to keep it clean and tidy or free from over-grown weeds is guilty of an offence and liable on conviction –*
 - a. *to a fine of not less than N2,000.00 and in addition;*
 - b. *to the cost of clearing the over grown grass in*

This is the area I am quarreling with.

Mr Speaker, what I am saying is that in this case somebody can do a job of one thousand Naira and give a bill for ten thousand Naira. This could create problem. So I am saying that that side of the Bill should be expunged.

Section 22: *Sanitation Day* 229i) *Notwithstanding the provisions of this law or any other written law, the last Saturday of every month shall from the commencement of this law be observed as Sanitation Day.* Mr Speaker, Sir, I am here to make suggestions because this is about cleanliness of our environment and offices. I suggest that last Wednesday of very month be added for clearing the offices.

Section 27: *Offences relating to staff of the Authority, etc.* 279i): *A member of staff of the authority or any person authorized by the authority to carryout any of its functions under this law shall in the execution of his duties have powers to:*

- (a) *enter into any premises between the hour of six in the forenoon and six in the evening for the purposes of inspection, issuing of notices, arresting offenders, seizing of any good, items or vehicles, confiscating auctioning, abating any nuisance.*

Mr Speaker, Sir, what I want to say here are as follows: This will leave a negative or positive implications; it may be abused, and if the House must leave it, may I add that –

- (i) During such operations a Civil Servant not below grade level 10 should accompany them;
- (ii) A police officer should also go with them.

Otherwise, somebody may just stand up from any place and go to his enemy and start to cause havoc there.

With the exception of these observations, I think that this a good Bill that should be supported. I therefore urge hon. Members to look critically at the Bill and support it. Thank you so much, Mr Speaker.

Mr J.U. Onoh (Enugu North): Mr Speaker, Sir, hon. Colleagues, much has been said about this Bill and I have reviewed the Bill myself. But due to lack of time, I would not go into details; rather I will suggest in my personal opinion that there is so much to be criticized in the Bill than to be praised. If we pass this Bill like this, the authority will have all the powers as the police except the powers of directing a search. So I would suggest that the Bill be referred to a Committee and the members should contribute effectively on the Bill.

Mr Speaker: The hon. Member for Enugu North should understand that we are going into detailed debates here and that will give the Committee the idea of what the House wants of the Bill. Just go into detailed debates, we are not in a hurry.

Mr Onoh: Mr Speaker, Sir, I know that we are into detailed debates, but due to want of time, I would say that I fully adopt the suggestions made by the hon. Member for Igboeze North I (*Mr Onyeze*). My other opinion on the amendment to the Bill will

be in writing and forwarded to the Committee. Based on that, Mr Speaker, Sir, I beg to take my Seat. Thank you, Sir.

Mr D. Ani (Enugu South I): Mr Speaker, Sir, I have gone through this very Bill. The Bill just looks like a masquerade. If one is watching a masquerade, one will get excited but if one gets right inside a masquerade he will see the ugliness of the masquerade. In this very Bill, in fact, there are so many manoeuvres which we are supposed to rectified before passing the Bill. The title of the Bill *Enugu State Waste Management Authority*, does not expartiate what is contained inside the Bill. I am saying that Environmental Protection Agency should not be dissolved; rather Waste Management Authority should be a part of that Environmental Agency in Enugu State.

Then, on the issue of fines, they are exorbitant. I believe the Chief Executive of this very State, *Dr Chimaroke Nnamani* is fighting seriously against poverty in Enugu State and I wonder why some group of people either by way of mistake wrote this kind of fines which I see as a sort of exploitation on our people and we are here to represent our people and speak their minds.

With this, Mr Speaker, I can say that this Bill should be referred to the Committee which should invite the Commissioner, for him to recast this very Bill because I know quite well that the Chief Executive is not aware of this. If he is aware it would not have come to this very House. Thank you.

Mr Speaker: I can assure the hon. Member for Enugu South I (*Mr Ani*) that

this is an Executive Bill. If it is not, there is no way this Bill could have been brought to the honourable House for debate. I do not see anything bad about the Bill. The idea there is that this law want us to dissolve the Enugu State Environmental Protection Agency and to re-establish the Enugu State Waste Management Authority. It is not saying that we should forget about what the Bill is seeking. The whole arrangement is O.K.

Mr D. Agbo (Enugu East): Mr Speaker, a lot has been said about the merits and demerits of this Bill. But I still observe that throughout the entire Bill there is no provision made on how the Authority could be charged to court if they fail to perform their functions. If we fail to address this we might go back to the old system whereby the Authority only collects money from people but fails to collect or dispose the waste. So, I am saying that a provision should be made in the Bill to empower the people or customers who are paying for this waste management Authority to charge the Authority if they fail to perform their functions. With this, Mr Speaker, I would like the Committee that will handle this Bill to look into this so that the Authority will have their own right while the public will also have their own right. Thank you.

Chief Whip (*Mr Odo*): Mr Speaker, I have risen to note that all the while the Bill has been under debate that Members did not have access to the original Law, that is, the Enugu State Environmental Protection Agency which ordinarily would have assisted Members in their debates as to know why in the first instance the ENSEPA has to be replaced and then usher in a new Law. So, it is my humble wish to move that further debate on this Bill be deferred so

that Members who have even spoken can have access to add other things if the original Bill, which is about to be repealed is made available to them. Thank you.

Deputy Speaker (*Mr Atigwe*): Mr Speaker, Sir, I am on my feet to second the Motion.

Question put and agreed to.

Debate on the Bill accordingly deferred.

ANNOUNCEMENT

Meeting

Mr Speaker: Honourable Colleagues, please, on the rising of the House we will meet in my office because I have to brief Members on the call received from Abuja yesterday.

Book Presentation

There is a book presentation on Judicial Excellence in honour of Justice *Anthony I. Igu*. The presentation is going on right now at Nike Lake Resort Hotel. All of us are invited to be there. The time is supposed to be 10 a.m. and because of our delay in sitting this morning I do not know how we are going to make it. At the end of the sitting and the briefing in my office, those of you who want to go can find their way to Nike Lake Resort Hotel. I will lead you people that place on the rising of the House. All Members should please be there because the Justice has been a good friend to everyone of us.

Inaugural Meetings

There will be an inaugural meeting of the House Committee on Youths and Sports on Monday 5th July, 2004 by 12 noon prompt. Every Member of the Committee is expected to be there and on time. Venue is room 101, House of Assembly Complex. Signed: Chairman, *Mr Ugwu Christopher*.

The Members of House Committee on Local Government are being reminded that they will have their inauguration tomorrow Friday 2nd July, 2004 in the Chairman's Office at Room 110.

ADJOURNMENT

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I move that this honourable House do now adjourn till Tuesday, the 6th day of July, 2004 at 10 a.m.

Mrs C. Eneh (Udi South): Thank you Mr Speaker. I have risen to second the Motion for adjournment and in doing so, I have to use this opportunity to thank the State Government for bringing in a second woman Legislator. Thank you.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Tuesday the 6th day of July, 2004 at 10 a.m.

Adjourned accordingly at 1 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 88

Tuesday
6th July, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 6th July, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings of Thursday, 1st July, 2004, are before the House. I have gone through them, and found them to be very, very correct. However, I need your comments. Thank you.

Deputy Leader (Mr P. Anikwe): Mr Speaker, Sir, I have an observation on the choice of language used here on the Votes and Proceedings before us. I am talking of page one, paragraph 2; *The Speaker announced to the House that he had examined the Votes and Proceedings for Tuesday, 29th June, 2004, and found them to be accurate. In spite of this, he called for Members' comments. As there was no amendment, the Votes and Proceedings were adopted nemine contradicente.* In other words, meaning, I don't know whether unanimously or what? So, that language should not continue to appear in our deliberation because it is a Latin Language which is not used here. So, instead, we should use *and adopted unanimously*, and *not nemine contradicente*. Thank you.

Mr Speaker: Alright. Please, for the purpose of clarity, Clerk at Table should take note.

Deputy Leader: Thank you Mr Speaker, Sir. In the absence of any further observations and amendment, I move for the adoption of our Votes and Proceedings of last sitting as the correct recording of Votes and Proceedings. Thank you.

Mr C. Ugwu (Enugu East II): Mr Speaker, Sir, having gone through the Votes and Proceedings of Thursday, 1st July, 2004. I rise to second the Motion on the adoption of Votes and Proceedings. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 1st July, 2004, accordingly adopted.

ORDER OF THE DAY

THE ENUGU STATE WASTE
MANAGEMENT AUTHORITY BILL
NO. 8, 2004

A Bill for a Law to Dissolve the Enugu State Environmental Protection Agency and to establish the Enugu State Waste Management Authority.

Adjourned Debate on Question (29/06/04)

Leader: Mr Speaker, Sir, may I move that the Bill be now read for the second time. Thank you.

Mr D. Ani (Enugu South I): Mr Speaker, Sir, I rise to second the Motion that was moved by the Leader (*Mr Anichukwu*). Thank you.

Question put and agreed to.

Mr Speaker: Honourable Colleagues, you will recall that during our last sitting when the debate was going on, at a point, the Chief

Whip (*Mr E. Odo*) requested that copies of the Bill which we are trying to repeal be made available to the House. And I wish to express my happiness to the Leader of the House (*Mr Anichukwu*) who tried to as much as possible to produce all those documents. The documents have been circulated to Members since yesterday. So, having complied with the request as made by the Chief Whip of the House, I wish to call on those who have not been able to contribute, to kindly do so now. I am appealing that we have to exhaust whatever debate we have on this Second Reading of the Bill which have to do with the merits and demerits. So, those of you who have not been able to contribute, the Floor is very, very open for your contributions. Thank you.

Mr A.C. Nnadi (Igboetiti West): Mr Speaker, Sir, I have risen in my place to say one or two things about this Bill. It is very unfortunate that I was not here when debate on the Bill was initiated. However, I will make my unalloyed contributions in support of the Bill.

Mr Speaker, I do not intend to repeat the speeches already made by my Colleagues. I want to emphasise on a Section of the Bill that is affecting my person, and I think the defence must be extended to the good people of Enugu State. Before I go to that Section ...

Mr Speaker: Order! Incidentally, the hon. Member for Igboetiti West (*Mr Nnadi*) was not present. So, he cannot talk on what others have said.

Mr Nnadi: Mr Speaker, may I then be allowed to make my own contributions the way I have prepared it. Before I make this assertion, I have to point out that the welfare, to my mind, and the protection of the good people of Enugu State rest on the Legislature

and for us to provide this protection and this welfare, we are to make laws that will have to promote good protection and welfare. We do not have to make such laws that will be to the detriment of both the protection and welfare of the people.

My speech goes straight to the first schedule, number three, page 27, what they said – Section 2: Primary/Nursery Schools – 15 classes and above – N18,000 per annum. Then primary/Nursery Schools 10 – 14 classes – N14,400 per annum. Then in that order.

When I came across this particular number or section, I felt so bad because this money will still fall down to the common masses because the management of these institutions will now spread this amount on either the pupils or the students, as the case may be, and if the public hears this, I do not think it is recommending the integrity of this House. They will now begin to give us negative interpretation and explanation. I want a situation where we take a critical look at all these fees and then do justice to them by way of reduction.

As to the Bill, it is very, very good, if and only if, the implementers or the executors will adhere strictly to the concepts of the Bill. If they can live up to the concept, then for making this law, I do not think we will have problem. It will go a long way to take care of the welfare and protection of the people, it will go a long way to improve the economy of the individual persons in the State. But, if we allow the Bill to stand as it is now, we are going against the concept of this Bill. It is better, as it is popularly said, that a healthy nation is a wealthy nation, and I know that good health results from good sanitation, good hygiene, clean environment. If those that will make this thing work will work by

adhering, like I said, to the concept of this, we will have little or no problem. So, let us still look at the Bill in the way it will suit the good people of Enugu State.

Mr Speaker, with this let me rest my case. Thank you.

Mr Speaker: Thank you, very much. I still believe that at the appropriate time, the Committee will look into some of these issues as canvassed by the hon. Members.

I am aware that, following those of us who have made our contributions earlier before now, we would have completed this debate last week, but it is because of the request of the House that we make copies of the law which we are trying to repeal.

However, I appreciate the position and still believe that those of us who may still wish to contribute more can go ahead and do that. If we do not have other contributors, of course, the Leader who is the Sponsor of the Bill can therefore address the House.

Deputy Speaker (Mr Atigwe): Thank you, Mr Speaker. I am happy that I have been given the opportunity to speak on this all important Bill. Mr Speaker, hon. Members, I foresee a situation where we shall have different issues but the same principle in this Bill.

First of all, I want us to look at the title of this Bill, which says "A Law to dissolve the Enugu State Environmental Protection Agency and to Establish the Enugu State Waste Management Authority and other Matters connected therewith.

Mr Speaker, in my opinion, it should be a Law to dissolve the Enugu State Environmental Protection Agency and to

establish the Enugu State Environmental Sanitation Authority and other Matters connected there with.

My reasons; we can see from the law we are about to make that Waste Management appeared once. And we still see the interpretation *Appropriate Authority*.

Here the Bill is seeking to repeal the State Environmental Protection Agency, while at the same time interpreting *Appropriate Authority* to mean other authorities established by any law in force and charged with environmental protection. I think you have seen the Interpretation of *Appropriate Authority*.

Mr Speaker: What of the others?

Deputy Speaker: Mr Speaker, Sir, I am talking about Appropriate Authorities.

Mr Speaker: Okay! Let us look at authorities.

Deputy Speaker: Authority means Waste Management Authorities established by this law. What it means is that the two laws runs parri-passau. If they run parri-passau, we should then merge them, and consider them side by side to be the same law. I would not dwell on what others have said. In their interpretation, there is nothing like bank, and this people are going to collect money. Where will they pay-in this money? I feel they should have a bank. If you see Section nine, Financial Provisions – fund for the authority: (i) and (ii), says thus:

- (i) *The Authority shall establish and maintain a fund from which shall be defrayed all expenses incurred by the authority in the performance of the Authority's*

duties and functions under this law.

Mr Speaker, I still ask where will they pay this money into? Is it into their pockets?

- (ii) The Funds established under sub-section one of this Section shall consist of the following: -
(j) to sub-section (ii) (a) to (e). They are talking about funds without saying where the funds will be paid into. In my opinion, there must be a coordinating bank that shall keep and maintain the account and should be stipulated in the schedule. Furthermore, there is no interpretation about suits or injunctions. There is where they say one has to be exempted, that is, sub-section (iii), Section nine.

So funds shall be established under this Section and shall be paid into designated banks. Where is the interpretation of bank here? Their pockets is a bank, or Ogbete something is their bank. Furthermore, Mr Speaker, Sir, we have to lay emphasis on the laws we have made such as the Enugu State Rural Development funds, Education Development levies. We have to look into all these laws before passing this law so that we shall not go into collecting double taxation. Again, we should have schedules for designated urban areas, form of applications, exemption scales from levies, form of accounts, form for demand and payments. All these will form part of this law. We have to define between low density and high density areas. We should be careful about bribery because bribery as in my own interpretation is private benefits to the detriment of the public. Now what we are saying is who will guide the guard. What type of authority are we giving this people.

In my opinion, the Board of Internal Revenue should guide this people, otherwise, if they are the only people to be collecting and spending without anybody guiding them, then they will become government between government. Then we are not going to see any type of government, they will become a parliament of their own. On levy, we see the philosophy of levy in this State. His Excellency, Chimaroke Ogbonnia Nnamani, has set up a good leadership for us and this could be seen in democracy dividends within the three Senatorial Zones. If these people work together to achieve this ... that is why we say in Igbo that: *Ayuko mamiri onu, ogha ufufu*. Many business people do not pay tax here. In overseas you pay tax on whatever you buy. This law is trying to make sure that whatever you are doing, you pay for it and contribute your own quota for the development of this State. As we are saying this I am of the opinion that the Board of Internal Revenue should monitor them.

I do not want to say that other people have already spoken but I am saying that some of us will send our own part of the amendments to the Committee concerned in writing. All these things here are not against the people; they are for our own good. Whatever preparations we are making, we talk of world history as one of our members rightly said. If you go to areas affecting nursery schools and other places in the developed countries they pay. I am of the opinion that while we are making formal contributions on the Floor of the House, we should expunge government schools. Again, this is why I say we should have basis for these payments.

For instance, near my village there are some areas where they sell things, they do not call it kiosks. They may sell in the dry season and during the rainy season they do not sell.

Because the law is flexible, we are saying that those who are going to monitor this very Bill should know how to handle this exercise when they get to the rural areas. This is where you can bend the law and we cannot break it. With the priority of government, they should not have the same demands like in the urban areas. Mr Speaker, Sir, I am not fully done because I am going to make my presentations in writing to the Committee, as at when due. Thank you, Sir.

Mrs C. Ene (Udi South): Mr Speaker, I am in support of this important Bill because people say that cleanliness is next to Godliness and it is a known fact that a good number of people of Enugu State will benefit from this Bill, if passed. Mr Speaker, I have gone through the Bill and I observed that all the necessary amendments there have been made by my hon. Colleagues. I, therefore, move that the Question be now put.

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

Main Question put and agreed to

Bill accordingly read the Second time

Mr Speaker: My hon. Colleagues, the Enugu State Waste Management Authority Bill No. 8, 2004 has now been read for the Second time. I wish to sincerely thank all the hon. Members for the wonderful contributions especially the very first day, the second day and today we just rounded off the debates on this Bill.

I wish to express my happiness for the proud done to this honourable House by the hon. Members.

This Bill attracted long debates and most Members demonstrated the fact that they are

the true sons of Enugu State; they are true sons of Igbo lands; they are true sons of this great nation. Thank you very much and God will continue to bless you and we now wait for the Committees on petroleum Resources and Environmental Management and Judiciary, public petition, Ethics and Privileges to come out with their Report before any other issues will be talked about on this Bill. Thank you very much and on this note, I wish to thank the Clerks-at-Table and the Press for their wonderful co-operations. I sincerely believe that a tree does not make a forest. I thank you because without your guide; without your co-operations we would not have completed the debates on this Bill. So, thank you very much and God will continue to bless you, we say – to God be the Glory. Thank you.

MOTION ON MATTER OF URGENT PUBLIC IMPORTANCE

Chief Whip (*Mr E. Odo*): Mr Speaker, Sir, I have a Motion on Urgent Public Importance and I would crave the indulgence of Members to seek the suspension of Order 25 from the Standing Orders of the honourable House so as to enable me move the Motion. Thank you.

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, I rise to second the Motion that was moved by the Chief Whip (*Mr E. Odo*). Thank you.

Question put and agreed to.

Resolution to the Minister of Aviation and the President of Federal Republic of Nigeria condemning the Hatched Plans by the Chairman, Senate Committee on Aviation, Senator Chris Nshi to divert the Good Intention of the Federal Government of

Nigeria to Upgrade the Enugu Airport to an International Status.

Chief Whip: Mr Speaker, Sir, on this note, may I move that the Enugu State House of Assembly do convey a resolution to the Minister of Aviation and the President of the Federal Republic of Nigeria, condemning plans by the Chairman Senate Committee on Aviation, Senator Chris Nshii to divert the good intention of the Federal Government to upgrade the Enugu Airport to an International status. Thank you.

Mr Onyeze: Mr Speaker, Sir, I beg to second the Motion as was moved by the Chief Whip of the House (*Mr Odo*). Thank you.

Chief Whip: Mr Speaker, Sir, permit me to draw the attention of this honourable House to the hatched plan to displace Enugu Airport to International one. Mr Speaker, Sir, a thorough look at Guardian Newspaper of Friday, the 2nd day of July 2004 absolutely suggest a colossal gerrymandering towards not only diverting the attention of the Federal Government of Nigerian to upgrade the Enugu Airport to an International one but also using a structural and systematic design and approach to down play and drag to the mud all the efforts of the Ministry of Aviation and Federal Airports Authority of Nigeria in favour of upgrading Enugu Airport.

Mr Speaker, Sir, it beclouds ones sense of reasoning if a distinguished Senator of the Federal Republic of Nigeria and notably a Chairman of a sensitive Committee as Aviation could publicly show unbounded sentiments over issues that borders the South East-Geopolitical zone without due course to the facts on the ground. Mr Speaker, Sir, permit me to lift the quotation of the

distinguished Senator in Guardian Newspaper of Friday 2nd day of July, 2004, and I hereby quote:

... the Federal Government and my Committee are currently favourably disposed to Owerri Airport becoming an International facility for reason of facilities on the ground provided in the past four years under the tenure of Dr Kema Chikwe as Aviation Minister.

In all modesty, Mr Speaker, *Dr Kema Chikwe* was the Minister of Aviation for the whole country and never for Imo State alone, and it would be unfair for the distinguished Senator to confine her numerous achievements while in office to the provision of Facilities to Imo Airport. The Honourable Minister as she then was equally provided facilities in Enugu Airport and made favourable recommendations, which places a conspicuous edge on Enugu Airport over and above any other local airport in the South East geo-political zone.

A visit to all the airports in the South East geopolitical zone by an unbiased umpire will certainly confirm that there is no index to compare Enugu Airport to any other in the South East to the extent of its runway route and terminus building which are the foremost consideration for the location of airport aside from the constant favourable weathering condition in Emene where the airport is located.

Mr Speaker Sir, at this point, I would seek your leave to state that it is a common knowledge that Enugu State is the Administrative headquarters of Eastern Nigeria and that Enugu State appears to be to the East what Kaduna is to the North, and what Ibadan is to the West, and on this bases it is a noted fact that Enugu International

Airport appears to be the first Airport that was established in Eastern Nigeria. And so it is my belief that the distinguished Senator did not even consult perhaps his Colleagues in the House of Representatives. And Mr Speaker, Sir, it is high time Igbos in Authority should strive to attract new Federal Government presence in Igbo land instead of playing local politics on a settled matter as it is in the case in point.

Mr Speaker, Sir, the dangers of not upgrading Enugu Airport to International standard will be devastating in the sense that it will run counter to the promise of Mr President during his electioneering campaign in one of his visits to Enugu. Also several past Ministers of Aviation who have visited the Enugu Airport along side with officials of Federal Airport Authority of Nigeria went back satisfied that it is the next to be upgraded to International Airport. Exclusion of Enugu Airport not to attain International status would render the exercise of the aforementioned personnel futile. Mr Speaker, at this point I, wish to observe that the Federal Government has given approval for the upgrading of this Airport to International Airport. But it is just that we have not gotten the white paper and it will be very, very disastrous if and when approval has been made seeking the blessings of the hon. Minister and President and then only to be twated by the recommendations of the Senate Committee on Aviation which I believe that decision was not really done along side with the Members of the Committee. In the light of this, Mr Speaker, I wish to finally say that it will be sad, if we do not find all possible means to stop this ugly incident because we shall be sad, to witness a day when merit is abandoned and sacrificed at the alter of gerrymandering; and a day when qualification will be discarded at the expense of local politics and finally, a day when

deserving rights and privileges will be eroded on grounds of petty jealousy.

I wish to pray as follows, craving the indulgence of Members to resolve:

1. That the Enugu State House of Assembly wishes to convey a Resolution showing their several appreciation to the Federal Government of Nigeria for placing Enugu Airport in the top most priority list in the consideration for an International Airport.
2. To convey a Resolution drawing the attention of the President of the Federal Republic of Nigeria and Minister for Aviation for the hatched plan to divert their good intention to upgrade the Enugu Airport to an International status.
3. That this Honourable House do appeal to the conscience of the Senate Committee on Aviation and the House of Representatives Committee on Aviation to recommend that Enugu Airport most deserves immediate consideration for upgrading to International Airport.
4. And finally Mr Speaker, that the House urges the Federal Airport Authority of Nigeria not to relent and also understudy the inspection so far conducted in the Enugu Airport and advise and recommend to the Minister of Aviation the genuine need to uphold merit in the consideration of Enugu Airport to aspire to International standard.

Be it moved and it is here moved.

Mr M.O. Onyeze (Igboeze North I): Mr Speaker, Sir, I have risen to support the Motion as moved by my hon. Colleague (*Mr Odo*).

The issue is that the statement credited to the Senate Chairman, Committee on Aviation, should draw the attention of this honourable House because it concerns all of us. Even though the comments, as I read them were not focused, it still deserves our attention because in politics, you do not take any statement for granted, particularly when it is coming from such a highly placed official.

It is unfortunate that the Senator failed to appreciate the historical position of Enugu as the headquarters of old Eastern Region. God has made it so right from the time of our colonial masters, and our foremost politicians, including Rt. Hon. Dr Nnamdi Azikiwe and others, appreciated Enugu as the foremost city in the Eastern Region. It is not surprising that Enugu Airport should be upgraded to International status.

My hon. Colleague has already pointed out that Enugu is to the East what Kaduna is to the North or what Ibadan is to the West. If we look at the position of these cities that were initially regional capitals of Nigeria, we find out that Enugu has always suffered. Whenever there is an attempt to give us a project, it will linger for decades and will eventually slip off our hands.

As the history of University of Nigeria Teaching Hospital; it has taken almost 30 years since we started hearing about UNTH coming to Enugu, after all, the University of Nigeria, Nsukka, is the pioneer autonomous University in the country. They are just moving into the permanent site of the Teaching Hospital this year after the

University has lasted for 44 years. We see other Federal Universities, once they are established the Teaching Hospital is built immediately. We talk of our International Trade Fair Complex, we have now had Trade Fair here for about 15 years, yet every year when the President will be presenting his budget or declaring open the Trade Fair, he will say that International Trade Fair Complex will be built in Enugu and with so, so hundreds of millions of Naira, yet even now, we cannot locate where this project is going on.

It is unfortunate that whatever concerns us is treated that way; that is why I support the Motion that we should cry out, that they should not take away what has been given to us, or they should not let it linger for too long. If we listened to Radio Nigeria today, the Chairman of the House of Representatives Committee on Aviation, that is hon. Dr Martins Oke, he was commenting on this matter. He said that in this year's budget N300 million was allocated to Enugu International Airport. He said so this morning. Now how come that another hon. Member, a Senator from the same region is saying that this project will not continue. I do not know whether what has been budgeted for in the Annual allocation of the Federal Government is now inferior to the Comments of the Senator in-charge of the Committee.

So, I feel that we should cry out so that the relevant authority should know that it is our right and we deserve it. We know that Enugu stands to gain a lot if eventually this International Airport is actualized.

From the comments I heard from the House Committee Chairman House of Representatives, he said that we already have the facilities for the upgrading of our Airport into International standard. But that is not

enough, the House should follow up the comments of this distinguished Senator, so as to make our views known to the public.

If we have this Airport, definitely because of our hospitality and security we give to visitors, a lot of visitors will like to make their investments in Enugu and its environs. I do not think that there is any other city that can boast of such hospitality and security to visitors in the country. Also our Tourism Sector or department has to make a lot of impact. If we have international Airport here, Hotels and other businesses related to such travels will continue to grow and they will create employment to our youths and adults.

So, Mr Speaker, I support the Motion and all the prayers there because we deserve an International Airport at Enugu.

Owerri also may get International Airport, but not before Enugu because we merit it more than them. I am not against the giving of facilities to Owerri Airport or naming it Dr Samuel Mbakwe Airport, whatever they may call it, we deserve International Airport as has been promised us, as has been allocated in the budget so that we will be given what we merit.

So, Mr Speaker, I support the Motion and prayers in all respects. Thank you.

Leader: Mr Speaker, I have risen to support this Motion and to condemn entirely the comments of Senator Nshii or so, whatever is his name. It is very unfortunate that such comments should come from him at this point in time.

Mr Speaker, a lot of things in terms of awareness and new development, and information has got to be told to the world particularly the distinguished Senator Nshii.

The information is that this is a new Igbo society. A new Igbo society in the sense that we reason rather than violence. As I am supporting this Motion something came into my mind, Mr Speaker, I said okay that people still think that when there is any good plan coming to an Igbo man, somebody or something will happen to set it aside so that at the end we will lose it.

If that is the thinking of anybody, including Senator Nshii, it is very unfortunate and it should be condemned. If we think that by the time he makes his comments that Enugu proposed International Airport should be dropped, that is a lie. What the Senator might have in mind is that the next moment after the comments, an Igboman will be the Minister and he will go to Abuja and start fighting them. At this point what was approved to come here is now being diverted so that at the end, the Igboman will lose. I am taking it softly and wish to point out to them that the Igboman believes in superior reasoning too.

I do not think that there is any reason they should not support the decisions of the Federal Government, having yielded to the popular demands of the people of this region, that Enugu State deserves to have an International Airport. Be that as it may, the federal government is not taking the request very lightly. Rather, the matter I believe is coming from this part of the region, and it is very very unfortunate.

So, this honourable House being the representative of the good people of Enugu State uses this medium, this time around, to tell the Minister of Aviation and Mr President that what Senator Nshii said is not receiving the support of this House of Assembly. If this House does not show her stand on the issue

there will be serious danger for the people at the helm of affairs to believe that the distinguished Senator Nshii's comments is representing the feelings of the entire Igboman. When you talk of the Igboman, a true Igbo people, you talk of the city of Enugu as the regional headquarters of the Igboman right from time.

Mr Speaker Sir, I do not think that any level of condemnation will be too much in supporting this Motion. If what Senator Nshii is saying is a joke, he should know that there are some jokes that will not come at a particular point in time and such type of jokes on a sensitive issue is not supposed to come from a distinguished Senator of the Federal Republic of Nigeria. The Enugu State House of Assembly deserves unreserved apologies from Senator Nshii for having made these comments at all.

Mr Speaker, Sir, I am entirely supporting this Motion and I pray my hon. Colleagues should consider it wise that this Motion should be passed without delay. Thank you, Sir.

Mr Speaker: Thank you so much.

Mr C.O. Enebe (Awgu North): Mr Speaker, Sir, I have risen to contribute to this public debate. I have gone through this Motion as moved by the Chief Whip (*Mr Odo*). I want to start by making two additional prayers for consideration before I make my own debate. First of all, I want to add that this honourable House condemns in its entirety the statement credited to Senator Nshii, Chairman Senate Committee on Aviation. This should be our first major reaction on this matter. I seek for a Seconder before I can move further.

Mr E.C. Maduabu (Awgu South): Mr Speaker, Sir, I have risen to Second the Motion moved by the hon. Member for Awgu North (*Mr Enebe*) because it is appropriate. Thank you, Sir.

Question put and agreed to.

Mr Enebe: Mr Speaker Sir, my second additional prayer is that this House mandates the House Committee on Works and Transport to visit the hon. Minister for Aviation on this very matter so that we have a first hand information on what is happening and know what to do. Thank you.

Mr Speaker: Please, did the hon. Member for Awgu North (*Mr Enebe*) say that the House Committee on Works and Transport should visit the Minister of Aviation on this matter?

Mr Enebe: Yes, Mr Speaker.

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, I stand to second the Motion as moved by the hon. Member for Awgu North (*Mr Enebe*).

Question put and agreed to.

Mr Enebe: Thank you, Mr Speaker and my hon. Colleagues. Let me now do some little contributions to the debate. I read this issue in the Vanguard Newspaper of yesterday or at the weekend. Happily enough, the Vanguard of yesterday carried the Hon. Commissioner for Information, Enugu State, Chief Ayogu Eze's possible address on this matter and he has reacted on the matter equally. So our own reaction is in order because the Executive has reacted on this matter, so the Legislature is now reacting and it is in order to react also.

The question of Enugu State and Imo State Airport as it affects an International standard is likened to a man who is looking on to a wedding day or wine carrying to an in-law on coming to the in-law; he saw his younger sister well dressed. That does not make his younger sister the wife to the bridegroom. What I am saying in effect is, even if they have taken Enugu Airport away to Imo State, it does not confer it an International standard. The important thing is that Enugu Airport is distinguished to Enugu and Enugu is the capital of South East.

If you look at the distance from Port Harcourt to Owerri you cannot place International Airport in Owerri and leave Enugu. Enugu Airport will serve Imo State, serve Ebonyi State, serve Enugu itself, serve Anambra State and Kogi. But if you put the International Airport in Imo State it will amount to having one at Port Harcourt and one at Imo a distance of say from here to Onitsha. So we hope those in charge will see the truth and leave Senator Nshii to continue playing his politics.

You are aware that the Legislature at the National level is Bi-cameral. We have the Senate and House of Representatives. One does not run Committees on the pages of Newspapers. So before the Senator could make such a statement, he is supposed to consult all his colleagues at the Federal House of Representatives, and I am sure he did not consult the Members of Aviation Committee. I believe that he has not done that. I believe that from now till tomorrow the House can outline the benefits of having the Enugu Airport upgraded. The issue is that the Budget of this year has Enugu Airport as the primary responsibility for its upgrading. We have to do everything possible to ensure that Enugu Airport has International status.

I believe that there is need that after this Motion we will ignore all whatever we have said and sit down at one table and think of what we can do or what will be done to see that this Enugu International airport is not allowed to linger for a very long time? It is the gap or rather the time lag that is causing this problem. Enugu State is the only State where people from the Federal are doing whatever they like. You can imagine it is people from Ebonyi that are trying to make Enugu Airport to be called Akanu Ibiam, is it not funny? As if to say that they do not know that the Airport is in somebody's State, that is, airport in another people's State can be called Akanu Ibiam. Does it mean that we have not got people in Enugu State who have attained that status to call his or her name?

The Stadium is Azikiwe, this place is Okpara Square and that one is Akanu Ibiam; so Enugu does not have anybody who deserves to have his name immortalized. It is unfair, so, we have to rise up to this challenge. It is not proper and it is not in our favour that something in our place is being immortalized with a name from another place, though, this is a matter for another Motion. So, we have to really do something on that. And it is very important to note that of late Ibos who find themselves in authorities are very parochial and parasitical otherwise Ibos are in this administration, they would have made it possible to let Enugu have the airport instead of diverting it to Imo State. So, what I am saying is that Imo should wait after our own Enugu Airport have been upgraded. Thank you.

Deputy Leader: Thank you, Mr Speaker, I have only two issues in the Motion for us to dwell on. The last Speaker almost touched part of it. You will recall that Ebonyi State was just carved out of Enugu in 1996. It is a matter of eight years. Even when Enugu State

was created out of old Anambra State in 1991, we still remain with Ebonyi as brothers and sisters. That a sister State just created few years ago is now trying to disown his father, it is aberration of culture and an indication of – Can I call it madness? Or an indication of unsound mind.

Mr Speaker, just like what the last speaker has said, when the news came on the air that Enugu Airport has now been re-named Akanu Ibiam Airport and approved by the Presidency, there was no objection from Enugu people. It is now an irony for a man from Ebonyi State to now turn to say *no*, do not upgrade my own man, upgrade the other person when Akanu Ibiam hailed from Ebonyi State and as Ebonyi indigene to say do not upgrade that Akanu Ibiam Airport, they should crucify him ... *(Interruption)*

Mr Speaker: Sorry to interrupt the hon. Deputy Leader. The issue of Akanu Ibiam's name has not been confirmed.

Deputy Leader: It has not been confirmed, Mr Speaker, so I think I am believing one thing and just like the last speaker said, may be this is a plan to now activate Government to do this project now and now.

You should recall that the highest point the legislative Committee can do is just to highlight the function. This is an Executive project approved and budgeted for, it is not the duty of the National Assembly, they have nothing now to do on it. It is now the duty of the Executive to implement the upgrading of Enugu Airport to International status and not the legislature now that they had passed the Bill into law and it has been assented to by the President and even money released. How can they now after taking some drinks say please relocate this to another area. He has no

power to do it. It is now an Executive function to implement and actualize the upgrading of Enugu Airport to International status and not a Chairman of a legislative Committee who has already given his own endorsement by supporting and passing the Budget and accepted by the President. Let him now formally put up a Motion for an amendment of a Budget already assented to, it can now be understandable. But not after half a year of the implementation of the Budget the man will just wake up, may be, I do not need to re-name him as Abakaliki man, but he just woke up to say please, ... You know the meaning of Nshii ... *(Interruptions)*

Several Members: Nshi!

Deputy Leader: I know much better about that name, the Nshii, do you know the meaning? I do not need to go on to explain it but the Nshii is *Nwa-mbe* ... *(Laughter)* That is when you have dwarf mind in a dwarf person; you know what he can do. You can imagine what he can obtain. He is a dwarf person, an Nshii is just an *adanshi* ... *(Prolonged laughter)*. That is the original meaning by Abakaliki people. An Nshii is a man so shortened both in brain and in everything, in intelligence, is anachronistic, is as old as the word Nshii. So we can afford to pardon him on that.

Mr Speaker, the bone of contention is that there is the need, there is nothing we have been doing, the consciousness has been raised; the consciousness has now been awakened that the Nigerian Airports Authority, what are they doing? The President had said go on and do this. They presented a Budget to him, he accepted and released money; what is withholding it? The same thing happened on what you called the International Trade Fair Complex, the same

problem. So, that is why I welcome the second proposed prayer that the House Committee on Works and Project should go direct to the Minister to find out. It is not the issue of the legislature. It is a dereliction of duty. It is now the turn of the Minister to tell us why, what is holding it including that of Trade Fair Complex. So, Mr Speaker, I think we have done justice by saying what is obtainable. It is the duty of the Executive to implement the Budget and not the duty of the Legislature to implement the Budget. I was expecting the man to say please the project has been implemented up to 50%. What is withholding the remaining 50% and that is the only level now he can perform. And not now to decide whether the project can be implemented now or not. It is not the duty of the Legislature. So on this point Mr Speaker, may I move that the Question now be put.

Deputy Speaker: Mr Speaker, Sir, I am on my feet to contribute to this important Motion. I align myself *in-toto* with the whole prayers. The Hon. Senator Nshi or Nshii has reverted the policy on himself. You know that government made policy statement in Enugu International Airport for it ...
(Interruptions).

Mr J.U. Onoh (Enugu North): Mr Speaker, Sir, my point of information is that I remembered that the last hon. Member that spoke last moved that the Question be put.
(Laughter)

Mr Speaker: Well, it is my discretion to know when the Question can be put. So the point of information is overruled. (Laughter)

Deputy Speaker: Mr Speaker, I have earlier said that the Federal Government made the policy statement on the project for the Enugu International Airport. Again as you know, we have Enugu International

Trade Fair Complex built in Enugu. As we are matching towards 2007, people are using our people to destroy our people. People are using our people to destroy our city; people are using our people to destroy our State. And it is unfortunate but my prayer is that those things will stop. And Senator Nshii from Ebonyi State, our neighbouring State and Sister State, we never expect that type of action from him. And after that, I support the amendment moved by the hon. Member for Awgu North (*Mr Enebe*), about visiting the Hon. Minister of Aviation. The Minister of Aviation should speak out because it is affecting his own Ministry. The former Minister of Aviation, which is Kema Chikwe never joined in deceiving the Federal Government about Enugu Airport to that of Imo Airport. All these things are discussed in National Executive Council and they passed it. To bring confusion into it, that is to make Imo State fight Enugu State and to make Enugu State fight Ebonyi State, is unfortunate. But I think may be before we think what action we will take, the Hon. Senator will try to retrace his step. With this, Mr Speaker, I beg that the Question be put. Thank you.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, I totally align myself to this important Motion. And I also discredit the statement of Senator Nshii. Mr Speaker. I have to come up with some point which qualifies Enugu Airport to be upgraded to International Status. Enugu State is the headquarters of Eastern Region. And if the sitting of the International Airport is to be considered by the seniority, equipment at the Airport which are all sound and working, primary schools, post primary schools, and staff quarters, within the Airport, they are well qualified to be upgraded to International Status.

On the other hand Mr Speaker, Enugu Airport still has vast and unused level land that, have been lying within the Airport for years. There are suitable Hotels within the State where travelers can lodge anytime they are going out or coming into the State. Also Enugu State is conducive enough for both private and government workers, investors and travelers with their securities well assured. So, Mr Speaker, with all these I totally support this Motion. And I will say that it is worthy and best decision for the Federal Government to come up positively in their proposal in upgrading this Airport because it is long over due. And on this, Mr Speaker, may I now move that the Question be put. Thank you.

Mr E.C. Maduabu (Awgu South): Mr Speaker, Sir, I have risen to support this all important Motion. The upgrading of Enugu Airport to an International one is very important. Enugu is well situated, it is the gate way to the East. It is well balanced. Like the hon. Member for Awgu North (*Mr Enebe*) said, it is near to Anambra, Ebonyi, Abia and Kogi States. So, for one to say that it is Owerri that should be upgraded to international Airport, is quite unfortunate. Enugu is home for all, no matter that another State is claiming to be a home for all. Almost everybody from some of these states have their residential buildings at Enugu. They must first of all land at Enugu before proceeding to their own indigenous states, and being the capital of the former Eastern Region, Enugu Airport deserves to be upgraded to an International Airport.

At the Airport we still have undeveloped lands where the runway will be extended to, where whatever facilities one needs should be cited and established. So, for one to say that the facilities at the Enugu Airport is

obsolete is a great lie. It is quite unfortunate that Senator Nshii is making that statement.

Former Minister of Aviation, Dr Kema Chikwe, must have influenced the Government to vote about N350 million, as they are saying, to Owerri Airport, but that is selfish ego, because she only wanted to help her own state in order to get International airport. There is nothing wrong about that, but what we are saying is that the Federal Government has considered Enugu Airport to be upgraded to an International Airport because of its location and facilities on ground. It would not cost the Federal Government much to upgrade it to an International Airport.

With these, few statements, Mr Speaker, may I move that the Question be now put. Thank you.

Mr C. Ugwu (Enugu East II): Mr Speaker, Sir, I thank the Mover of this Motion, the Chief Whip (*Mr Odo*). I first of all align myself completely to the arguments made by the last speakers.

However, Mr Speaker, if you have a close look at the prayers, especially prayers 1 and 3; if we allow these prayers to go through, it may run counter to the issue on ground. Prayer one says, to convey a resolution of the Enugu State House of Assembly showing appreciation to the Federal Government of Nigeria for placing the Enugu Airport in the top most priority list.

So, prayer one is saying that Enugu Airport is in the top most priority list for consideration for an International Airport. We are not beginning a new talk, the Enugu Airport has been considered years ago as an International Airport, that is what I am trying to say.

Go to prayer 3, it says that, this honourable House do appeal to the conscience of the Senate Committee on Aviation and that of the House of Representatives Committee on Aviation to recommend that Enugu Airport do deserve immediate consideration for upgrading to international Airport.

What I am saying is that we are not beginning a new talk. If we begin to recommend now, it will jeopardize our aim. The Airport has been approved already for upgrading. So, I am saying that I amend it.

Mr Speaker: Can the hon. Member for Enugu East II (*Mr Ugwu*) make the amendments?

Mr J. Obidinma (Oji River): Mr Speaker, I think that the amendments made by the hon. Member for Awgu North (*Mr Enebe*) has taken care of that.

Mr Speaker: What the hon. Member for Awgu North did was for additional prayers. But if we look at prayer one and see that what it contains takes care of prayer 3, we can expunge prayer 3, if it is the wish of the House.

Mr Enebe: Information. Mr Speaker, I want to differ a bit from what the hon. Member for Oji River said. My suggestion is that if we look at all these prayers the Mover of the Motion made, many of them were targeted to the National Assembly. So, instead of expunging the one targeted to the National Assembly, we can say that this honourable House do appeal to the conscience of the Senate Committee on Aviation and the House of Representatives Committee on Aviation to appreciate that Enugu Airport may deserve immediate

consideration. Let us appreciate it so that they will now dissociate themselves from what Senator Nshii must have said (*Interruptions*).

Mr Speaker: Order! Honourable Colleagues, we are just saying the same thing. What we are saying is that Mr President has already approved the upgrading of the Airport, and that an amount of money has already been allocated. I, therefore, suggest that what we can do is to say that the Senate Committee on Aviation should appreciate the approval, which has already been given by the President.

Mr Onyeze: Mr Speaker, I want to state that these prayers are in order. The first prayer is just reminding the Government about the policy statement. Then prayer three says now implement. It is talking of implementation.

Several hon. Members: No! No!

Mr Speaker: Order! Honourable Colleagues, we do not intend to contradict ourselves. In as much as we are trying to take a position based on the statement made by Senator Nshii, we should not try to play ourselves or be ignorant of the fact that Mr President has already given approval to Enugu Airport as an International Airport. So, I think what we should have done is to, just like the hon. Member for Awgu North said, appreciate the approval which has already been given by Mr President instead of any other thing. If that is good, may a Member bring it up as an amendment, so that we include it and expunge those ones that are not needed.

Chief Whip: Mr Speaker, the prayers as itemized in prayer three (3) is not merely asking for recommendation, recommendation

there is contentious, it is not for the approval per se. It has been approved already.

But because of short sightedness of functions of the Senate Committee on Aviation and its counter-part in the House of Representatives, there might still be cause for the Committee to overlook the recommendations.

Mr Speaker: Excuse me, if you look at English language, the way somebody may understand a statement may differ from the way another person might understand it. You may agree or not when you come to interpret a statement, if there are hundred persons, they will interpret the same statement in hundred different ways. So, let us not attack ourselves. Let us do it in such a way that everybody will understand it. You will agree that when lawyers interpret a statement, if they are hundred, they will interpret it in hundred different ways. So let us do it in such a way that anybody who sees it will understand what we are talking about; let us do it in such a way that even if our mothers and fathers can go through it, they can understand what we are talking about, by making it very clear and very simple.

Mr C.O. Enebe (Awgu North): Mr Speaker, Sir, let the amendment be made thus: *That this honourable House do appeal to the conscience of the Senate Committee on Aviation and the House of Representatives Committee on Aviation to appreciate the approval for the upgrading of Enugu Airport to International Status by the Federal Government.*

Question put and agreed to.

Mr J. Obidinma (Oji River): Thank you, Mr Speaker Sir, I am standing in support of the resolution of the Motion. The statement

of Senator Nshii, I may say, is very reckless and shortsighted in nature. It is shortsighted in the sense that I am aware that it takes more than seventy kilometers for one to travel from Ebonyi to Imo and less than forty kilometers to travel from Ebonyi to Enugu. I do not know whose interest he is representing. May I ask if he is representing his own interest or the interest of his people. Mr Speaker, hon. Colleagues, we have spoken so far about the recklessness of the statements of Senator Nshii. May I in line with the resolutions of the House move that the Question be now put. Thank you, Mr Speaker.

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

Main Question put and agreed to.

Resolved:

- (1) That this House condemns in its entirety the statements credited to the Senate Committee Chairman on Aviation, Senator Chris Nshii as it affects the upgrading of Enugu Airport to international status.
- (2) To convey the Resolutions of Enugu State House of Assembly showing appreciation to the Federal Government of Nigeria for placing Enugu Airport on the topmost priority list in the consideration for an international Airport.
- (3) To convey a resolution and draw the attention of Mr President of the Federal Republic of Nigeria and Minister for Aviation of a hatched plan to divert the good intention to upgrade the Enugu Airport to international status.
- (4) That the honourable House do appeal to the conscience of the

Senate Committee on Aviation and the House of Representatives Committee on Aviation to appreciate the approval of Enugu Airport for upgrading to an International Airport by the Federal Government.

- (5) That this House urges the Federal Airports Authority of Nigeria not to relent and also understudy the inspection so far conducted in the Enugu Airport and advise and recommend to the Minister of Aviation the genuine need to uphold merit in the consideration of Enugu Airport to aspire to international standard.
- (6) That the Enugu State House of Assembly do mandate the House Committee on Works and Transport to visit the Minister of Aviation on the status of Enugu Airport.

ANNOUNCEMENT

Visit of Secondary School Students

Mr Speaker: We wish to welcome our brothers and sisters, our children, our leaders of tomorrow and of course their teachers who have come from St. Paul the Apostle's Secondary School here in Enugu, who came this morning to watch our proceedings. I wish to express my happiness to the School for finding time to be here. And more importantly, I wish to express my happiness to them for the kind of comportment; for the kind of maturity they have exhibited since they have been at the gallery witnessing what we are doing. I thank them very much and that shows that they are disciplined; that shows that they are worthy ambassadors; that shows that they are ambassadors of their masters in the school and of course we look

forward to having them some other time. I thank them for their mature behaviour and like I said we wish to be receiving them from time to time and our doors are open to welcome them any time, any day they find the time to come around here.

I wish them well and advise them to try as much as possible to study very hard. Tomorrow some of them could be here or some of them could sit down here and talk and become possibly hon. Members of this great House of Assembly, and some of them could go to the National Assembly. And I can tell you that one thousand kilometers starts with one step. And what they did this morning shows that they are prepared to learn and I thank them very much for their comportment. Thank you very much; may God bless you.

Emergency Meeting

There will be an emergency meeting of the House Committee on Agriculture and Natural Resources in view of our planned tour this week. All Members are required to attend. At the emergency meeting, we are going to marshal out our strategy/plan for our tour. It was signed by Hon. Chigbo, the Chairman, House Committee on Agriculture and Natural Resources.

Inaugural Meeting

There will be an inaugural meeting of the House Committee on Judiciary, Public Petitions, Ethics and Privileges on Friday, 9th July, 2004, time – 11 a.m. prompt, venue is Office of the Chief Whip at room 116, it was signed by Bar. E. Odo, the Chairman.

Visit to Ministry of Education

The House Committee on Education will visit Ministry of Education on Thursday, 8th July, 2004 at 1 p.m. The Committee will also visit the Post Primary Schools Management Board the same Thursday, 8th July, 2004 at 2.30 p.m. All Members should endeavour to attend, it was signed by the Hon. M. Nze Onyeze, the Chairman.

Committee Meeting

The Members of the House Committee on Rules and Business will meet tomorrow, Wednesday, 7th July, 2004 at 10 a.m. for the continuity of the review of the Standing Order of the House. It was signed by Hon. Anichukwu John Nwankwo, the Chairman, House Committee on Rules and Business and the Leader of the House.

Inaugural Meeting

The inaugural meeting of the House Committee on Local Government, Inter-parliamentary Relations, Rural Development and State INEC which would have been held on 2nd July, 2004 has been postponed to Wednesday 7th July, 2004, time is 11 a.m. prompt at the Chairman's Office, Room 110, please endeavour to attend and on time. It was signed by Hon. C. Enebe, the Chairman.

Committee Meeting

The House Committee on Public Utilities holds its meeting as follows:
Date: Wednesday, 7th July, 2004.
Time: 1 p.m.
Place: Room 105, Chairman's Office.

It was signed by Hon. Chukwuma Nnamani, the Chairman.

Visa for Overseas Tour

Please, I wish to remind you once more that our proposed tour is in progress. And I would wish that, although, I do not want to take anybody by surprise, if you know that you are going for visa you have to pay Visa fees. So, Visa for (UK) United Kingdom is N9,000 (Nine thousand Naira). That of America has not been communicated to me. So those of you who are preparing to travel should forward without delay N9,000.00 (Nine thousand Naira) to my office.

An hon. Member: Is it everybody?

Mr Speaker: It is for everybody, because you know, they are giving visa for both sides. I am talking of that of United Kingdom, I do not know about the United States of America, they have not communicated me on the price of their visa but I am aware from the information, I got from Abuja that that of UK is N9,000.00, for their visa, please.

ADJOURNMENT

Leader: Mr Speaker, Sir, I rise to move that this honourable House do now adjourn till Thursday, 8th July, 2004 at 10 a.m.

Mr Speaker: Honourable Colleagues, I have to formerly welcome Hon. (Prince) U.S.A. Igwesi, who was not only a member of this honourable House but was the Leader of this House from 1999. And today because of his hard work, because of his loyalty and, ofcourse, a pillar of PDP, he has been elevated to the House of Representatives and not only that he is a Member of the House of Representatives, but the Vice Chairman, House Committee on Currency. *(Laughter)*

So, Hon. Member of House of Representatives (Prince U.S.A. Igwesi) I sincerely on behalf of my Colleagues, and the entire Enugu State House of Assembly welcome you to Enugu, and we welcome you to the main Chamber of Enugu State House of Assembly. And we wish you well, and we believe that you are our Colleagues and we appreciate all your effort as the Leader of this honourable House, and we also appreciate your hard work and, of course, your loyalty. So I thank you for coming today and I do hope that from time to time you come and share our views to have some exchange. And as the Chairman and Vice Chairman on Currency, I think everybody is smiling that you are around. *(Laughter)*. Then we have opportunity to smile home with what we can call *take away*. So I thank you for calling, and I wish you well. Thank you.

Vice Chairman, House of Representatives Committee on Currency *(Mr U.S.A. Igwesi)*: Mr Speaker, hon. Colleagues, thank you for greeting me also.

Mr Enebe: Mr Speaker, Sir, hon. Colleagues, I rise to second the Motion as moved by the Leader of the House *(Mr Anichukwu)* and in doing so I wish to please appeal to my Colleagues in the Committee to kindly attend to Committee meetings whenever it is scheduled. *(Interruptions)*.

Mr Speaker: Please listen to him. He is your Chairman!

Mr Speaker: Honourable Colleagues, please before I put the Question on Adjournment, there was a letter sent to me by the House of Representatives member *(Mr U.S.A. Igwesi)* inviting us to accompany him to pay a condolence visit of his uncle on Saturday, 10th July, 2004. He is asking that

all the Members should accompany him to that place. And of course, we should give him that honour as a former Colleague, and as an ally, and a great ally for that matter. So whatever we are doing we should try to put it behind us and accompany him to that place; we will not waste much time. Time is 12 noon. Take off point is Legislative Quarters, Independence Layout, Enugu. Thank you.

Question put and agreed to.

Resolved: That this House do now adjourn till Thursday, 8th July, 2004 at 10 a.m.

Adjourned accordingly at 1.11 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 89

Wednesday
7th July, 2004

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have these groupings represented in that union. We have butchers Association and from there, he was made the Chairman of Market Traders Association, Enugu State branch. We have all these as affiliates/subsidiaries, but not legalized by law. That is what I am saying. The yam dealers' association is a group under Nigeria Traders' Association protected by that law.

Mr Speaker: A law which is enshrined into the Constitution?

Deputy Leader: Yes.

Mr Speaker: Therefore, if it has been enshrined right into the Constitution, then what we are talking is not proper.

Deputy Leader: How, Mr Speaker?

Mr Speaker: I want to get these things very clear. My question is, are they bigger umbrella into which smaller ones are infused as a legalized one. That is, are they enjoying their protection.

Deputy Leader: They have that as Market Trader's union or association. They have their protection, that is an aspect of the Nigeria Labour Congress (NLC).

Mr Speaker: Well, let us make progress.

Mr J.U. Onoh (Enugu North): Information! Mr Speaker, Sir, let me read Section 45(1) of the Constitution, it says;

45(1) Nothing in Sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society –

(a) *in the interest of defence, public safety, public order, public morality or public health; or*

(b) *for the purpose of protecting the rights and freedom of other persons.*

Actually, this Section has relevance to the Motion because the body of the Motion is talking on the protection of public interest. Based on this, unions apart from the fact that they are existing under a bigger union, are forming additional trade unions which is not right.

Mr Speaker: Okay!

Mr C.O. Enebe (Awgu North): Mr Speaker, Sir, I am in agreement with what the last Speaker, the hon. Member for Enugu North (*Mr Onoh*) has just said. Section 40 talks about forming of Associations and I believe that an association should be a body corporate, registered by the Corporate Affairs Commission that can sue or be sued. An association with no fixed address, no bank account, you have nothing to hold it if it commits a crime, is seen as illegal and should not be accepted.

When we come to the forming of the association, all its rights are enshrined in the Constitution and the Constitution is our base. Such rights are freedom of association, etc. For example, one cannot enter my house anyhow. I have the right to protect any action there. But if what I am doing is against public interest, the Police will force itself into the house to ensure that the house is safe.

Actually, the angle the Chief Whip (*Mr Odo*) is going is that the major problem of these associations is their collusion; they are colluding to defraud people. This Motion is seeking to stop them from defrauding us. And you will agree with me that the petroleum dealers hike their prices because of the same collusion. Those who are selling other

commodities are colluding to fix prices which is against the free market enterprise.

The only thing is that as part of the fourth prayer, we could call on the Traders Association, that is the one granted by law, to insist that the illegal associations should not exist.

What we should do is to see how we can support this Motion and not to suppress it. It is in the interest of the masses. So, the issue of defrauding like I had earlier said does not come in. Thank you.

Mr Speaker: If members support this Motion, I suggest that we should have an additional prayer ... *(Interruptions)*. Excuse me! Excuse me!! The other day we set a Board that will monitor all Private nursery, primary and post primary schools in the State. Now if the Traders Associations are recognized by law and if there are other associations that wish to come up and which comply with the rules and regulations governing them the associations are in order. But this is not yet what we are arguing; what we are saying is that we should throw more light on Sections 40 and 45 of the 1999 Constitution of the Federal Republic of Nigeria to ensure that the law we are making is not inconsistent with the Constitution. But, if we believe that Sections 40 and 45 do not affect the Motion before the Floor of this honourable House, let us make progress.

Mr M.N. Onyeze (Igboeze North I): Mr Speaker, Sir, my view is that when we talk of freedom of association, we should not think of multi-millionaires or people who can trade on unknown commodities or very few low items when we talk of freedom of association and survival of very poor traders, I think we should recognise that the person selling pepper or the person selling brooms looks at

himself as important as the petroleum dealer because that is from where he feeds.

I do not see why we should bring a Motion on legal and illegal associations without specifying those ones that are actually legal or illegal.

Now, if you think of how these small traders survive in the rural communities or even in big markets, actually what determines prices is the inter-play of the market forces of demand and supply and not the association of traders. For example, if you are selling broom at Ogbete at a very high cost, the people can move to Emene or to Abakpa or to any other suburb to buy brooms. The truth is that if people are supplying meat, for example, if they are butchers they will agree on the number of cow to be supplied each day. They have already known the estimate of the number of cows that people will require per day, they will divide themselves to avoid waste and embarrassment or colossal loses. In the same way the people who sell brooms and pepper do say because we are too many, we should not be in the market the same day. On Eke day let 'A' to 'C' be in the market and supply pepper because if all of us come out the same day we may not be making it.

So, what we are talking about is freedom of association for the survival of the individual poor traders. We are not doing it to punish the consumers. Their association is as important to them as the Association of Speakers or as the Association of the Majority Leaders of the House because the Speakers or the Majority Leaders must not have registered with the Corporate Affairs Commission. ... *(Prolonged Laughter)*.

Mr Speaker: Information! Honourable Colleagues, let us not confuse ourselves with

Sections 40 and 45 of the Constitution ...
(Interruptions).

An hon. Member: Information, Mr Speaker.

Mr Speaker: Order! In as much as we have freedom of association in the Constitution and we are part of the Constitution, that is the more reason we should be constitutional. Criminals belong to an association but that does not make that association to be constitutional because they have the right to belong to any area they say they want to belong to. ... (Interruptions).

Mr Enebe: Information, Mr Speaker, Sir! My information is on survival. To survive does not mean that one should collude to defraud consumers or the public. A commodity that is sold at N1.00 should not be sold at N10.00. That is what we are taking about.

The Motion itself says illegal; we are talking about illegal associations and not legal. As far as I am concerned about illegal association, there is no reason to drop the Motion under debate, rather we are supposed to go out and make more investigations and obtain further information and if we find them to be illegal associations, we can ban them. Thank you.

Leader (Mr Anichukwu): Mr Speaker, I have risen to throw more light on this Motion.

Mr Speaker: Is the hon. Leader throwing more light on the Motion or on the Constitutional Provision pointed one by the Chief Whip (Mr Odoh)?

Leader: Mr Speaker, I want to remind us that even though Section 40(1) discusses

about freedom of movement, on certain circumstances, Mr Speaker, our movements are curtailed. We are now saying that illegal unions should be banned. I believe that our primary purpose here is to protect the interest of the people we represent here. And if there is anything, any feeling or any activity that we feel should affect their common existence, I think we are obliged to protect them. So, the masses should be protected from exploitation. Thank you.

Chief Whip: Mr Speaker, I want the Members to know that the essence of what we are doing is not perhaps to bring the Motion down; it is just to put a kind of taste on the issue. It is generally known that about eighty or ninety per cent of the associations in Nigeria are not registered. Yet one can easily say that they enjoy the protection of law. Several town unions are not even registered any where but the issue is that I appreciate the intent of the Motion. The format, of course, is what I am quarreling with. The duty of the House is to make sure that the masses are not being exploited by some Trade Unions. But then that does not make that union illegal. What should be done is to check the activities of the legally constituted associations. We cannot just say illegal association. If we mention one illegal association and by the time we follow it up we may find out that what is considered legal might not even be legal in that sense. I have given you cases of CNO; I have given you even the NBA, somebody cited it here. NBA was not even registered in the Corporate Affairs Commission. Perhaps I don't know whether the Speaker's forum has been registered. (Interruptions).

Chief Whip: Mr Speaker, what I am really suggesting is that we really have to put our heads together because the intention of the Motion is to make sure that the shadows

of intimidation as a result of unionism is avoided but then one cannot come out and say what makes it illegal. By the time one is able to sever these two phenomena, then one arrives at an answer. Thank you.

Mr F. Amu (Nsukka East): Mr Speaker, we are confused as which union is legal or illegal. I am of the opinion that we step down this Motion and then go back to our Constitution and study it very well and know which union is legal or illegal and then the Mover of the Motion can bring it up in the next Sitting. This Motion has a very good intention but the confusion there is legality of trade union. How do we know the union that is legal and the one that is illegal. Even we have consumers' union. Do we call that one legal or illegal? I am of the view that we step down this Motion so that the Mover can fine-tune it or probably we go back and know which union is legal or illegal. This is my view. Thank you.

Mr C. Enebe (Awgu North): Mr Speaker, I am sorry to say that we are a bit digressing. This Motion is primarily talking on Trade Unions. It is talking on registered Trade Unions and unregistered Trade Unions. If the Motion is seeking to classify registered and unregistered unions, you now seek to have a list. I will equally say that unregistered associations and town unions exist. But when their activities affect the lives of one, two or three of us we call them to question. We are talking about illegal market associations because they collude to exploit the people; we are saying that they should be banned. It is the duty the stake holders who are going to execute this Motion to discover those that are legal and those that are illegal. If we begin to talk about which ones are illegal it is negating the spirit of this Motion. This Motion is primarily on public protection. Thank you very much.

An hon. Member: Further information!

Mr Speaker: I don't want information again. I do not want to be biased.

Several hon. Members: You are biased already, you are contributing!

Mr Speaker: I just want to rule on the argument because in as much as we discuss on which one is legal or illegal what we can do at this point in time is to put the question.

Deputy Speaker (*Mr Atigwe*): Mr Speaker, to put the Question on the Constitutional matter? (*Laughter*).

Mr Speaker, Section 4 says that every person shall be allowed to assemble freely (*Interruptions*).

Mr C.O. Enebe (Awgu North): I want him to move it like a Motion. When you put the Question, one will contribute either in support or against the Motion. So, Mr Speaker, Sir, put the Question and leave us to contribute to the Motion.

Mr Speaker: Honourable Colleagues, let us have cordial deliberations. There is no way we can go ahead to make contributions which is contrary to the provisions of the Constitution. So let us believe that the Motion can still come up for debate; if it is the wish of the House then there will be debate by hon. Members. At present, there is no Motion on the Floor. (*Interruptions*).

Mr C.O. Enebe: Mr Speaker, Sir, what I am saying is that this Motion was under debate before the issue of the Constitution came up. Now, if this Motion is going to be stepped down, it should be based on the Constitution. What I am saying is, since the

Motion is under debate, allow the hon. Members supporting the Motion to contribute. Thereafter those opposing will make their contributions and they should give their reasons. Those seeking for the Motion to be stepped down should also give reasons. You now put the Question; if majority of the members accept that the Motion be stepped down, okay; what the Motion is fighting for at the market place is what is happening here. The hon. Members move about from their seats to collude with others by asking an hon. Member to move a Motion for the stepping down of the Motion.

Mr Speaker, Sir, let those who are supporting the Motion speak, and those who are opposing should also speak. It is unconventional to stand up and move a Motion for the stepping down of this issue.

Mr M. Onyeze (Igboeze North): Mr Speaker, Sir, to my understanding, the Motion was moved and the hon. Member for Igboetiti East (*Mr Odo*) rose to give information. That is what we are talking about. I believe that debate has not commenced because he raised a point from the Constitution, that the House should look at the Motion properly before going into it and that is what the hon. Speaker has been talking about. All the things we have been talking about is whether the Motion should be debated upon or not?

Mr Speaker: The Motion was moved and seconded and debate commenced, about two, three, or four hon. Members spoke before the hon. Member for Igboetiti East (*Mr Odo*) spoke (*Interruptions*).

Mr J.U. Onoh (Enugu North): Mr Speaker, Sir, hon. Colleagues, in my legal opinion, association may be defined either as an unregistered union or an association

emanating from the principal registered union or trade union under the consent or recognition of the organisation qualified or recognized government bodies, on which to transact, negotiate, operate, or do business with the powers and authorities conveyed to it by the mother Association.

Mr Speaker, Sir, that is why I asked whether or not the associations are enjoying the protection of their mother union. If they are enjoying the protection of their mother union, fine. May I use this opportunity also to cite the case of the National Association of Sea dogs by the Attorney-General of the Federation. Did he actually adopt Section 40 of the Constitution as being duly registered and actually recognized by the Constitution, or are they on the defence by saying that they are duly registered.

The Attorney General of the Federation said that he cannot go on arguing on whether the National Association of Sea dogs was actually registered, but he was talking on the guise that it was operating on the same name as the National Association of Sea dogs and is the National Association of Sea Dogs. The question was not whether there was National Association or union of Sea dogs, but were they duly recognized or registered. They are happy that they are using executive powers in hiking prices, fixing, negotiating, as is done by some other unions, without the consent of the duly registered and recognized unions or associations. (*Interruptions*).

Mr Speaker: I do not know what the hon. Member for Enugu North (*Mr Onoh*) is saying. Initially, he was talking about the Constitution. (*Interruptions*).

Mr Onoh: Mr Speaker, Sir, I did not refer to the Association of Speakers.

Mr Speaker: The Association of Speakers is duly registered.

Mr Enebe (Awgu North): Mr Speaker, Sir, during division you are supposed to inform the House her position as you administer division or as you assert authority. I was expecting you to tell the House the position of the legal trade unions or association. You would have told the House that this was my vested decision. Other hon. Members could have stood up to define the way we think it should be, but if the hon. Speaker was trying to assert an authority that is higher than the House, then I will keep quiet. The decision must be backed up by authority or you tell the House that it was your vested decision. Thank you, Sir.

Mr Onoh: Mr Speaker, Sir, Question and point of information.

Mr Anikwe: Thank you Mr Speaker. On the 2nd of June, 2004, there was a directive by the Federal Government of Nigeria that only one Trader Union is recognized and that is the Enugu State Traders Association. As a law Maker I do not know whether to recognize illegality. The Motion is saying that all illegal unions should be banned. I don't know whether we should say *no*, we recognize illegal market unions. There is a law that forbids them. Today if we ...

Mr Speaker: Just one minute. Please if Members continue to make this argument till tomorrow it will not help us. The idea is that Members are trying to find a way of passing this Motion. Going the way you are now will not help us to adopt the Motion, and that is why people are trying to find a way out. I share your sentiments, please bear with us. I hope you can understand.

Mr Anikwe: I cannot understand.

Mr F. Amu (Nsukka East): In view of the information required for the passage of this Motion I formally move that debate be stepped down to enable Members look at the Motion properly.

Deputy Speaker (*Mr Atigwe*): Thank you, Mr Speaker. I beg to second the Motion.

Question put and the House divided by Roll Call.

Ayes: 9

Hon. Ugwu C.
Hon. (Barr) Odo E.
Hon. (Nze) Onyeze M.
Hon. Atigwe D.O.
Hon. (Mrs) Ezugwu E.
Hon. Nnamani E.
Hon. Amu F.
Hon. Onah F.
Hon. (Princess) Ogbu E.

Noes: 6

Hon. Enebe C.
Hon. Ani D.
Hon. Onoh J.
Hon. (Prince) Offor Chukwuegbo
Hon. Anikwe P.
Hon. Anichukwu J.

Question accordingly agreed to.

Motion accordingly stepped down to a later day to be determined by the House Rules and Business Committee.

Mr C. Enebe (Awgu North): Mr Speaker, I want to make an appeal: that you please separate the two ladies.

Mr Speaker: The hon. Member for Awgu North (*Mr Enebe*) should note that the

allocation of seat is based on Constituency. I will never do that.

Chief Whip (Mr Odo): Mr Speaker, Sir, if somebody is voting. ...

Mr Speaker: Excuse me please. Everybody has to vote according to his conscience. Everybody has the right to say *yes* or *no*. Let us move on.

MOTION

ON

MATTER OF URGENT PUBLIC IMPORTANCE – SUSPENSION OF CONSTRUCTION OF A FILLING STATION ADJACENT NO. 78 IHIALA AVENUE NEW HAVEN ENUGU

Chief Whip (Mr Odo): May I seek to Move the Motion standing in my name in line with Order No. 25 of the Standing Order ...

Deputy Leader (Mr Anikwe): Point of Order, the Chief Whip (Mr Odo) should before moving the Motion seek the leave of the House.

Chief Whip: I have not finished the sentence. The sentence has to be finished first.

Mr Speaker Sir, may I seek to move a Motion below in line with order No. 25 of the Standing Order of this House which says that this honourable House do direct ...

Mr Speaker: The Chief Whip (Mr Odo), is going too far. He is seeking the support of the House to move a Motion. It is when he gets it that he can go ahead.

Chief Whip: Thank you, Mr Speaker. May I seek the leave of this House to move a Motion on urgent public importance in line with Order No. 25 of the Standing Order of this honourable House.

Mr N.M. Onyeze (Igboeze North I): Mr Speaker, Sir, I have risen to second the Motion.

Question put and agreed to:

Chief Whip: Thank you Mr Speaker. May I move the Motion standing in my name: That this honourable House do direct that the filling station under construction adjacent No. 178 Ihiala Street New Haven Enugu be suspended forthwith.

Deputy Leader (Mr Anikwe): I have risen to second the Motion.

Chief Whip: Mr Speaker, the life of any community, town, local government, State, and the country as a whole is directly or indirectly determined by nature and State of the environment. The man on environmental resources is fast outstripping the assimilative and regenerative capacity of the environment and the consequences of it is the abuse, misuse and overuse of our natural resources. The Enugu State strategy for a sustainable environment 2004 – 2009 has the purpose of bringing about change in the way in which we are engaged with our environment. This strategy has resulted in the reform process which has demonstrated considerable commitment from the stakeholders in the State. The erection of the filling station adjacent No. 178 Ihiala Avenue is a negation of the aforementioned strategy, efforts and thought processes.

The dangers of siting the filling station are quite innumerable. Mr Speaker, Sir, this

filling station is located at a site where all the neighbourhood are residential buildings and this will certainly bring about air and land pollution in that environment, aside from the attendant nuisance associated with it. The principle of sustainable industrialization has its overall objectives to support the establishment of an investment friendly environment and working in collaboration with the mind and exploration activities and development in order to reduce environmental degradation and promote tourism. The siting of the filling station adjacent No. 178 Ihiala Avenue amounts to location of a filling station in an unfriendly environment and as such deserves condemnation which were interested to promote and propel the environment as we are living in our natural habitat with safe avenue. My prayers are as follows:

1. That the Filling Station under construction adjacent to No. 178 Ihiala Avenue New Haven Enugu be suspended forthwith.
2. Then may I wish that we expunge prayer 2 and replace what I am going to say now with: That an adhoc Committee of this honourable House be set-up to investigate the true position of it after the suspension of the project and report back to the House within one week.
3. That anybody seeking to invest in Enugu State shall do so in a friendly environment so as to comply with social responsibility capable of sustaining our environment.

Be it moved and is hereby moved. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, the Motion before this honourable House is actually going to demonstrate in practical terms, our ability to comprehend the incomprehensibility of some people that may have disjointed acrimony and false ideas in establishing any existing industries. Mr Speaker, you will recall that there are principally three major environments. We have the pre-natal environment; we have the social environment, and we have the physical environment. Even at the pre-natal environment if the baby at conception is not well situated miscarriage will come in, and if we want to talk of social and physical environment, this Motion will go a long way to arresting an impending danger.

You will recall that when the New Haven dualization project came up, a lot of people were affected by their inability to abide by the existing Town Planning Law. We had some sympathizers from far and near; but one wonders whether on not these sympathizers are able to synchronize/attune themselves with the existing Law of the State. This project is just situated in a residential environment. We have Law guiding the establishment of a Filling Stations. We have Law guiding the establishment of a residential apartment; we have also Law guiding the establishment of Commercial Centre. If this Motion is not brought to the House and we allowed that Filling Station Adjacent to No. 178 Ihiala Street, New Haven to continue, we are endangering not only the lives and property of the people today, we will continue to endanger such lives and property in future. You will recall what happened along Artisan Quarters where a structure which has already been completed and functional, still continues to constitute hazard to both lives and property.

Mr Speaker, hon. Colleagues, the intendment of this Motion is to arrest such situation now that it is still under construction. Somebody who passed there yesterday and even this morning will recall that work is actually going on. As Representatives of the people we cannot close our eyes and wait till the completion of the project when enormous financial involvement must have been expended.

Mr Speaker, if the Filling Station adjacent No. 178 Ihiala Street New Haven, Enugu is allowed to stay, it will bring about total miscarriage. (*Laughter*). This miscarriage could be even men or women. There is possibility of even fire coming out and damaging things. There is a complete pollution already there; a contamination has already taken place. People cannot live where the Filling Station is sited. We have that Law. So, Mr Speaker, my Colleagues, let us do our responsibility by allowing this Motion to come on Board, because we will be doing our primary assignment of checkmating in good time. Mr Speaker, it is in view of this that I lend all my weight behind this Motion and call on my hon. Colleagues to give it a due passage. Thank you.

Mr C. Enebe (Awgu North): Mr Speaker, Sir, I have risen to contribute in favour of this Motion. The need to checkmate the incessant and unlawful siting of filling stations in residential areas cannot be over-emphasized. The Mover of the Motion and Co-Sponsor have touched on the implications of Siting those filling stations. One question may arise as to whether all the other filling stations that are currently sited in unfriendly environment should be allowed to remain there? The dualization of New Haven Road, I believe, is not going to terminate at the roundabout. It is likely going to terminate at

the Expressway that goes to Abakaliki. And if they continue to reach up to that point, then that filling station there must be touched because it must pass through Expressway. In line with this my thought, I believe that a stitch in time saves nine. Instead of allowing the investor to finish the project, it is better to call him to order so that he can build a supermarket or something else there. As a follow up to this Motion, I have a forth Prayer. Since it is not a Motion on Notice, I can add my own prayer. May I seek the leave of House to support this Prayer. It reads: *That before any further construction of any filling station in Enugu State, that the environmental impact analysis (EIA) of the filling station must be carried out by the State Ministry of Environment and Solid Minerals and the relevant Town Planning Authority.*

One may ask himself what is Environmental Impact Analysis (E.I.A). We have a lot of pipes belonging to Water Corporation; we also have the ones belonging to NITEL and NEPA. When these people are digging and installing their own pipes, some pipes are cut and nobody cares.

Enugu State as a town has an existing plan; the town is planned. One is not supposed to build filling stations where one is supposed to build residential buildings. If the owner of that filling station carried out E.I.A. on that place, he should not have built it. There is no way a filling station should be built in that place. Any E.I.A. properly done will not allow a filling station to be built in that place. Mr Speaker, I seek for a Secunder on the additional prayer so that you put the Question. Thank you.

Mr F. Onah (Nsukka West): On information! Mr Speaker, Sir. The information I want to give is on the construction of filling station we are

discussing; the people that are entitled to approve the construction are the Fire Service, Town Planning Authority, and the Police that is covering that area. So, involving Environmental Management Ministry at this point in time, will not augur well.

Mr Speaker: Why the Police?

Mr Onah: That is the Divisional Police Officer (DPO) that is covering the area. That is the conditionality.

Mr Speaker: I think the information the hon. Member for Nsukka West gave is okay.

Mr M.O. Onyeze (Igboeze North I): Mr Speaker, Sir, I have risen to second that Motion as moved by the hon. Member for Awgu North (*Mr Enebe*).

Question, That before any further construction of a new filling station in Enugu State, an Environmental Impact Analysis (E.I.A) of the filling station must be carried out by the Enugu State Ministry of Environment and Solid Minerals and the Enugu State Town Planning Authority, put and agreed to.

Mr Enebe: Mr Speaker, finally, I still want to use this opportunity to urge those who want to invest in Enugu State to do proper study so that they would not run into this type of problem we are discussing now. Thank you.

Mr Onyeze: Mr Speaker, Sir, I have risen to support the Motion, and I want to make few contributions. This Motion, like the earlier speakers have pointed out is timely. We have been very serious about our environment because without good environment we cannot be healthy and the way the rich people tend to use their wealth

in the society which we live today particularly in this part of the world is very awful at times.

Somebody will go and reside in G.R.A. or Independence Layout and deliberately come to site a filling station in a place where other people who have no other place to go are residing. I think it is a selfish way of making money. If one wants to make money, he has to consider the welfare of others. (*Interruptions*).

So, if a filling station has been sited and people started clustering there to construct their residential buildings, one would not quarrel with it. But this is a situation where people are already living, and somebody gets money, may be overnight, and decides to site a filling station in their midst; and that particular person will never live there; it is very very bad. I thank the Mover of the Motion for bringing this very timely Motion.

Secondly, we have been having the experiences of what is happening with planlessness in our investments. If one listens to Radio, what is happening at Abuja, they demolish property worth billions of Naira everyday because people who do such investments did not care about the suitability of such investments with the local environment in which the rest of the people live.

Since this State have been serious about our investments we should not hesitate to pass this Motion so that it will serve as an eye opener to other people who might wish to use their money in a way it will only serve their personal interests.

Finally, Mr Speaker, I have made my point and wish my hon. Colleagues will help to give this Motion an easy passage.

Mr F.E. Amu (Nsukka East): Mr Speaker, Sir, it is said that a stitch in time saves nine. Many filling stations are indiscriminately sited at residential areas, not only here in Enugu, but even in other urban towns like Nsukka. I do not know what is actually wrong, whether they get permission from the Town Planning Authorities before they build them or they just go on without authority.

I am of the view that this House should come up with a law that will not allow anybody to build a filling station within an area where there are residential buildings. There was one built at Nsukka which was demolished when the building had been completed. It tantamounts to a waste of money. I feel that before a person starts to build a filling station he should have got permission from the Town Planning Authority or other relevant bodies. This time I do not know what is amiss. Sometimes the Town Planning Authority may give them approval at a particular time in a particular regime, after that regime and another regime comes up, they will ask the authority to demolish the building.

So, there is no law that stipulates that this is an area where filling stations cannot be built. It is high time we stem the tide of building filling stations where there are residential buildings. At this point, Mr Speaker, I doubt if any Member has anything against this important Motion; in view of this, I move that the Question be now put.

Mr C. Ugwu (Enugu East II): Mr Speaker, Sir, in line with my fellow Colleagues, I want to make an additional prayer to the existing prayers. I want to put the Enugu North Town Planning Authority and the Executive Chairman, Enugu North

Local Government Council. I believe that the Town Planning Authority where the filling station is situated, has a role to play.

Mr Speaker: Order! The hon. Member for Enugu East II, should note that the amendment or additional prayer of the hon. Member for Enugu East II is already in the prayers forwarded by the hon. Member for Awgu North (*Mr Enebe*).

Mr Ugwu: Mr Speaker, that prayer is different from that of Local Government Council. Therefore I move that the Town Planning Authority and the Executive Chairman, Enugu North Local Government be included in the prayer.

Mr Speaker: The hon. Member for Enugu East II (*Mr Ugwu*) would have listened to the Prayer made by the hon. Member for Awgu North (*Mr Enebe*). He included Town Planning Authority. So, why are we including Enugu North or Enugu Central?

Mr Ugwu: Mr Speaker, they have different roles to play. The Local Government own is different from that of State, and they have different powers too.

Mr J.U. Onoh (Enugu North): Mr Speaker, I stand to oppose this Motion in some ways based on the fact that we are not to blame the person building the filling station but the Department that gave the approval. If one acquires a piece of land and goes to the appropriate Body and tells them that this is what he wants to do and they say *yes*, one can go ahead. The blame is not on the person but on the Department that gave him the approval. ... (*Interruptions*). I am opposing the Motion ... (*Interruptions*).

Mr Speaker: Which Motion?

Solid Minerals and the relevant
Town Planning Authorities.

Mr Onoh: Can I enjoy your protection,
Mr Speaker?

ANNOUNCEMENT

Mr Speaker: You cannot enjoy my
protection. (*Interruptions*).

Ad-hoc Committee

Mr Onoh: I am opposing the Motion. ...
(*Interruptions*).

Mr Speaker: Honourable Colleagues, the
Ad-hoc Committee to carryout investigation
are as follows:

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

1. Hon. J.N. Anichukwu
2. Hon. G. Ofor Chukwuegbo
3. Hon. E. Odo
4. Hon. P. Anikwe
5. Hon. M.N. Onyeze
6. Hon. C.O. Enebe
7. Hon. (Princess) E. Ogbu

Main Question put and agreed to.

Resolved:

Please let me suggest that since this
assignment has something to do with Works
the Chairman of the Works Committee
should be there.

1. That the filling station under
construction at adjacent No. 178
Ihiala Avenue New Haven Enugu
be suspended forthwith.

An hon. Member: No! No!

2. That anybody seeking to invest in
Enugu State shall invest in an
investment friendly environment
so as to comply with social
responsibility capable of
sustaining our environment.

Mr Speaker: Who is saying *no* he cannot
say *no*, the Chairman of the Works
Committee should chair the Committee.

3. That an ad-hoc Committee is set
up by this hon. House to
investigate the true position of
things after the suspension of the
project and report back to the
House within one week.

Visit by ESUT Students

Honourable Colleagues, if you look at the
Gallary, it is filled with our visitors, our good
friends: our brothers and sisters who came
from the Enugu State University of Science
and Technology, Department of Political
Science. They are here on both courtesy call
and also to witness the law making processes
in the House of Assembly building.

4. That before any further
construction of any filling Station
in Enugu State, the
Environmental impact analysis
(EIA) of the filling station must
be carried out by the State
Ministry of Environment and

It is my wish on behalf of my Colleagues
to welcome them to Enugu State House of
Assembly Chambers and to welcome them to
House of Assembly Complex here in the
Independence Layout. I believe they must

have learnt one or two things, good a thing that today we have a very good thing to discuss. I hope that you may appreciate your coming and on the other hand, we really welcome you with our open heart. I do hope that from time to time you will call. If you have any thing to tell us or you want to witness anything you can always call.

Our sitting days are Tuesdays and Thursdays for now, and other days are Committee days. I sincerely welcome you. I do hope that having witnessed the way and manner we comported ourselves during the debate, and the way things are being done, that you can now go home and re-organise yourselves. I believe, like I keep on saying, that you are the leaders of tomorrow; 2007 is almost around the corner and some of you may come to this Assembly; some of you may go to the National Assembly and some of you may become Local Government Chairmen.

So, your coming here will give you an idea of the way and manner the House is run: the way and manner the meetings or proceedings are held. I pray that the Almighty God will continue to guide you. I pray that you will be good Ambassadors of Enugu State University of Science and Technology. I thank you for coming and pray God to bless us. Thank you.

Visits

The House Committee on Chieftaincy and Tourism will pay a visit to Ikenga Hotels Nsukka on Monday 6th September, 2004 at 10 a.m. prompt. The take-off point is Room 225, Chairman's Office. Please be punctual. Hon. Felix Amu, Chairman.

The House Committee on Education, State Headquarters Enugu, today 2nd

September, 2004 on the rising of the House.
Signed Mr M. Onyeze, Chairman

Meeting

Honourable Colleagues, we will meet in my Office on the rising of the House.

ADJOURNMENT

Leader (Mr. Anichukwu): Mr Speaker, may I move that this House do now adjourn till Tuesday, 7th September, 2004 at 10 a.m.

Mr F. Onah (Nsukka West): Mr Speaker, I have risen to second the Motion.

Question put and agreed to.

Resolved: That this House do now adjourn till Tuesday, 7th September, 2004 at 10 a.m.

Adjourned accordingly at 2.10 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 106

Tuesday
7th September, 2004

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Produced by the Publications Department
Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 7th September, 2004

(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before us are the Votes and Proceedings of Thursday, 2nd September, 2004, I have gone through them, and to the best of my knowledge, they are correct. However, I need your comments. Thank you.

Mr E. Nnamani (Isiuzo): Mr Speaker, Sir, hon. Colleagues, I have equally gone through the Votes and Proceedings of Thursday 2nd September, 2004 and found them to be correct. I, therefore, move a Motion for their adoption. Thank you.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, I have gone through the Votes and Proceedings of our last sitting and found them very correct. I hereby second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 2nd September, 2004 accordingly adopted.

ANNOUNCEMENT

Safe Journey

Mr Speaker: The only announcement I have is to wish those of you who are traveling to Lagos this morning for your Visa, safe journey and God's Blessing. I do hope that you will pass the interview for your American Visa. Again I wish you good luck. May God bless you. Thank you.

ADJOURNMENT

Leader: Mr Speaker, Sir, may I move that this honourable House do now adjourn till Tuesday 14th September, 2004 at 10a.m. Thank you.

Mr E. Maduabu (Awgu South): Mr Speaker, Sir, hon. Colleagues, I wish to second the Motion for adjournment moved by the Leader of the House. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday 14th September, 2004 at 10a.m.

Adjourned accordingly at 11.39p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 107

Tuesday
14th September, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Tuesday, 14th September, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings of Tuesday 7th September, 2004. I have gone through them and found them to be correct. However, I need your comments. Thank you.

Mrs E. Nnamani (Isiuzo): Mr Speaker, Sir, I have gone through the Votes and Proceedings of our last sitting and found them to be correct. I therefore move for the adoption. Thank you, Sir.

Mr M. Njeze (Udi North): Mr Speaker, Sir, I received the Votes and Proceedings two days ago and I have gone through them and found them to be correct. I therefore second the Motion for their adoption.

Question put and agreed to.

Votes and Proceedings of Tuesday, 7th September, 2004 accordingly adopted.

ANNOUNCEMENT

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move that this honourable House do now adjourn till Tuesday 21st September, 2004 at 10a.m. Thank you, Sir.

Mr C.O. Enebe (Awgu North): Mr Speaker, Sir, I beg to second the Motion for adjournment as moved by the Leader of the House (Mr Anichukwu). Thank you, Sir.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday 21st September, 2004 at 10a.m.

Adjourned accordingly at 12.38p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 108

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Thursday, 23rd September, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair) -

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 29 dated 14th September, 2004 are before us. I have gone through them and found them to be correct. However, I call for your comment. Thank you.

Mr M.O. Onyeze (Igboeze North I): Mr Speaker, Sir, I have equally gone the Votes and Proceedings of our last sitting and found them to be correct. I therefore, move for the adoption.

Mr F.E. Amu (Nsukka East): Mr Speaker, Sir, I beg to second the Motion.

Question put and agreed to.

Votes and Proceedings No. 29 of 14th September, 2004 accordingly adopted.

ANNOUNCEMENT

Trip

Mr Speaker: Honourable Colleagues, I just want to state that it is obvious that by next week all of us will be leaving for our various destinations: to United Kingdom and United States, respectively. I therefore appeal to all of us to comport ourselves while traveling and to pray to Almighty God for His mercies.

I also pray that those staff whom we are leaving behind should remain in good health.

We do hope that by the time we come back, the exercise which we are going to take part in, in both countries will add to the knowledge we already acquired. I hope that we are going to come back more determined to deliver; more determined to work in harmony and more determined to carry the State forward.

I thank you for listening and like I said earlier, I wish everybody safe journey to our various destinations, and I wish God to reward us and bless us. Thank you.

ADJOURNMENT

Leader (*Mr Anichukwu*): Mr Speaker, Sir, I beg move that this honourable House do now adjourn till Tuesday the 26th day of October, 2004 at 10a.m. Thank you.

Deputy Leader (*Mr Anikwe*): Mr Speaker, I have risen to second the Motion for adjournment as moved by the Leader, and in doing so, Mr Speaker, may I also use the opportunity to extend the appreciation and gratitude of the entire House to His Excellency for his magnanimity and benevolence in approving this journey for every hon. Member of this House. I think it is unprecedented. It is the first time the entire legislature is embarking on a trip at a time, not just one or two persons or group by group. This is a commendable gesture and that goes to exhibit the significance of the harmony, cordiality and conviviality existing between the Executive and the Legislature. Thank you, Mr Speaker.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday the 26th day of October, 2004 at 10a.m.

Adjourned accordingly at 12.38p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 109

Tuesday
19th November, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Tuesday, 19th November, 2004
(*The House met at 10 a.m.*)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, the Votes and Proceedings No. 30, dated Thursday, 23rd September, 2004, are before the House. I have gone through them, and found them to be correct. However, I need your comments. Thank you.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of Thursday, 23rd September, 2004, and found them to be correct. I, therefore, move a Motion for their adoption. Thank you.

Mr C. Ugwu (Enugu East II): Mr Speaker, Sir, having gone through the Votes and Proceedings of Thursday, 23rd September, 2004, I second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 23rd September, 2004, accordingly adopted.

**A MESSAGE FROM HIS
EXCELLENCY THE EXECUTIVE
GOVERNOR OF ENUGU STATE**

GHS/123/VIII.105 *October 18, 2004*

*The Hon. Speaker,
Enugu State House of Assembly,
Legislative Complex,
Enugu.*

Dear Sir,

**APPOINTMENT OF CHIEF JUDGE OF
ENUGU STATE**

As you may be aware, the Chief Judge of Enugu State, Hon. Justice J.C.N. Ugwu is due to retire from service on his attainment of the age of 65 years on 13 September, 2004.

Consequent upon the above, the State Judicial Service Commission has commenced the process of appointing a new Chief Judge by advising the National Judicial Council thereon. I have just received a letter Ref. No. NJC/S.1/XIII/175 dated 5th October, 2004 from the National Judicial Council recommending hon. Justice R.C. Agbo for the appointment as the new Chief Judge of Enugu State.

In the premise and pursuant to Section 271(1) of the Constitution of the Federal Republic of Nigeria, I hereby forward the name of the said Hon. Justice R.C. Agbo of the Enugu State High Court for the consideration of the House of Assembly and for the confirmation of his appointment as the new Chief Judge of Enugu State.

I enclose herewith the said letter from the National Judicial Council for your guidance.

While expecting an expedite action on this, please accept the assurances of my high regards.

(Sgd)
Dr Chimaroke Nnamani,
Governor of Enugu State

Mr Speaker: Honourable Colleagues, there was an enclosure from the National Judicial Council which His Excellency attached. And I read and go through it:

APPOINTMENT OF CHIEF JUDGE OF ENUGU STATE

By the provision of Section 271(1) of the 1999 Constitution of the Federal Republic of Nigeria, the appointment of a Chief Judge of a State shall be made by His Excellency acting on the recommendation of National Judicial Council subject to the confirmation of the appointment by the House of Assembly of a State.

2. Honourable Justice J.C.N. Ugwu, the Chief Judge of Enugu State, will retire with effect from 13 December, 2004 and he has given notice in that regard. The Enugu State Judicial Service Commission had nominated Hon. Justice I.A. Umezulike, Judge of the High Court, to be considered by the National Judicial Council as his successor.

3. The National Judicial Council at its meeting held on 22nd and 23rd September,

2004, observed that hon. Justice R.C. Agbo was sworn in at the same time as Hon. Justice I.A. Umezulike, but the former was sworn in first, and therefore took precedence over the rest. Furthermore, the former was called to the Bar earlier. The Enugu State Judicial Service Commission made an adverse comment about Hon. Justice R.C. Agbo, but decided that either of the Judges is suitable for the appointment to sit in the position of Hon. Chief Justice J.C.N. Ugwu. The National Judicial Council deliberated on the nomination and decided that the hon. Justice R.C. Agbo who is the most senior of the 3 candidates nominated including Hon. Justice J.N. Nebo be recommended for the post accordingly, the National Judicial Commission hereby recommend to your Excellency Hon. Justice R.C. Agbo for the appointment as Chief Judge of Enugu State, subject to the confirmation for the appointment by the State House of Assembly.

Signed
M.U. Uwais
GCON Chief Justice of the Federation.

Leader (Mr Anichukwu): Thank you Mr Speaker, may I move that the message from His Excellency, the Governor of Enugu State be accepted for immediate consideration by this House.

Deputy Majority Leader (Mr Anikwe): Mr Speaker, I have risen to second the Motion as moved by the Majority Leader (Mr Anichukwu).

Question put and agreed to.

Deputy Leader: Thank you Mr Speaker, I believe that the law is no respecter of anybody, be him low or high, rich or poor. We have to perform our duties here as law makers entrusted with the policies for the good governance of the State.

Mr Speaker, if you pay a careful attention to the message from the Governor and the letter enclosed, one will observe a kind of lacuna between the Governor's message and the letter accompanying it. On the strength of this, Mr Speaker, I have the honour and privilege to call on my Colleagues and pray this honourable House not to consider such appointment for obvious reasons. But in doing that, this honourable House will not be engaging in a confrontation with the Governor. I believe as a dynamic, very understanding, humble Governor, the House must do her own duties constitutionally and otherwise.

Therefore, I am appealing to this honourable House not to confirm the said appointment. Thank you, Mr Speaker.

Mr C. Enebe (Awgu North): Mr Speaker, I have risen to contribute to this debate. First of all, I want to thank the Governor for appointing a new Chief Judge for our consideration. What it means is that if the Executive is in full swing and the legislature is working, he wants the judiciary to remain in tact, so that there will not be any gap and by the time the former Chief Judge goes, there will be a formal handing over as and when due.

Mr Speaker, I appreciate this letter from the Governor, but the issue is that the Chief Judge of Enugu State is going to preside over the affairs of Enugu State Judiciary and not National. So I wonder why the National should now, after the State Judicial Council had recommended Hon. Justice Umezulike, decide otherwise. As far as I am concerned, they should have upheld the decision of the State Judicial Council because the persons who make up the State Judicial Council are the State Judges. They know Justice Umezurike more than you. They know him more than the National Judicial Council does. They know Justice Agbo and all the Judges there. So for them to have, after considering the three judges, to tell the National Judicial Council to accept Justice Umezurike, we expected that they should have sent the name of Justice Umezurike to the Governor. But they did not do so.

It is our duty as the true representatives of the people to inform them and let them do the right thing at the right time. I believe that Justice Umezurike is one of the few Judges in this country that has National Merit Award. And apart from that, there must have been other qualities in him that must have made the State Judicial Commission to recommend him. So based on this, we have to let the Governor know that we are not comfortable with that letter and we send it back to him.

Thank you very much and I wish to rest my case.

Mr M. Njeze (Udi North): Mr Speaker, I am very happy to hear the recommendation of His Excellency the Governor, but it will interest you to know that the position being talked about is another arm of the tripod of governance in the State.

The legislature is headed by the Speaker, the Executive is headed by the Governor and the Judiciary by the Chief Judge. I want to thank the Governor of Enugu State for the privileged visit we had, just recently, sponsored by the State Government which had broadened our horizon and which we are reaping the fruit of that visit. And part of what we learnt there is that, for instance, I visited United States of America and during that visit, we were afforded the opportunity to study the system of governance in the State of Maryland and Mississippi and in both States, they elect their Chief Judges. Chief Judges face election. So a Chief Judge must be somebody that is popular, somebody acceptable to his immediate community, his immediate constituency.

I know His Excellency very well, but I am kind of surprised because the letter from the National Judicial Council stated very clearly that the immediate constituency of Judges in Enugu State where the Chief Judge is going to preside had recommended a different person and His Excellency is recommending a different person to us. We are one political family but Mr Speaker, I believe that the interest of Enugu State is higher than the interest of any one particular section of the government and therefore, I wish to recommend to my Colleagues that we

should work seriously to ensure that as there is harmony in the Executive, there is harmony in the legislature, there should be harmony in the judiciary, because the Judiciary must have found something to have made their choice and recommendation to National Judicial Council. Therefore, I wish that this honourable House do decline the confirmation of Hon. Justice R.C. Agbo based on these reasons, that the wish of our people should be respected in all circles, because this is democracy.

Therefore, Mr Speaker, may I move a Motion that this honourable House do decline the confirmation of the Hon. Justice Ralph Agbo as the new Chief Judge of Enugu State.

Mrs C. Ene (Udi South): I have risen to second the Motion.

Mr Speaker: I want more people to talk please.

Mr M. Njeze (Udi North): Mr Speaker I think this is against the rules of the House.

Mr Enebe: Mr Speaker, I do not agree that the debate just begun that somebody should move that the Question be put. The debate on the Floor should reflect the voting. Thank you.

Mr E. Maduabu (Awgu South): Mr Speaker, I have risen to make a contribution on this very issue. The appointment of a Chief Judge of any State is a very important matter that concerns the governance of a State. It is a

prerogative of the Governor to appoint a Chief Judge on the recommendation of the National Judicial Council and confirmed by the State Legislature and that is what we are trying to do. It is the State Judicial Service Commission that knows who and who is a competent judge that should preside over the Judiciary of a State. For the National Judicial Council to recommend and stand by it that it should be so, so and so person or Justice Agbo is not possible. Therefore, we should align with the recommendation of the State Judicial Service Commission. Justice Umezulike is a Professor of Property Law. He is well versed. He is accepted by the people. He is amenable to the judges. I know him. He has been a lecturer and has held many national positions. So I am saying that the appointment of Justice Agbo which the Governor is trying to let us confirm may not be possible. Thank you.

Mr C. Enebe: Mr Speaker, we do not have to over labour ourselves on this issue. I believe many people have spoken their minds and on this premise, I move that the Question be now put.

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

Main question put and the House divided by roll call

Ayes: Nil Noes: 20

Noes.

Hon. Enebe C.
Hon. Maduabu E.
Hon. Agbo D.
Hon. Ugwu C.
Hon. Ani D.
Hon. Offor C.
Hon. Anikwe P.
Hon. Odo E.
Hon. Nnadi A.
Hon. Onyeze M.
Hon. Atigwe D.
Hon. Mrs Ezugwu E.
Hon. Nnamani E.I.
Hon. Anichukwu J.
Hon. Amu F.
Hon. Onah F.
Hon. Obidinma J.
Hon. Princes Ogbu E.
Hon. Njeze M.
Hon. Mrs Eneh C.

Resolved: That the appointment of hon. Justice R.C. Agbo is rejected by the House.

ANNOUNCEMENT

Overseas Trip

Mr Speaker: Honourable Colleagues, I have the honour to say welcome here after two weeks Overseas trip to Britain and United States of America respectively. We thank God for the successful journey and above all, we are able to travel to both countries for the betterment of this honourable House and, of course, the State in general.

I immensely thank you people/ Members for the way and manner you

have conducted yourselves during the trips. And above all, I can say that we are going to make use of all our experiences, to ensure that we are at the right side. We are welcome back and I hope that as the year is coming to an end, and we have a lot of activities, we are going to be busy to ensure that we meet up with our time. And above all, the Bills on the various stages and Motions will soon come up on appropriate days. I am happy for the trip; and I am happy for the recess because we have come back to redeliberate, redetermine and to deliver to our people. And I am aware that you watched the Proceedings there. You will not talk when the Speaker is talking, and I hope the Deputy Leader (*Mr P. Anikwe*) will allow it. So he will not be talking when the Speaker is talking (*Laughter*). Thank you.

ADJOURNMENT

Leader: Mr Speaker, Sir, I move that this honourable House do now adjourn till Thursday, 21st October, 2004 at 10a.m. Thank you.

Mr Enebe (Awgu North): Mr Speaker, Sir, hon. Colleagues, I wish to second the Motion on adjournment that was moved by the Leader, and in doing so, I have to join the hon. Speaker to welcome all of you back. I also thank God that none of us lost our lives. Thank you.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Thursday, 21st October, 2004 at 10 a.m.

Accordingly adjourned at 12.28 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 110

Thursday
21st October, 2004

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ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 127

Wednesday
19th January, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 21st October, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 31, of Tuesday 19th October, 2004 is before the House. I have gone through them and found them to be correct, however, I call for your comments. Thank you.

Mr D. A. Ani (Enugu South I): Mr Speaker, Sir, I have equally gone through our Votes and Proceedings of Tuesday 19th October, 2004, and found them to be very correct, so I move for their adoption.

Mrs C. Ene (Udi North): Mr Speaker, Sir, I have risen to second the Motion for the adoption of our last Votes and Proceedings as moved by the hon. Member for Enugu South I (*Mr Ani*).

Question put and agreed to.

Votes and Proceedings of Tuesday 19th October, 2004 accordingly adopted.

ANNOUNCEMENT

MESSAGE FROM HIS
EXCELLENCY, THE EXECUTIVE
GOVERNOR OF ENUGU STATE DR
CHIMAROKE NNAMANI

*Office of the Secretary to the State
Government,*

Government House, Enugu.

20th October, 2004

*The Hon. Speaker,
Enugu State House of Assembly,
Enugu.*

Sir,

Re: commissioners designate

May I send the following names who have been appointed Commissioners Designate by His Excellency, Dr Chimaroke Nnamani, Governor of Enugu State for your consideration and approval, please:

- 1. Mr Igbonekwu Ogazimorah*
- 2. Mr Emeka Ukwuaba*
- 3. Mr Sam Umesie*
- 4. Mr Martin Iloh*

Accept Sir, the assurance of His Excellency's regard and esteem for the Honourable House.

Sgd.

Dr Dan Share

Secretary to the State Government

Leader: (*Mr Anichukwu*): Mr Speaker, Sir, may I move that the Message from the Governor of Enugu State, Dr Chimaroke Nnamani be accepted for

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Chimaroke Nnamani be accepted for consideration at late date to be determined by the Rules and Business Committee of the House. Thank you, Sir.

Mr E.C. Maduabu (Awgu South): Mr Speaker, Sir, I have risen to second the Motion as moved by the Leader of the House. Thank you, Sir.

Question put and agreed to.

Mr Speaker: Thank you very much. The Clerk of the House should inform the Commissioner's Designate to send to the House 25 copies of their Curriculum Vitae as soon as possible for Scrutiny.

ADJOURNMENT

Leader: Mr Speaker, Sir, may I move that this honourable House do now adjourn till Tuesday, 26th October, 2004 at 10 a.m. Thank you, Sir.

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Mr E.C. Maduabu (Awgu South): Mr Speaker, Sir, I beg to second the Motion as moved by the Leader of the House (*Mr Anichukwu*). Thank you, Sir.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Tuesday, 26th October, 2004, at 10a.m.

Adjourned accordingly at 12 noon.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Tuesday, 26th October, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before us are our Votes and Proceedings No. 32, Thursday, 21st October, 2004. I have gone through them, and found them to be very correct. However, I call for your comments.

Mrs C. Eneh (Udi South): Thank you, Mr Speaker, I have equally gone through the Votes and Proceedings of our last sitting. I found them correct and therefore move for the adoption of the Votes and Proceedings.

Mr D. Ani (Enugu South I): Thank you, Mr Speaker, I stand to second the Motion as was moved by the hon. Member for Udi South (*Mrs Eneh*).

Question put and agreed to.

Votes and Proceedings of Thursday, 21st October 2004, accordingly adopted.

**INTERVIEW OF COMMISSIONERS
DESIGNATE BY THE HOUSE**

Leader (*Mr Anichukwu*): Thank you, Mr Speaker, may I move that this House do now resolve itself into the Committee of the Whole House for the interview of the Commissioners Designate.

Mr J. Obidinma (Oji River): Mr Speaker, I am sanding to second the Motion as moved by the Leader (*Mr Anichukwu*).

Question put and agreed to.

Interviewed of Commissioners-Designate.

**(Considered in the Committee of the
Whole House)**

The Chairman: Honourable Colleagues, now that we are in the Committee of the Whole House. May I request that Mr Igbonekwu Ogazimorah be called for screening.

Thereupon Mr Igbonekwu Ogazimorah was ushered in.

Honourable Members; before you is Mr Igbonekwu Ogazimorah, one of the Commissioners designate. He is here on your invitation members can now ask him their questions.

Mr M. Njeze (Udi North): Thank you, Mr Chairman. Mr Ogazimorah, can you give us a run down of your C.V.

Mr Ogazimorah: Mr Chairman, my name is Igbonekwu Ogazimorah. I hail from Awhum in Ojebegene Council Area of Udi. I am 36 years of age. I attended the following schools: Community Primary School, Awhum, Boys High School Awhum, Bendoff Memorial School Adazi Nnukwu, Ahmadu Bello University Zaria, University of Lagos, Times Journalism Institute.

Then I worked in *New Agenda*, the *Nigerian Economist*. I worked in *Champion Newspapers*, I worked in *Post Express*. I

joined the Government of Enugu State in the year 2000 as Special Assistant on Media Matters to the Governor. After the first tenure I was appointed Special Adviser on Media Research and documentation. That was the position I held until now I was nominated by His Excellency.

Mr J. Obidinma (Oji River): Thank you, Mr Chairman. May I move that the Commissioner designate takes a bow and leave.

Question put and agreed to.

The Commissioner designate, Mr Ogazimorah accordingly took a bow and left the Chamber while Mr Ukwuaba was ushered in.

The Chairman: Honourable Colleagues, before you is Mr Emeka Ukwuaba, he is for an interview this morning, you can now ask your questions.

Mr M. Onyeze (Igboeze North I): Mr Chairman, Sir, before I make my final request to the House on behalf of the Commissioner-Designate who is from my Constituency, I want to throw more light on his credibility and ... *(Interruptions)*

The Chairman: No! No!! No!!! I do not want that.

Several hon. Members: Sit down!

Mr Onyeze: Can I correct myself?

The Chairman: No! No! No! You cannot correct yourself, you have derailed, sit down.

Mr M. Njeze (Udi North): Mr Emeka Ukwuaba, Commissioner-Designate, you were once a Secretary and a Member of Board of Directors of Umuozi Community Bank (Nig) Limited, what is the situation in that Bank now?

Mr Emeka Ukwuaba: Mr Chairman, hon. Members, I am no longer in that Bank but I am aware that the Bank is still working.

Mr Njeze: Mr Ukwubas, secondly you were the Programme Manager of Enugu State Agricultural Development Programme (ENADEP) from year 2000 to 2004, may we know the progress you made during that period?

Mr Ukwuaba: Honourable Chairman, hon. Members, I entered into Enugu State Agricultural Development Programme (ENADEP) in 2000 like you have earlier said, a lot of things were in the situation of the place, that is, both infrastructure, equipment and even the morale of the staff. We started refurbishing the buildings of the Headquarters and also the Zonal Headquarters at Awgu and that of Enugu Zone. After that we went into renovating the media office; you people might not know it, there is a full fledged media office in the ENADEP (Enugu State Agricultural Development Programme). It is a new transmitting station. Before we went in there was the equipment that had been supplied for thirteen years and was not mounted because the then officers had requested for the sum of N2.5 million Naira to do that installation. Now when we went into detail, we brought in some ESBS (Enugu State Broadcasting Station's) staff to look at the matter and they said that their staff could do it. Then I encouraged them to send their bill and because we had meager resources, we

were depending on N250,000 (two hundred and fifty thousand Naira) per quarter being sent by the Federal Government and with N800,000 (eight hundred thousand Naira) we were able not only to install the equipment and paint the buildings but we also repaired and refurbished the equipment which were already ruined because of long stay resulting from long packing.

In the area of affecting the lives of our people which ENADEP intends to do because is an agency established for that purpose we looked at what determined the production and what is affecting the level of production and we saw that there was sort of diminishing return. They were not getting enough from the labour they were putting in and that was because they have not got the basic requisite technology or knowledge to do it. Although, already there were specialist officers to train in the State but there was something like low morale. So, we said, alright we were going to do something about it. And we went into the main work and introduced measures that will enhance productivity of an average farmer. For instance, we took up the issue of improved maize seedling which is very popular with our people. And what we did was to refurbish it and at the same time produced a large number of them and went around the entire State to announce it on the market days, we went to Orie Orba; we went to Nkwo Nike and we went to every place to tell them that because of maize seed alone, they could enhance production of maize by 40% (forty percent). Like I have said they picked it and today the maize they sold in bags which usually cost N250 (two hundred and fifty Naira) is now being sold at N900 (nine hundred Naira) because everybody is looking for it. There is no longer the need for preaching about the usefulness of

improved maize seedlings because everybody has known about it in the State.

There was also the issue of improved yam seedlings. Part of the problems of producing yam in Enugu is because the yam seedlings were very difficult to come by so we introduced improved yam seedlings where you have a particular tuber which usually produce several tubers that is, you can break a tuber into ten pieces and sow them and out of them at the end of the year you can get more than 30 (thirty) yam seedlings. In that aspect, we considerably improved the quantity of the planting materials for yam in the State. We need not to measure our output because it was numerous. We persuaded the farmers, talked to them and told them what to do and at the end, the public gained from the large productivity of the farmers.

Mr F.E. Amu (Nsukka East): Mr Chairman, the hon. Members, the Commissioner-Designate has answered all the questions put to him, I therefore move that should bow and leave the House.

Question put and agreed to.

Mr Ugwuaba accordingly took a bow and left the Chamber.

Mr Speaker: Hon. Colleagues, before us is Mr Sam Umesie. He is here on your invitation. You can now ask him questions.

Mr M. Onyeze (Igboeze North I): Mr Chairman, my question to the Commissioner-designate is on House Services. There was a time you were very prominent and very influential in the State, working with the Military. Can you tell us

the policies and projects you deliberately influenced to benefit the people of the State.

Mr Sam Umesie: Mr Chairman, hon. Members of the House: thank you for the question. I will start by saying that my period in the Military regime at Government House, I worked more as a Civil Servant. That not withstanding, we tried our little best in influencing and making sure we secured most of the land that were being trespassed by a lot of people. So we influenced the then Military Governor to fence them all. We also tried and influenced at that material time the construction of permanent structures of legislative quarters for the incoming hon. Members. Furthermore, at that material time we fought and influenced the recovery of some of government property or landed property that some individuals were trying to take to themselves. The areas we fought or helped were more on my advisory capacity of making memos and making suggestions. The bottom line of it all was that we were trying to make sure that the good people of Enugu State will have the best from the Military government. Thank you.

Mr J.U. Onoh (Enugu North): You talked about safeguarding government plots. Could you please expartiate by telling us the plot numbers you fenced for safeguard.

Mr Umesie: There were some land around Government House where we intended to build residential complexes. A lot of efforts were made to prepare this land. Secondly, there were some quarters that we felt belonged to the government, completed quarters which the previous Military Administration sold and they were prepared to make more representations to the Military Governor that came as I was there to recover

property, in independence layout. I may not know the numbers of the property but I know they are government quarters and I know the lands are all around Independence Layout around government House. Thank you.

Mrs C. Eneh (Udi South): Mr Chairman, having heard from the gentleman, may I move that he takes a bow and leaves the chambers.

The Chairman: Let us give others opportunity to ask their questions.

Mr J. Obidinma (Oji River): Mr Umesie, you were a civil servant and have worked in many areas. Where did you work last and what were your achievements?

Mr Umesie: My last posting before I appear before you now; I was a Permanent Secretary in the Post Primary Schools Management Board and when I was there, I embarked on the computerization of all the teachers in the Secondary Schools of Enugu State and we completed that within the record time of less than one month. The idea of this computerization is that you are all aware that a lot of government fund is being swindled away because we do not know how many staff each secondary school have and one keeps paying salaries to ghost workers; double payrolling etc. So this computerization exercise we believe will put an end to the issue of ghost worker syndrome and double pay rolling. Before I left the PPSMB, I was Permanent Secretary in the Ministry of Environment and Solid Minerals. We articulated and developed strategy on environmental sustainability with the Department for International Development (DFID). We started from the beginning to the end and moved down to

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develop a strategy for waste management in Enugu State for the erstwhile ENSEPA and by the time we finished that I was sent to ENSEPA to make sure that we cleaned the place, put a new draft for the new body that was passed into law and now known as Waste Management Authority. So I was the Chief Executive Officer that was there when ENSEPA was replaced with Waste Management Authority and within that time we were able to organise the first sanitation exercise. I believe it was a very successful sanitation exercise.

Mr F. Onah (N̄sukka West): Mr Chairman, the Commissioner designate, having answered all the questions put to him, I move that he takes a bow and leaves the chamber.

Mrs Eneh: I second the Motion.

Question put and agreed to.

Mr Sam Umesie accordingly took a bow and left the Chamber

The Chairman: Honourable Colleagues, the last but not the least is Martin Ilo. He is here based on the request from this honourable House following his appointment as a Commissioner-designate in Enugu State. He is here on your invitation for interview/screening as a Commissioner in Enugu State. His C.V. is before you, Members can now ask him questions. Thank you.

Deputy Speaker: Mr Chairman, Sir, hon. Colleagues, may the gentleman before us run down his C.V., and take a bow.

Mr Martin Ilo: Distinguished hon. Members of the House, my name is Ilo

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Martin Nduka. I was born on 12th November, 1968. I hold a degree in Engineering from University of Nigeria Nsukka in 1991. And I am a Chartered Accountant and professional in the field. Besides the indicated qualifications I had from the University, I also have first Leaving Certificate and WAEC. I have worked in the KPMG Professional Services. I have worked in the Nigerian firm of Andersen Worldwide, as financial consultant, that was from where I moved into politics.

Mr M. Onyeze (Igboeze North I): Mr Chairman, Sir, the Commissioners-Designate is a part and parcel of this Government. May I move that he should take a bow and leave. Thank you.

Question put and agreed to.

Mr Martin Ilo accordingly took a bow and left the Chamber.

(Mr Speaker resumed the Chair)

Mr Speaker: Honourable Colleagues, we have done the interview and I wish to call on you to make general observations on the exercise just conducted. Thank you.

Mr Onyeze: Mr Speaker, Sir, all the Commissioners-Designate have given us their entire qualifications in various capacities and have performed creditably; and before us here, they answered all the questions put before them. So I urge my hon. Colleagues to confirm their appointments so that they can be assigned. Thank you.

Mr Njeze (Udi North): Mr Speaker, Sir, I am of the opinion that what the last speaker said is very much in order. These nominees, from my own point of view, are very much

qualified, knowing fully well that the party which I represent here – PDP - has never made mistakes in giving Enugu State good hands that will help in piloting the affairs of the State. May I urge my hon. Colleagues to go ahead and support the nominees of the Party and the nominees of the Governor, so that they will be confirmed as Commissioners to enable them resume duties in the services of Enugu State. Thank you, very much.

Mr Enebe (Awgu North): Mr Speaker, Sir, I hereby move that the nominees have already been confirmed, I therefore move that the Question be now put.

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

Main Question put and agreed to.

Resolved: That the following: -

- (1) Mr Igbonekwu Ogazimorah
- (2) Mr Emeka Ukwuaba
- (3) Mr Sam Umesie
- (4) Mr Martin Ilo

Today, 26th October, 2004 be confirmed by the Enugu State House of Assembly as Commissioners in the Enugu State Government.

PRESENTATION OF A BILL

ENUGU STATE OF NIGERIA SUPPLEMENTARY APPROPRIATION LAW 2004

A Bill for a Law to make provision that the sum of N10,399,967,600.00 (Ten Billion, Three Hundred and Ninety-nine Million, Nine Hundred and Sixty-seven

Thousand Naira) presented by the Leader (*Mr Anichukwu*) and read for the first time.

Mr Speaker: Further discussion on the Supplementary Appropriation Law 2004, will be determined by the Rules and Business Committee of the House, please.

ANNOUNCEMENT

Committee Meeting

Mr Speaker: The Chairman, House Committee on Education, Science and Technology invites members of his Committee to an important meeting scheduled for Wednesday 27th October, 2004. Time 12 noon prompt. Venue: Room 216 Enugu State House of Assembly.

Sgd.

Hon. M. Onyeze
Chairman

ADJOURNMENT

Leader: Mr Speaker, Sir, I hereby move that this honourable House do now adjourn till Thursday, 28th October, 2004 at 10a.m. Thank you, Sir.

Mr F.C. Onah (Nsukka West): Mr Speaker, Sir, I have risen to second the Motion for adjournment as moved by the Leader of the House (*Mr Anichukwu*). Thank you, Sir.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 28th October, 2004 at 10 a.m.

Adjourned accordingly at 1 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 112

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Thursday, 28th October, 2004
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us, our Votes and Proceedings, No. 33, dated Tuesday 26th October 2004. I have gone through them and I found them to be a true reflection of what happened on that day. However, I call for your comments. Thank you.

Mr M. Onyeze (Igboeze North I): Mr Speaker, I have equally gone through the Votes and Proceedings of our last sitting and found them to be correct. I, therefore, move for the adoption of the Votes and Proceedings. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, I am standing to second the Motion that our last Votes and Proceedings be adopted. Thank you.

Question put and agreed to.

Votes and Proceedings of 26th October 2004 accordingly adopted.

PRESENTATION OF A BILL
**THE ENUGU STATE WASTE
MANAGEMENT AUTHORITY
(AMENDMENT) BILL**
NO. 11, 2004

A Bill for a Law to Amend the Enugu State Waste Management Authority Law 2004; presented by the Majority Leader (*Mr Anichukwu*) and read the first time.

Mr Speaker: Honourable Colleagues, the Enugu State Waste Management Authority (Amendment) Bill No. 11, 2004, has now been read for the first time. Further discussion on this bill will be communicated to you by the Rules and Business Committee of this honourable House. Thank you and God bless.

ORDER OF THE DAY
THE ENUGU STATE OF NIGERIA
SUPPLEMENTARY
APPROPRIATION BILL
NO. 10, 2004

ORDER FOR SECOND READING READ

Leader (*Mr Anichukwu*): Thank you, Mr Speaker, I am happy to talk on this Appropriation Bill before this honourable House, because it is said that one good turn deserves another. When you look at the Bill, in government circle and appropriating, every section of the content has headings and sub-headings. The Bill was not formed ordinarily. The headings have been stated as they are required. When you look at the bill, Mr Speaker, you will see sub-head 450, 451, 453, 454A, 456A, 458A, 460A and 461A. we are just left without need for an amendment.

The areas that amendments are needed are the areas that need proper adjustment in order for the yearnings of the good people of Enugu State to be met. Mr Speaker, I will want my Colleagues to please look at the Bill closely and let us briefly go through the major areas. One of such areas is sub-head 454, which is bordering on Industry and Commerce in Enugu State. Mr Speaker, there is vigorous efforts by the Enugu State government to make sure that this State is transformed into an industrial state just like every other State in the country. Mr Speaker, there is no State government that can actually move progressively like other States without having an additional industry or re-activating the ones that are actually on the ground. So, Mr Speaker, like I was saying, based on item one, for instance the New-Haven Shopping Complex, you will agree with me that most of us are not actually happy that the rate of developmental projects have now almost come to a stop.

Actually, the Enugu State government has a very good intention to make sure that a befitting market just like the Holy Ghost market and Kenyatta market are put in place. And this honourable House will encourage every effort towards making sure that the market is completed, because it is going to be another headway towards moving Enugu State forward. Mr Speaker, there is also the Enugu State International Market which we are all aware is going on progressively at the 9th Mile Corner, all sited in Enugu.

There is no doubt that such a big project cannot be effectively executed without adequate funds. The Enugu State Cement Factory is a welcome development in this State. When the project was initiated, it was a welcome idea by everybody. The hon.

Members of this House will be doing a good job by making sure that nothing whatsoever stops the progress of that factory. And when you look at some of the Government's factories and industries, some of the industries are almost folding. If at the end of this debate, we give this Bill our blessing, it will help the Government to make up for some principal ailing industries owned by Government in this Enugu State mainly to make sure that our sons and daughters who have cast their votes for us are accommodated no matter what. Because of the limited resources everybody cannot be at Enugu. The purpose of these Government Parastatals is to see that the government goes down to all nooks and crannies of Enugu State.

Mr Speaker, the area I want us to look at is sub-head 457: Rural Electrification. Since the inception of this administration you will agree with me that Enugu State Government has been doing a lot to make sure that every village, every community and every local government in Enugu State gets democracy dividends. I believe that we are considering Executive Bill under sections one and three and my happiness is that my hon. Colleagues will bear me witness that whatever will be reasonable supplementary budget that will sustain this rural electrification we will give it accelerated consideration. I believe that this aspect of this project is considered so that at the end we shall all be grateful that we have contributed to make sure that democracy dividends have gone to every Community.

Mr Speaker, this sub-head 456A. That sub-head deals with the aspect that makes sure that every money is accounted for. I am very happy that this House by this recent development has made sure that nothing

should be done without proper accounting system. Every fund generated which belongs to the public must be properly kept. An individual cannot have the opportunity to embezzle or hijack Government money which is meant for development. We are aware that some sort of reform is going on in the Civil Service. I am happy to state that Enugu State Government appreciates the effort of DFID to make sure that every aspect of the Government is computerized to have true record of workers in this State because it is on record that the issue of ghost workers has contributed a lot to frustrate the Government effort in this State. Imagine where an individual does not attend work for one or two or three days, and at the end of the month he or she will go and collect salary. The revenue generated from reasonable source is now misappropriated to an individual who is not interested in moving the State forward.

Mr Speaker, sub-head 457: I know that every thing here has its own significance but when you talk of this Government it involves road maintenance: road network in Enugu State. I know that a lot of activities have been initiated by the Enugu State Government which actually made the yearnings of the people possible. But there is some that take precedent today over others. The Government of Enugu State has put in place road network in Enugu State. This involves the construction of roads. It is not only centred in the urban, it is spread everywhere because as I am just talking now if there is any problem that is not filled up in my own local government it is because it has not been sort out because of fund. So, there is still other new things to be adopted. Other roads are there still, other people will not want to hear that the road leading to their place is not done because in such a situation

they would ask if they are not part of the Government because if I am asked such a question I will not have an answer to give. What I am trying to say, Mr Speaker, is that Legislature is part of the Government and that is why I am proud to say that this honourable House has been making its role, because by giving this Bill our assent we have gone a long way to help the Executive to execute the road network. When you move around Enugu, Mr Speaker, you will see that it is very unfortunate. For over two, three weeks I have been able to pay visits to various places in Enugu because I have to move not that I like doing it.

We need to encourage the Government to make sure that the roads are kept in good shape so that every movement you are doing, that is, if you want to move from here to Secretariat you can do it; at least for five or ten minutes, and all things being equal, you will be expected to be there. If this amendment Bill is approved it will enable the Government to continue -from where it stopped.

Mr Speaker, the Road Project as we see it is a good point itself, so we want the Government to package a development project before welcoming it even people from far and near can still welcome it. You see, you are using the road; I am using the road, so there is still every need for us to be sure that the work is completed because as far as the Executive are taking the glory for their performance, the people who voted us in here are also watching us to know whether or not we are contributing to that. I therefore urge this House to give urgent consideration to this very important Amendment Bill.

Mr Speaker, subhead 458, is another sensitive area. This talks about Education:

education for our people because the only legacy you can leave in your generation is to give your children full education. It is in line with this that the construction of Enugu State University of Science and Technology (ESUT)'s permanent site, is going on in earnest. It is a welcome development for everybody. We are not debating the end of the year Appropriation Bill of 2004 today but we have seen the need of the Amendment Bill. We have understood the need that the permanent site should be completed and that is why I am requesting this honourable House to absolutely consider that the project be completed as scheduled. When consideration of this Bill is favourably done it will help to facilitate the job.

Mr Speaker, under the School meal Programme a lot of jobs have been started which include rehabilitation of primary schools and I learnt that the project is being spread, that is, that schools are being constructed and renovated in Enugu East Senatorial Zone; Enugu North Senatorial Zone; and Enugu West Senatorial Zone simultaneously; that is fundamental. This means that the Government is doing a lot to make sure that education takes the required attention.

Under Health, Mr Speaker, there is no doubt that the Primary Health Care is taking proper position in Enugu State coupled with the efforts the Government is currently making towards the construction of Park Lane Specialist Hospital, and I believe that some of you have been there this morning and you will agree with me that the rate of job going on there is satisfactory.

Then what I might have believed to be the major problem of this State might have

resulted from the present water supply which is making lives of our people dangerous and the State Government has envisaged in making sure that especially drinking water is affordable in the State no matter how other things are being handled in the State. And I am happy to announce that sooner or later the Oji River Water Scheme will be a thing of joy and glory to all of us.

Or are we talking of environment, this House has been contributing and even of recent, there was a Bill which was passed in this honourable House of Assembly aimed at making sure that the environment of Enugu State is put in proper shape as it used to be.

Mr Speaker, the issue of developmental need of humanity, that is, shelter, the State Government has been pursuing that aspect vigorously.

Finally, Mr Speaker, if you look around recently at this House of Assembly, you will see that there is laudable project going on. You need not think twice that this is a very important arm of government, and when you visit the House of Assembly it is supposed to be House of Assembly of the Old Eastern Region now inherited by Enugu State. So, the Executive has deemed it wise to make sure that the environment of our offices in the building will be adequately and properly refurbished and I am happy now that when you go to your offices or when somebody visits your office you will be happy.

Mr Speaker, I want to plead with my Colleagues because for now I want to rest on my seat and let them please understand the need to consider this Amendment Bill that is before this honourable House. We had already passed such a Bill here. It is not that we had not done what we were required to

do but I think the whole people of Enugu State had expressed in one way or the other their concern and appreciation that we should continue doing what we are supposed to do on this very important Amendment Bill.

Mr Speaker, on this note, I say hon. Colleagues, please, please and please, I plead that the Bill should sail through. Thank you, Mr Speaker.

Deputy Leader (Mr P. Anikwe): Mr Speaker I have risen to make contributions to the amendment of the Supplementary Budget before us. If we all realise, the Enugu State Government is in a hurry to actualize in practical terms its promises to the people of Enugu State in terms of human and economic resources. The essence of Supplementary budget is to take care of all other additional things or sub-heads not taken care of earlier and if you watch carefully the programmes of the State government, you will observe that a lot have been achieved in the appropriation Bill we passed.

This supplementary budget is to augment whatever that needs to be done taking into account on-going projects and more that are about to take off. What is left to this House is to do its own duty to assist government that is in a hurry to actualize its dreams. The Governor needed money to actualize that *being in a hurry*. The only aspect I want to talk on is sub-head 468. I believe by the time we begin to treat the Bill in detail, each hon. Member has a Constituency Office; we need to make them more functional by adding small amount of money to sub-468. We need to beef it up to enable us do our duties and assist government that is in a hurry. We are talking about the general principles of the

Supplementary budget today. So, I urge all Members to ensure the smooth passage of this Bill. The onus is on us to uplift our people by supporting the government to realise its dream. Mr Speaker Sir, I rest my case here. Thank you.

Deputy Speaker (Mr D.O. Atigwe): Mr Speaker, Sir, I have risen to contribute to this debate. The people of Enugu State will always be grateful to this administration when they look round and observe all the developmental projects being carried out by this government. The Supplementary budget is to enable government actualize its dreams by completing most of its projects that fund could not go round. We need to encourage the Governor in his good works by giving this budget accelerated passage. Mr Speaker, like I said earlier, the Budget is for the people as the people is for the Budget. The Governor is only asking for N432.35m additionally. So I urge my Colleagues to support the supplementary budget by passing it.

Leader (Mr Anichukwu): Mr Speaker, Information! May I at this point inform the distinguished Deputy Speaker (Mr Atigwe) that the supplementary budget is about N10,399,967,000 and not N432.35m. Thank you.

Mr Speaker: I do not know who is right and who is wrong. I am just telling you what is in the Governor's request. If you look at the Governor's letter, His Excellency, the Governor of Enugu State in his usual principle to better the life of the people of Enugu State through giving them democracy dividends, he requested for a Supplementary Appropriation for 2004. So please the Deputy Speaker (Mr Atigwe) can now go on.

Deputy Speaker: Thank you, Mr Speaker. As I have gone through the expenditures of this government, it is very encouraging. So, Mr Speaker, if the sum is approved, the future of the projects in Enugu State will be better. I will say that it could be called Pork Barrel Budget. It involves all of us and mostly those people in the Constituencies that we are representing. With these my pin-pointed points, I am begging that from Nos 450 – 468 be approved accordingly. Thank you, Sir.

Leader (Mr J.N. Anichukwu): Mr Speaker, Sir, may I at this point move that further debates on the Supplementary Appropriation Law 2004 under consideration be deferred to a later date to be determined by the Rules and Business Committee of the House. Thank you, Sir.

Deputy Leader (Mr P. Anikwe): Thank you, Mr Speaker, Sir, I have risen to second the Motion as moved by the Leader of the House.

Question put and agreed to.

ANNOUNCEMENT

Meeting

Mr Speaker: Honourable Colleagues, we are going to meet in my office at the rising of the House. Thank you.

ADJOURNMENT

Leader: Mr Speaker, Sir, may I move that this honourable House do not adjourn till Tuesday, 2nd November, 2004, at 10 a.m. Thank you.

Mrs E. Ogbu (Udenu): Mr Speaker, Sir, I have risen to second the Motion as moved by the Leader of the House (Mr Anichukwu).

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 2nd November, 2004 at 10 a.m.

Adjourned accordingly at 2.15 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 113

Tuesday
2nd November, 2004

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA*Tuesday, 2nd November, 2004**(The House met at 10 a.m.)*

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, before this honourable House are our Votes and Proceedings No. 34, dated Thursday, 28th October, 2004. I have gone through them, and found them to be correct. However, I call for your comments. Thank you.

Mr E. Maduabu (Awgu South): I have as well gone through the Votes and Proceedings of our last sitting of 28th October, 2004 and found them to be accurate. Therefore, I move for the adoption. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, I have risen to second the Motion as moved by the hon. Member for Awgu South (*Mr Maduabu*).

*Question put and agreed to.**Votes and Proceedings of Thursday 28th October, 2004 accordingly adopted.*

ORDER OF THE DAY

The Enugu State of Nigeria
Supplementary Appropriation Bill,
No. 10 2004

A Bill for a Law to make provision of the sum of Ten Billion and Three Hundred and Ninety-Nine Million, Nine Hundred and Sixty-Seven Thousand Naira as Revised Capital Expenditure to the services of Enugu State of Nigeria for the year ending Thirty First December, 2004 and for other related purposes.

*Adjourned Debate on second Reading
(28/10/2004)*

Mr Speaker: Honourable Colleagues, you will recall that during our last sitting, the debate came up and was deferred to a later date to be determined by the Rules and Business Committee of this honourable House. Before then, most of the hon. Members made their contributions. At this juncture, the Floor is open for contributions to the debate. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, I have risen to make a few comments about the Supplementary Budget 2004. Mr Speaker, we are all aware that both life and things of the earth are dynamic and therefore, the essence of the supplementary budget is to take care of any change or changes that must have emanated as a result of any change in the things of life. I am strongly standing to make a case that the Supplementary Budget be passed. Mr Speaker, His Excellency the Executive Governor of Enugu State Dr. Chimaroke Nnamani has successfully applied the provisional budget.

Therefore, there is no doubt that he will do the same with the Supplementary Budget. On the strength of the changes in life and the fact that the provisional budget was well applied, I plead with this honourable House to please, pass without further delay, this supplementary budget. Thank you.

Mr E. Maduabu (Awgu South): I have risen to make contributions on this Supplementary Appropriation Bill now before this House. There is no gain-saying the fact that we need this Supplementary Appropriation Bill. If we consider the projects before the State Government, we will see that there is need for an increment in the capital vote.

We have the ESUT permanent site where work is going on continuously. We still need Awgu-Ndiabor Road, Nenwe-Odume-Mpu-Okpanku Road. All these projects involve money, and now that some of these projects are going on, like the conference centre, which all of us are seeing, definitely, there will be capital increase so that all these things will be carried out. One cannot do a project that is as large as these ones without money. If the budget is talking about an increment or addition to the money which the government will use for the projects, there is every need for the House to support that move, because, according to the last speaker, the one that has been voted was very well used by the executor. The Rural Electrification is there, which needs now to be augmented, road projects, agricultural sector, health sector and all these things cannot be done without money.

I am very much advocating and urging my hon. Members to see that we pass the Supplementary Appropriation Bill now before us. Thank you, Mr Speaker.

Mr M. Onyeze (Igboeze North I): Mr Speaker, I have risen to join my Colleagues in calling on the rest of our Colleagues to pass this Supplementary Budget. A labourer that does more jobs needs more implements and the machine that does more work deserves more lubricants. We are all aware of the development projects that are going on in this very State.

The education sector, from primary to tertiary level has received the greatest boost under the leadership of His Excellency the Governor of Enugu State. School Meal Programme is going on and there are efforts to give meals to all the children in the primary schools. We know that this is the first State in the federal to introduce such a programme, and it is the intention of the government to expand it further.

My Colleagues have already talked about what is going on in the tertiary institutions. ESUT was established more than two decades ago, but no governor, civilian or military has ever attempted to put up a block of building for ESUT. This is the first time they are seeing it and particularly this year.

We also know the need to have our own Teaching Hospital. We know the difficulties we are encountering to get our children gain admission to the Faculty of Medicine in Nigerian Universities. By the time our own Teaching Hospital is through, which I am sure will be before the end of this year, our children will be reading here and graduating as Medical Doctors. So the governor has been doing a lot in the area of education and this type of job deserves more money.

We are also aware of rural development projects that are going on in all parts of the

State. My own rural community is one of the communities that have gained from rural water scheme and I hope that by giving the Governor more money to work, other communities will get too. If you look at rural electrification which many communities have benefited, it has a lot of advantages. The migration to the urban communities will reduce as soon as more communities get rural electrification because technicians can settle in the rural communities and do their job.

We also see our State as a State that is taking the lead in poverty reduction programme. It is a well-known fact that the Governor of the Enugu State has initiated programmes in the rural areas for poverty reduction that has attracted international Bodies like DFID and others; we are all living witnesses to these programmes. So, to enable the Governor to continue with his good works, we need to give him more money so that before the end of this year some of these projects might have been completed for the benefit of our people, both those in the rural communities and urban centers. With this, Mr Speaker, I move that the Question be now put so that we now pass this Supplementary Budget. Thank you, Mr Speaker.

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

Main Question put and agreed to.

Bill accordingly read a second time.

Mr Speaker: Honourable Colleagues, the Enugu State Supplementary Appropriation Bill No. 10, 2004, has now sailed through the Second stage. I wish to express my happiness to all of you for your

co-operation to ensure speedy passage of this Bill. You are aware that there is every need to give this Supplementary Appropriation Bill a quick passage because in a very short time you will have 2005 Appropriation Bill.

So, I thank all of you for your contributions: both my hon. Colleagues, the Clerks-At-Table, and all those who contributed to the success of this Bill I do hope that the passage of this Bill will inject more fund to the system as well as giving the Governor or the State Government the opportunity to move Enugu State forward. Thank you, and God bless you.

**THE ENUGU STATE OF NIGERIA
SUPPLEMENTARY APPROPRIATION
BILL, 2004**

**(Considered in Committee of the Whole
House)**

The Chairman: Honourable Colleagues, at this juncture, let us suspend the Title and Date of Commencement and move to Citation.

Clause 1 – (CITATION) – *Ordered to stand part of the Bill.*

Clause 2 – (EXPENDITURE OF N10,399,967.00 OUT OF CAPITAL DEVELOPMENT FUND) – *Ordered to stand part of the Bill.*

Clause 3 – (APPROPRIATION OF N10,399,976.000) – *Ordered to stand part of the Bill.*

Deputy Leader (Mr Anikwe): Mr Chairman, you will recall that when we opened debate on the Supplementary Appropriation Bill that I moved a Motion

that Head 468 should be improved upon to enable hon. Members actualize their constitutional constituency offices. I still encourage my Colleagues to see the need for additional fund, no matter how little, to enable hon. Members actualize additional provisions of their constituency offices.

The Chairman: The view of the Deputy Leader is well noted but I suggest that when we must have come to page two, then we can agree to add or subtract any amount there.

Head 450 – (AGRICULTURE (CROPS))
– *Ordered to stand part of the Bill.*

Head 451 – 456a – *Ordered to stand part of the Bill.*

Head 457 – 463 – *Ordered to stand part of the Bill.*

Head 464 – 467 – *Ordered to stand part of the Bill.*

Head 468 – (LEGISLATURE) –

Deputy Leader: Thank you, Mr Chairman. We have twenty four constituency offices and to actually actualize the efficacy of these offices, we may request that additional *twelve million Naira* be put in, so that even if it means each office having a minimum of N5M, it can still go a long way. So I am suggesting that *N12M* be put in to now read *N43M*. Thank you.

The Chairman: You have to move it as a Motion so that someone can second it.

Deputy Leader: Thank you, Mr Chairman. May I move that additional *twelve million Naira* be put under *sub-head*

468 to enable hon. Colleagues put into effect and functional, their existing constituency offices to now read *N43M* instead of *N31M*. Thank you.

Chief Whip (Mr Odo): Mr Chairman, I second the Motion as moved accordingly.

Question put and agreed to.

Head 468 – (LEGISLATURE) – *as amended, ordered to stand part of the Bill.*

TITLE – *as amended, agreed to.*

DATE OF COMMENCEMENT: 2/11/04

ENACTMENT – *agreed to*

(Mr Speaker resumed the Chair)

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move that the Supplementary Appropriation Law 2004, as amended be now read the Third time.

Bill accordingly read the Third time and passed.

Mr Speaker: Honourable Colleagues, the Supplementary Appropriation Bill 2004 as amended has now been read the Third time. I wish to express my happiness to all the hon. Members for their wisdom and most appropriate contributions and positive passage of this Supplementary Appropriation Bill 2004. I also wish to express my appreciation to the Clerks-at-Table, and all other staff that contributed in no small way to the speedy passage of this Supplementary Appropriation Bill 2004 as amended. I continue to pray that the Almighty God will continue to bless you all. Thank you.

ANNOUNCEMENT**Meeting**

Mr Speaker: There will be a meeting of the House Committee on Environmental and Petroleum Resources as follows: -

Date: 3rd November, 2004, Time 12 noon prompt.

Venue: Room 214 Enugu State House of Assembly Complex, Enugu. Signed by hon. Johnny C. Obidinma, Chairman of the Committee.

Discussion

I humbly wish to request that on the rising of the House all the hon. Members should converge for brief discussion in my office (Room 112). Thank you.

ADJOURNMENT

Leader: Mr Speaker Sir, may I move that this honourable House do now adjourn till Thursday, 4th November, 2004 at 10 a.m. Thank you, Sir.

Deputy Leader (Mr Anikwe): Thank you Mr Speaker Sir, I have risen to second the Motion for adjournment as moved by the Leader. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 4th November, 2004, at 10 a.m.

Adjourned accordingly at 12.12 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 115

Tuesday
16th November, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA*Tuesday, 16th November, 2004**The House met at 10 a.m.***PRAYERS**

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings, No. 36 I have gone through them and found them to be correct, however, I wish to formally call for your comments. Thank you.

Mr F. Amu (Nsukka East): I have equally gone through our Votes Proceedings and found them to be correct. I therefore move for their adoption.

Leader (*Mr Anichukwu*): I have risen to second the Motion.

*Question put and agreed to.**Votes and Proceedings accordingly adopted.***MESSAGE FROM HIS EXCELLENCY,
THE EXECUTIVE GOVERNOR OF
ENUGU STATE, DR C. NNAMANI****Office of the Secretary to the State
Government***Telephone: 042-454357**Government House,
Abuja Building,
Enugu.**November 8, 2004**Our Ref: ENS/SSG/M.26/II/555**The Honourable Speaker,
Enugu State House of Assembly,
Independence Layout,
Enugu.**Sir,***RE: COMMISSIONER DESIGNATE***May I send the following names who have been appointed Commissioners designates by His Excellency, Dr Chimaroke Nnamani, Governor of Enugu State for your consideration and approval, please.*

1. *Mr Ossy Ugwuoti*
2. *Barr. Peter Mbah*

*Accept Sir, the assurances of His Excellency's regard and esteem for the Honourable House.**Dr Dan Shere
Secretary to the State Government***Leader:** May I move that the Message from His Excellency the Executive Governor

of Enugu State be accepted for immediate consideration by this House.

Mr D. Ani (Enugu South I): I have risen to second the Motion.

Question put and agreed to.

Leader: May I move that this House do resolve itself into a Committee of the Whole House for the screening of the Commissioners-Designate as submitted by the Governor of Enugu State.

Mr F. Amu (Nsukka East): I rise to second the Motion.

Question put and agreed to.

**Interview of Commissioners-Designate –
CONSIDERED IN THE COMMITTEE
OF THE WHOLE HOUSE**

The Chairman: Honourable Colleagues, now that we are in the Committee of the Whole House, we can go straight to item 4 in the Order Paper, that is, the interview of the Commissioners Designate, starting with Mr Ossy Ugwuoti. As they come in, you ask them questions. They are all in Government. Let us ask them questions as they come. The Sergeant-at-Arms should call in Mr Ossy Ugwuoti to the Chamber.

Thereupon Mr Ugwuoti was ushered into the Chamber

The Chamber: Honourable Colleagues, before you is Mr Ossy Ugwuoti who was recently appointed by His Excellency for Commissionership in Enugu State. Today, he is before this honourable House for screening and possible confirmation.

Mr M. Onyeze (Igbo-Eze North I): I have only one question for the Commissioner Designate. You are Public Relations Officer, since you are an image maker, you are aware of a political class called Ebeano, what ways have you used to promote the Ebeano family as an image maker.

Mr Ossy Ugwuoti (*Commissioner Designate*): Mr Chairman, Sir, hon. Members of the Enugu State House of Assembly, before now I was the Chief Public Relations Officer (PRO) of the Enugu State University of Science and Technology (ESUT), Enugu. During my period in Enugu State University of Science and Technology as the PRO, I carried out a system with the Chairman of the House Committee on Education of this honourable House of Assembly, whereby Members of this honourable House would collate their student candidates for admission through the hon. Chairman of the House Committee on Education, for presentation to the Vice-Chancellor for admission. I was the person who made that possible, and I think with that at least I have been able to contribute my own quota towards the advancement of 'Ebe-Ano' axis. That is in addition to other personalities and politicians in the State. Thank you very much.

Mr J.U. Onoh (Enugu North): Mr Chairman, Sir, my question to Mr Ugwuoti is, considering his professional endeavour, what can he tell this House about the independence of the media houses in the country and what would have been his contribution or what would now be his contribution to improve then ineffective media network in the country.

Mr Ugwuoti: Mr Chairman, Sir, we are in a developing economy, and in a developing economy developmental journalism should be our aim. But there is a conflict between that

concept of developmental journalism and the survival instinct of the media houses, and that is economic motive. The desire to survive and the concept of developmental journalism are in conflict. That is one area I have always spoken at, that the media houses in a bid to survive have tried to relegate developmental aspect of the journalism practice to the background, and so what one finds in most Nigerian Newspapers and media houses are usually informed by what will facilitate the circulation of such a Newspaper. This is a very clear problem and if one looks at the issue very critically, there is just nothing one can do to blame the media houses, because they have to survive, and to give Government subventions to most of these media houses is now a problem. Thank you.

Mr C.O. Enebe (Awgu North): Mr Chairman, Sir, Mr Ugwuoti I have few questions for you. During the time you were in Enugu State University of Science and Technology, you were a full-time staff and you are going to draw pension there. Now that you are in the political angle, how are you going to marry the two, have you resigned your appointment there, or are you on secondment?

Mr Ugwuoti: Mr Chairman, Sir, I think primarily, my being a Commissioner is essentially to serve the State in a higher capacity and the usual thing is that when one is given such a position he asks for leave of absence to enable him serve his State at a higher level. After he must have served at a higher level satisfactorily, he has in mind that he still has a place to go back.

Mr Enebe: Mr Ugwuoti, what you have told us is what it is supposed to be. We are talking about yourself. Are you going to place yourself on secondment or what, so

that you will not have any problem when you go back to ESUT after you have served out as a Commissioner?

Mr Ugwuoti: Mr Chairman, Sir, I will be a Commissioner who has applied for leave of absence from Enugu State University of Science and Technology.

Mr F.E. Amu (Nsukka East): Mr Chairman, Sir, the Commissioner-Designate has answered most of the questions intelligently and constructively. In view of that, Mr Chairman, I move that he takes a bow and leaves the Chamber.

Mr Onoh: Mr Chairman, Sir, I rise to second that Motion as moved by the hon. Member for Nsukka East (*Mr Amu*).

Question put and agreed to:

Mr Ugwuoti, Commissioner designate, accordingly took a bow and left the Chambers while Barr. Mbah was ushered in.

The Chairman: Honourable Colleagues, Barrister Peter Mbah was appointed as a Commissioner and today, 16th day of November, 2004 he is here for an interview and possible confirmation of his appointment as a Commissioner of Enugu State Government. Right now he is in the Chamber to entertain your questions. Thank you very much.

Mr M. Onyeze (Igbo-Eze North I): Mr Chairman, Sir. I have one question that requires two answers. As the former Chief of Staff, you were like a pendulum swinging between the people and the Government. If you are writing your biography as the former Chief of Staff what would you include as your most impressive moments and which are the things the public experiences you will

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Mr Chairman, may I move that the gentleman, Mr Mbah, standing before us takes a bow and leaves the House. Thank you.

Mr G.O. Chukwuegbo (Enugu South II): Mr Chairman, may I second the Motion as moved by the Hon. Member for Enugu North (*Mr Onoh*).

Question put and agreed to.

Mr Mbah accordingly took a bow and left the Chamber.

Mr Speaker resumed the Chair

Mr Speaker: Honourable Colleagues, the Interview has been conducted. At this juncture, I am expecting your comments and response on these two gentlemen.

Mr J.C. Obidinma (Oji River): Thank you Mr Speaker, as a member of this great Parliament, I am of the view that they passed this Interview on the following: -

- (i) They have the intellectual ability to give to Enugu State;
- (ii) They have the intellectual communications;
- (iii) They are also willing to serve as Commissioners in this State.

May I on this note ask the House to clear their appointments. Thank you, Sir.

Leader: Mr Speaker, Sir, I believe that Barr. Peter Mbah is very respectful and had answered all the questions from the hon. Members. In addition, he has maintained good relationship with Members of this Parliament. When he was the Chief of Staff to the Governor, he was part and parcel of this administration. I request that this

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honourable House do confirm his appointment as a Commissioner in Enugu State Government.

Mr Speaker, Sir, Mr Ossy Ugwuoti as if he knew that he will one day appear before this Parliament endeavoured to maintain good records while at the Enugu State University of Science and Technology (ESUT). He also maintained good relations with the Assembly by giving them all the respect, and he was humble. Not only that he contributed immensely in streamlining the relationship between the ESUT Community and government of Enugu State. So, to my mind, Mr Speaker Sir, I believe that this honourable House do accept the nominations by the Executive by confirming their appointments as Commissioners in Enugu State Government. Thank you.

Mr C. O. Enebe (Awgu North): Mr Speaker, Sir, I request that their names be confirmed for appointment as Commissioners. If not for anything else, because of their youthful age. They still have what it takes to serve the state at the highest level. I believe that with their academic background and having served at various capacities before this appointment, they are in tune with the policies and programmes of this government. They are no new comers in the internal affairs of this government. If we confirm them, we will only be doing justice to the requests and more so they are willing and capable of delivering at their duty posts when they are eventually posted. I, therefore move that their appointments be confirmed and that the Question be now put. Thank you, Sir.

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

Main Question put and agreed to.

Resolved: That the following: -

- (1) Mr Ossy Ugwuoti
- (2) Barr. Peter Mbah

Today, 16th November, 2004 be confirmed by the Enugu State House of Assembly as Commissioners in Enugu State Government.

ANNOUNCEMENT

Appreciation

Mr Speaker: This letter is from the Clerk of the House to all the hon. Members and staff of Enugu State House of Assembly. *Letter of appreciation. On behalf of the entire Udeh's family I write to express to you all our profound gratitude for the honour done to us by your highly esteemed presence during the burial of our Father-in-Law at Nara, on Friday 5th November, 2004. We pray that the Almighty God rewards your efforts abundantly. Warmest regards.*

Udeh, Herbert E.
Perm. Sec / Clerk of the House

Discussion

Mr Speaker: Honourable Colleagues, on Friday, 19th November, 2004, one of us hon. Barr. E. Odo, will be burying his late father. In view of this development, we shall retire to my office on the rising of the House to discuss on one or two issues.

Summit

Please, the House will sit on Thursday 18th November, 2004 because we have Houses of Assembly summit at Port Harcourt on Tuesday 23rd November, 2004 next week.

So Tuesday, next week to Thursday, we might not be able to sit. This means that Tuesday, Wednesday, and Thursday next week the House will not sit. The Summit demands that Enugu State House of Assembly should send 10 hon. Members. I have already requested the Deputy Speaker to give me 3 names from his zone, Leader to give me 3 names from his zone. I need 9 names from the Enugu State House of Assembly. I do not know how best you can nominate these names. I will then send the names to them informing them that these are hon. Members from the Enugu State House of Assembly.

An hon. Member: Does that include the hon. Speaker or what?

Mr Speaker: Yes!

ADJOURNMENT

Leader: Mr Speaker, Sir, may I move that this honourable House do now adjourn till Thursday 18th November, 2004 at 10 a.m. Thank you Sir.

Deputy Speaker (Mr. Atigwe): Thank you, Mr Speaker Sir. I beg to second the Motion for adjournment as moved by the Leader.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 18th November, 2004 at 10 a.m.

Adjourned accordingly at 12.07 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 116

Thursday
18th November, 2004

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No proofs of Daily Reports can be supplied. Corrections, which Members suggest for Board Volume, should be clearly marked in the Daily Report, but not telephoned, and a copy containing the corrections must be received at the Editor's Room, House of Assembly

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA*Thursday, 18th November, 2004**The House met at 10 a.m.***PRAYERS**

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before us are our Votes and Proceedings No. 37 dated Tuesday, 16th November 2004. I have gone through them and found them to be correct. However, I call for your comments. Thank you.

Mr F. Onah (Nsukka West): I have equally gone through the Votes and Proceedings of our last sitting and found them to be correct. On that note, I move a Motion that the Votes and Proceedings be adopted. Thank you.

Mr E. Maduabu (Awgu South): I have risen to second the Motion.

*Question put and agreed to**Votes and Proceedings of Tuesday, 16th November, 2004 accordingly adopted.***ANNOUNCEMENT****Visitors**

Mr Speaker: Honourable Colleagues, if you look at the Gallery you will see some leaders of tomorrow. They are students of a government approved school here in Enugu. They requested formally to come and watch

our proceedings today. I asked them to come. As you can see, today we do not have much. Any other day we have serious debate, they can come. So I sincerely welcome them to the main Chamber of Enugu State House of Assembly.

Happiness

I also wish to express my happiness and appreciation for a well deserved victory this morning by the court for upholding the election of Dr Chimaroke Nnamani as the Governor of Enugu State.

Summit

Again, the Summit of State Legislatures will take place in Port-Harcourt. Those of us that will be attending should make available their names to me for transmission to Port Harcourt. Those from Enugu West Senatorial Zone should submit their names to me. Also we will meet in my office on the rising of the House. Thank you.

ADJOURNMENT

Leader: Mr Speaker, Sir, may I move that this honourable House do now adjourn till Tuesday 23rd November, 2004, 10a.m.

Mr C. Ugwu (Enugu East): I rise to second the Motion.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Tuesday, 23rd November, 2004 at 10a.m.

Adjourned accordingly at 11.37a.m.



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ENUGU STATE OF NIGERIA
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ENUGU STATE HOUSE OF ASSEMBLY

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Thursday, 4th November, 2004
(The House met at 10 a.m.)

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have our Votes and Proceedings No. 35, dated Tuesday, 2nd November, 2004. I have gone through them and found them to be correct, however, I call for your comments.

Mrs C. Eneh (Udi South): Thank you, Mr Speaker, I have equally gone through the Votes and Proceedings of our last sitting and to the best of my knowledge, it is a true reflection of what happened that day. Therefore, I move for the adoption of the Votes and Proceedings.

Mrs E. Nnamani (Isiuzo): Mr Speaker, I have risen to second the Motion as moved by the hon. Member for Udi South (*Mrs Eneh*), for the adoption of the Votes and Proceedings.

Question put and agreed to.

Votes and Proceedings of Tuesday, 2nd November 2004 accordingly adopted.

ANNOUNCEMENT

Committee Meeting

Mr Speaker: The House Committee on Local Government will meet on Monday, 8th November 2004 by 11.00 a.m. at Room 110, the Chairman's Office.

ADJOURNMENT

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I move that this honourable House do now adjourn till Tuesday, the 9th day of November 2004 by 10 a.m. Thank you.

Mr A. Chigbo (Uzouwani): Mr Speaker, my respected Colleagues of Enugu State House of Assembly, in seconding the Motion for adjournment as moved by the Leader of this great parliament, I sincerely want to bring to the notice of my distinguished Members, the sudden death of our Colleague in Ebonyi State, Honourable Engr. B. Obasi.

I sincerely wish to sympathise with the government and people of Ebonyi State, more especially our Colleagues in that State.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 9th November, 2004 at 10 a.m.

Adjourned accordingly at 1 p.m.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA*Thursday, 23rd November, 2004**The House met at 10 a.m.*

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, before us are our Votes and Proceedings No. 38, Thursday, 18th November, 2004. I have gone through them; and found them to be correct. However, I call for your comments.

Leader (Mr Anichukwu): Thank you, Mr Speaker. I have equally gone through the Votes and Proceedings of Thursday 18th November, 2004 and found them to be correct. I therefore move for their adoption.

Mr F. Onah (Nsukka West): Mr Speaker, I have risen to second the Motion moved by the Leader (Mr Anichukwu). Thank you.

*Question put and agreed to.**Votes and Proceedings of Thursday 18th November 2004 accordingly adopted.*MOTION ON MATTER OF URGENT
PUBLIC IMPORTANCE**Immediate Rehabilitation of the Ninth-Mile-Nsukka (Opi) Obollo-Afor Road**

Mr M. Onyeze (Igboeze North I): Mr Speaker, may I seek the leave of the honourable House in line with Rule No. 25 to enable me present a Matter of Urgent Public Importance.

Deputy Leader (Mr Anikwe): Thank you, Mr Speaker, I have risen to second the Motion as moved by the hon. Member for Igboeze North I (Mr Onyeze).

Question put and agreed to.

Mr M. Onyeze (Igboeze North I): Mr Speaker, may I move a Motion standing in my name: That this honourable House conveys a Resolution to the Federal Road Maintenance Agency (FERMA), urging the Minister to commence immediate rehabilitation of the Ninth-Mile-Nsukka (Opi) Obollo Afor Road.

Deputy Leader (Mr Anikwe): Mr Speaker, I have equally risen to second the Motion as moved by the hon. Member for Igboeze North I (Mr Onyeze).

Mr M. Onyeze: Mr Speaker, Sir, the Ninth-Mile-Nsukka (Opi) Obollo Afor Road is a Federal Highway which spans about sixty-five kilometers. The road has grown to be very important for the following reasons:

- a) Thousands of indigenes of Enugu State especially those from Enugu North Senatorial Zone ply the road daily for administrative

the road daily for administrative matters in the State Capital, economic transactions with outside world, and or other social engagements.

- (b) The University of Nigeria Nsukka (UNN) has the main campus at Nsukka while the second campus and the University Teaching Hospital are both located at Enugu. Thousands of both the Staff and students of the University are compelled by circumstances to ply the road daily. Moreover, the first autonomous University in the country has been playing host to very important dignitaries both from within and outside the country who are also compelled to pass through the Ninth-Mile Nsukka (Opi) – Obollo-Afor Road.
- (c) The Ninth-Mile-Nsukka (Opi) Obollo-Afor Road is also a very busy commercial road which serves traders and administrators from both the Southern and Northern States of the country. As a matter of fact, more than 80% of the entire people from the South Eastern Zone of the country who travel to the Federal Capital Territory Abuja pass through the road. There is no other Federal Road in the entire South East Zone that serves as many states and the people as the Ninth-Mile-Nsukka/Opi-Obollo-Afor Road. In the same vein, thousands of traders and government officials from the

Federal Capital and other Northern States use the road as a gateway to the Southern States.

Mr Speaker, Sir, it is pertinent that despite the strategic nature of the Ninth-Mile-Nsukka/Opi-Obollo-Afor Road, the road is gradually turning into a death trap due to its deplorable condition. It has gone so bad that one can hardly cover any two kilometers on the road without experiencing a dangerous pothole. The result is that accidents occur daily on the road which are caused by meandering vehicles which unavoidably get on head-on collision with each other. At other times vehicles on speed somersault on their own after hitting the potholes.

Mr Speaker, Sir, if nothing urgent is done on the road, there is no doubt that with the Christmas season fast approaching, there will be multiple accidents and many casualties on the road as the traffic will definitely be very heavy because of the number of vehicles traveling between the Northern and Southern States of the country.

Mr Speaker, Sir, it will be very unfair to conclude this Motion without recounting and appreciating the tireless efforts of the Federal Minister of Works Senator Adeseye Ogunlewe and the Federal Road Maintenance Agency (FERMA) in Road Rehabilitation throughout the country.

We were all very familiar with the gullies along the Benin-Lagos Road especially at Ore, Ondo State and the neighbouring towns, the dangerous Lokoja-Abuja potholes and the deplorable condition of the Enugu-Abakaliki Road to mention but a few Federal Highways that have had a facelift following the dogged determination of the Federal

Minister of Works and the Federal Road Maintenance Agency (FERMA): The efforts of the Minister can be counted on the number of lives saved from avoidable accidents, man hours saved as it now takes less time and less energy to go through the roads. The improvement on our roads also affects the life span of our vehicles and by extension huge savings for all transport owners and users. Mr Speaker, Sir, with all these benefits, I feel the hon. Federal Minister of Works, Distinguished Senator Adeseye Ogunlewe, and the Federal Road Maintenance Agency (FERMA) deserve the commendation and gratitude of all well meaning Nigerians including the hon. Members of this great Parliament.

Prayers:

Mr Speaker, Sir, in the light of the foregoing exposition, may I therefore make the following prayers that rightly emanate from the dual objectives of this Motion:

- (i) That this honourable House urges the Federal Ministry of Works and the Federal Road Maintenance Agency (FERMA) to embark on immediate Rehabilitation of the Ninth-Mile-Nsukka/Opi-Obollo-Afor Road spanning about sixty-five kilometers because of the strategic role of the road in the economic, social and political lives of the people of the South East Zone, and the entire nation.
- (ii) That this honourable House urge the Federal Ministry of works to consider urgently the dualization of the Ninth-Mile-Nsukka / Opi-Obollo Afor Road as a

permanent solution to the heavy traffic on the road.

- (iii) That this honourable House resolves to send a commendation message to the hon. Federal Minister of Works, Senator Adeseye Ogunlewe and the Federal Road Maintenance Agency (FERMA) for their tireless efforts in the Rehabilitation of the Federal Highways in the country.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have risen to contribute to this all-important Motion of urgent Public Importance. If we had listened carefully this morning over our radio, we come to appreciate the statement from the Minister of Works, Pro. Ogunlewe, when the Budget Defence 2005 was before the National Assembly; he suggested clearly that the Federal Roads Maintenance will now be grouped under zones, that is, the six geographical zones of the Federation.

The point he made which was very much accepted was for the fact that this morning the money meant for these Federal Roads Maintenance could evenly and equally be distributed to these six geographical zones, instead of congesting most of its jobs to a particular zone. Mr Speaker, you will recall that in actual sense, if you watch out the number of the Federal Roads that will be rehabilitated, the South-East in particular has a very low percentage of these roads that are already being rehabilitated or being maintained. The greater percentage of the Roads, you will recall, can only be seen either in the West or in the North. And then the major link-road between the South and particularly the South-East and South-South

and other parts of the country is this all-important Ninth-Mile-Nsukka/Opi Obollo-Afor Road. The essence of our being here is to be alive to our responsibilities especially this new time.

Mr Speaker, the Motion is primarily seeking this House to convey a resolution to the Federal Minister that in the South-East entirely, the only major link road between South-East and the North and even the South-East and South-South is the Ninth-Mile-Nsukka/Opi Obollo-Afor Road. Nobody will come to say *no* to the issue as that major road has gone very far in terms of deterioration. You cannot move even a kilometer without dodging a big pothole on the road. All of us witnessed it last time when we accompanied His Excellency to Abuja. I will recall that most of us have vowed even not try to go with their vehicles any more on that particular road because of the nature of the road: the economic wastage, and other things associated with it. The life span of the vehicles and the finances for maintenance will even be worsened by that particular road.

The Motion, like I said initially is primarily asking this honourable House to now convey the urgent need to rehabilitate the road. It is a matter of urgent public importance because our people will soon move down for Christmas Celebrations and after moving down they will also move up after the occasion. The Ninth-Mile-Nsukka/Opi-Nsukka Road has been a very busy road; a lot of traffics including the heavy lorries ply there. The most important thing actually is the dual purpose of the Motion as concerns the dualization of the road. You will recall, Mr Speaker, that there have been clarion calls by this honourable House for the dualization of that particular

road. There was a time one of us came up with a Motion on the need for the dualization of this particular road. I believe that the dualization of this particular road is the only panacea to the permanent damage already done on the road because it will give another life not only to the road but to the inhabitants. You will recall that within six months in the life-span of Enugu State Government the Government was able to transform the powdered road of Opi into a better road today. And then now we are talking of Ninth-Mile-Nsukka/Opi Obollo-Afor Road.

That is why we bracketed *Opi*, because we have to mention Obollo-Afor. It is not powdered but it is being destroyed by deepened gullies, etc.

Mr Speaker, we may not say that the Motion is calling for immediate commendation, but we believe actually that whatever is good is equally worthy to be appreciated.

The Federal Minister has done a good work; he initiated the abolition of what they called the Toll-Gate and every other thing; and he was able to divert funds to road maintenance. If one goes to Lagos today, nobody will tell one that Federal Road Maintenance Agency (FERMA) is in operation. We want to feel it. The only little effort one can say is this little work on the Onitsha-Enugu Express way they are trying to patch; but if one goes Abakaliki express way now, a lot of work is being done there.

It will be a negation of importance if all these sideway roads are being constructed, leaving the central road behind, and that central road is the 9th Mile-Opi-Nsukka-Obollo-Afor Road.

Mr Speaker, it is on this note that I call on our hon. Colleagues to give this Motion due passage because it will go a long way to checkmating a lot of hardship and accident that may face our people this Christmas period. I believe that with the attention of the Minister being drawn, he (the Minister) as I know him, will come and arrest the situation and the good people of Enugu State will be saved the embarrassment of losing their lives and property. Mr Speaker, I beg to rest my case. Thank you.

Mr C.O. Enebe (Awgu North): Mr Speaker, I have risen to contribute to this important Motion. When I was listening to the Sponsors of the Motion, I was considering whether this matter should really be of urgent public importance considering the nature of what we are addressing in this matter.

I am aware that if this Motion had gone through, probably, the Committee appraisal, there would have been need to incorporate all the Federal roads in Enugu so that we do not pass Motion on roads one after the other. Moreover, nobody is sure that before the end of Christmas that the people will attend to the road considering the time-limit and the rate of the movement of equipment to that place. But be that as it may, and for the fact that this road is in Enugu, and I feel that we need this road, we are constrained to support this Motion so that after that we will be able to call up other roads.

Mr Speaker, I would not waste our time going into the importance of Opi, Nsukka-Obollo-Afor road because the Sponsors and others have really talked a lot about the importance of this road. All I want to say is that there is the need to see how we can ask

them to incorporate this road in the next year's budget. We have seen that it is not in the budget; so to dualize it may not be possible; but to maintain it may be possible because the Federal Road Maintenance Agency (FERMA) has their own budget. That is one.

Secondly, Federal Road Maintenance Agency is a subsidiary of the Federal Ministry of Works. So by the time we ask the Federal Ministry of Works and Federal Road Maintenance Agency at the same level, it would appear as if we are giving them the same level of importance. What I think we should do in *prayer one* is to urge the Federal Ministry of Works to direct FERMA, because FERMA is under them, to come and do this road within this Christmas period. If we are able to capture the work before the Christmas they will know that really we want the job done very soon.

I want to urge my Colleagues to support this Motion. We do not need to over-labour ourselves. We have to pass the Motion so that at the end of the day, the road will be motorable. Thank you very much.

Mr Speaker: Honourable Colleagues, there are some vital issues raised by the hon. Member for Awgu North (*Mr Enebe*) now. One, is that he said that we should be specific in the sense that we should urge the Federal Ministry of Works to direct Federal Road Maintenance Agency (FERMA) to handle the road before Christmas. I believe that the purpose of this Motion, apart from the dualization of the road, is to ensure that there is a smooth drive on the road within this Christmas period. So, I believe that we should find a way of incorporating that reason into this prayer one.

Mr Enebe: My Speaker, I think, I should propose that prayer one should read as follows: *That this honourable House urges the Federal Ministry of Works to direct FERMA to embark on the immediate rehabilitation of the 9th Mile-Opi-Nsukka-Obollo Afor Road before the Christmas.*

Chief Whip (Mr Odo): Mr Speaker, Sir, I stand to second that Motion, and I equally pray that the prayer as moved by the hon. Member for Awgu North be made to reflect in prayer three. Thank you.

Mr Onyeze: Mr Speaker, Sir, I think the sentiment that FERMA is allowed to share in prayer three can help us in achieving our objective because the Minister directs human beings who are in FERMA; it is a Parastatal recognized in the Ministry. There is nothing wrong in appreciating their good works. So, it does not affect the status of the Ministry if its parastatal is also remembered or appreciated because these are the people living here with us who will move there to explain.

Mr Speaker: Honourable Colleagues, I think the hon. Member for Igboeze North I (Mr Onyeze) is correct.

Chief Whip: Mr Speaker, Sir, I do not think that the hon. Member for Igboeze North I is entirely correct. We can recast it in this way: *That the honourable House resolved to send a commendation Message to the hon. Federal Minister of Works Mr Adesanya Ogunleye through the Federal Road Maintenance Agency, because these people are Agents of the Minister of Works, like the hon. Member for Awgu North (Mr Enebe) pointed out. Even though we appreciate the same thing, as we wanted, it does not speak right in an establishment.*

Mr Speaker: Is there anything wrong if your Constituency, that is your people, want to appreciate the effort of the Governor? And may be, they consider it in two ways. For instance, the Commissioner for Works.

Chief Whip (Mr Odo): They are not the same.

Mr Speaker: No! No! They are not different! If you say it is a way they want it, fine. But I believe that what is here is correct.

Deputy Speaker (Mr Atigwe): Thank you, Mr Speaker. I am in support of the Motion. I have to remind the Federal Minister of Works that he said two days ago that people of the South East will start to enjoy good road network. He should act according to his words. With this, Mr Speaker, I pray that the Question be put.

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

Main Question put and agreed to.

Resolved:

1. That this honourable House urges the Federal Ministry of Works to direct the Federal Road Maintenance Agency (FERMA) to embark on immediate rehabilitation of the Ninth-Mile – Nsukka-Opi Obollo-Afor road spanning about sixty-five kilometers because of the strategic role of the road in the economic, social and political lives of the people of the South East Zone, and the entire nation.

Question put and agreed to.

Resolved:

That this honourable House do now adjourn till Tuesday 25th November, 2004, at 10 a.m.

Adjourned accordingly at 12.35

2. That this honourable House urges the Federal Ministry of Works to consider urgently the dualization of the Ninth-Mile Nsukka-Opi road as a permanent solution to the heavy traffic on the road.

3. That this honourable House do send a commendation message to the hon. Federal Minister of Works (*Senator Adeseye Ogunlewe*) and the Federal Road Maintenance Agency (FERMA) for their tireless efforts in the rehabilitation of the Federal highways in the country.

ANNOUNCEMENT

Reminder

Mr Speaker: Honourable Colleagues, let us not forget the burial of our Colleague's late brother (*hon. Dennis Agbo's late brother*) which comes up on Friday, 26th November, 2004. Please take note.

ADJOURNMENT

Leader (*Mr Anichukwu*): Mr Speaker, may I now move that this honourable House do now adjourn till Tuesday 25th November 2004, at 10 a.m.

Chief Whip: Mr Speaker, while seconding the Motion for adjournment, I wish to thank all the hon. Members and the staff of this Assembly for the assistance they gave to me during the burial of my father. May God bless you all. Thank you.



ENUGU STATE OF NIGERIA
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ENUGU STATE HOUSE OF ASSEMBLY

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*Votes and Proceedings of Tuesday
23rd November, 2004, accordingly
adopted.*

ANNOUNCEMENT

Appreciation

The Deputy Speaker: Honourable Colleagues, there is no announcement. However, I have to thank the House for the co-operation given to me today to preside over the sitting. I hope that such co-operation will continue.

PRAYERS

(The Deputy Speaker in the Chair)

APPROVAL OF VOTES AND PROCEEDINGS

The Deputy Speaker: Honourable Colleagues, before the House is our Votes and Proceedings No. 39, of Tuesday 23rd November, 2004. I have gone through them and found them to be correct. However, I need your comments. Thank you.

Mr J.C. Obidinma (Oji River): Mr Speaker, Sir, I have equally gone through our Votes and Proceedings of Tuesday 23rd November, 2004 and I found them to be correct. I therefore move that the said Votes and Proceedings be adopted by this honourable House. Thank you, Sir.

Mr M. Onyeze (Igboeze North II): Mr Speaker, Sir, may I second the Motion for the adoption of our last Votes and Proceedings as moved by the hon. Member for Oji River (*Mr Obidinma*).

Question put and agreed to.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move that this honourable House do now adjourn till Friday, 3rd December, 2004, at 10 a.m. Thank you, Sir.

Mr J.C. Obidinma (Oji River): Thank you, Mr Speaker, Sir, I have risen to second the Motion for adjournment to the date and time as moved by the Leader of the House.

Question put and agreed to.

Resolved: That the House do now adjourn till Friday 3rd December, 2004, at 10 a.m.

Adjourned accordingly at 11.11 a.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 119

Friday
3rd December, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA*Friday, 3rd November, 2004**The House met at 10 a.m.***PRAYERS**

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before this honourable House, we have our Votes Proceedings No. 40 of Thursday 25th November 2004. I have gone through them and found them to be correct. However, I call for your comments. Thank you.

Mr M. Onyeze (Igbo-Eze North I): Mr Speaker, Sir, I have equally gone through the Votes Proceedings No. 40 of 2004. I found them to be correct and I therefore move for the adoption of the Votes Proceedings.

Leader (Mr Anichukwu): Thank you Mr Speaker. I have risen to second the Motion as moved by the hon. Member for Igbo-Eze North I (Mr Onyeze).

Question put and agreed to.

Votes and Proceedings of Thursday, 25th November 2004 accordingly adopted.

**A MESSAGE FROM HIS
EXCELLENCY, THE EXECUTIVE
GOVERNOR OF ENUGU STATE DR
CHIMAROKE O. NNAMANI***Office of the Governor
Enugu State of Nigeria**Telephone: 042-450988, 451991
Telefax: 453660**Government House,
Enugu**2nd December, 2004**Our Ref: GHS/123/VIII/105**The Hon. Speaker,
Enugu State House of Assembly,
Enugu.**Dear Sir,**Re: appropriation bill 2005**His Excellency, the Governor of Enugu State will formally present to the Enugu State House of Assembly, the year 2005 Appropriation Bill for consideration on Monday, 6th December, 2004.**Consequently, I have been directed to request that you take necessary action to ensure the success of the event.**In the meantime, please accept the assurances of His Excellency's highest regards and best wishes.*

(Sgd)

Dr. Dan Shere

Secretary to the State Government

Leader: Thank you, Mr Speaker. May I move that the request from the Governor, His Excellency, the Governor of Enugu State be granted.

Mr J. Obidinma (Oji River): Thank you, Mr Speaker. I am standing to second the Motion as moved by the Majority Leader of the House (*Mr Anichukwu*).

Question put and agreed to.

ANNOUNCEMENT

Commendation

Mr Speaker: I wish to formally commend the Clerk and of course, other staff of the Assembly for a job well done. Initially, we never knew that the Appropriation Bill would be coming up soon, but because of the kind of staff if you go round the Assembly complex, you will agree with me that the entire complex is wearing a new look.

The grass has been cut and everything is moving on perfectly well. Of course, I cannot end this congratulation without mentioning the able Chairman of the House Committee on Works and Transport and of course, hon. Members, who have contributed in no small way to ensure a clean environment. I commend you and like I usually say, I wish that other Committees will be working in the

way and manner the House Committee on Works and Transport is working. I am not saying it because he is here; I am saying it from my heart. I do hope that before Monday morning the remaining areas that are supposed to be touched will be touched. Even if it entails working on Sunday, because on Monday, we are going to have the entire people of Enugu State here. I am sure that they will be very happy to discover that this complex which was built so many years ago has never received any single renovation, but this year, it is wearing a new look. It will still go down in history that the Governor is actually performing.

The water in the fountains in front of this building have to be removed because it is very, dirty. We can get the water refilled before Monday. I hope we will call the drivers of water tankers to bring water to this place because at the moment that water is too dirty. We have to remove the water in order to make the whole place look very neat.

I also wish to thank the hon. Members of this Enugu State House of Assembly, that is, those who traveled to Port-Harcourt for the Summit of the States Legislators for the able way and manner they comported themselves during the exercise. I thank them very much and I do hope that some other time some of us that may probably go and represent us somewhere anytime, any day, will behave in the same manner. Thank you very much for your comportsment and your contributions.

Like we have just read the Message from His Excellency and we have given him the permission to come and present his 2005 Appropriation Bill, I am appealing that on Monday we will not only be here to receive the Appropriation Bill, but we will be here in good time, because his coming depends on when we are ready. If we are ready by 10 a.m. which is our usual sitting hour, he will be here by 10 a.m. Even though they are announcing 9.30 a.m., I know that is to give the public the opportunity to come and get seated before His Excellency comes in. So, we have to be here quite on time.

For your information, to demonstrate the fact or to prove beyond all reasonable doubt that the Assembly has been renovated under his administration, after the presentation of the 2005 Appropriation Bill, I will take His Excellency to all the Committee Rooms. So, I appeal that everybody should try to put his own place in order so that when he gets to that place he will appreciate the fact that the Chairman, House Committee on Works and Transport is actually doing his job. Thank you very much and God bless you.

ADJOURNMENT

Leader (*Mr Anichukwu*): Mr Speaker, may I move that this honourable House do now adjourn till Monday 6th December, 2004 at 10 a.m. Thank you.

Dressing Code

Chief Whip (*Mr Odo*): I stand to second the Motion for adjournment as moved by the Leader of this House, and in doing so, I wish to urge my Colleagues to take a look at our Order No. 28 of the Standing Orders in respect of the dressing code. Once an hon. Member is in English wears he should avoid tying something on the head or wearing cap. But in the case of traditional wears, one must dress properly by affixing one's cap or tying something on the head. So, I want to say that we are just allowing today as a period of grace. As from Monday it should be observed strictly. Thank you.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Monday, 6th December, 2004 at 10 a.m.

Adjourned accordingly at 12.48 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 120

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Monday, 6th December, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 41 dated 3rd December, 2004 are before the House, I have gone through them and to the best of my knowledge they are correct, however, I call for your comments.

Chief Whip (Mr Odo): Having carefully perused through our Votes and Proceedings of 3rd December 2004, I hereby move that the Votes Proceedings be adopted. Thank you.

Mr F. Amu (Nsukka East): I beg to second the Motion.

Question put and agreed to.

Votes and Proceedings of 3rd December, 2004 accordingly adopted.

**PRESENTATION OF YEAR 2005
ENUGU STATE DRAFT ESTIMATE
TO THE HOUSE BY HIS
EXCELLENCY THE EXECUTIVE
GOVERNOR OF ENUGU STATE DR.
CHIMAROKE NNAMANI**

Mr J. Anichukwu (Nkanu East): May I move that this House do stand at ease to

receive His Excellency's Budget Speech for 2005.

Thereupon the Governor of Enugu State, Dr Chimaroke Nnamani, entered the Chamber with his entourage.

Year 2005 Budget Speech of the Enugu State Government Presented to the Enugu State House of Assembly by His Excellency Doctor Chimaroke Nnamani, Governor of Enugu State on Monday 6th December, 2004

Mr Speaker,

Honourable Members of the State House of Assembly, Representatives of National and State Media organizations, Distinguished Ladies and Gentlemen.

At the inception of the first phase of this administration, we were our own witnesses to the commitment at re-establishing the infrastructure base of the socio-economic and political environment as assigned to us in the mandate of the people of Enugu State, in 1999.

Initially, we had worries about the possible impatience of our people to tap of the values of democracy as we sought to deliver to the people. Such worries did not in any way reveal in us any lack in the right kind of ideas to pursue that, which would enthrone a better society. Such actually propelled us to impatient pursuit of that, which were capable of revealing the supremacy of democracy to any form of social organization or governance.

But as we were bent on leaving a lasting impression, we never pretended that we did not appreciate the enormity of the task of rebuilding a devastated or neglected state economy, especially such that has come of

the degradation and neglect, occasioning profound decay, as it were, in the years when due process was travestied.

But even as we knew this, and were keenly determined to confront the onerous task ahead, we made bold to tell our people, the people of Enugu State, that after we are through, it would never be the same again ... and that is for good.

If then the question is posed today whether the Enugu man or woman can thumb his chest and say that it has changed for good, would that hang as our having accomplished that which would make the State assume its stride and provide the environmental leverage for every citizen to banish the depreciating situation they found themselves prior 1999?

Remember, in the beginning, we said that the power we sought was the power to do good. We insisted that the power we gained as the mandate of the people was a baton of trust, which must be held with the deserving delicacy of a sacred possession. We said that bearing in mind that elsewhere, and in the past, the contract which was instituted by nature and which we hold supreme, even in our pretensions of affluence and might, stand to be fostered on the renewed interest of the larger number.

It was on the strength of that believe that we urged our people to see their vote against the mandate given to us as having entered into a kind of contract with us. As they were bound and they did deliver on their promises of vote and mandate, we are compelled and propelled to give them something in return. We are constrained to see ourselves as mere servants of the people. The people, who in their vast experiences in life, with repeated betrayals and treatment with disdain by

erstwhile power wielders, decided to place so much trust in us ... the trust to preside over their affairs and over the resources of the people.

Indeed, we are no pretenders: To whom much is given, much is expected in return.

Today, we take a look at the long stretch of road we have traveled and confirm that we have diligently worked at delivering on our own part of the bargain. We believe, and it was the case, that we were certainly reassured by our people that their confirmatory mandate in 2003 was not just another contract but one that called for greater action in the areas of social and structural re-engineering. While we took the mandate as willfully given, we have not let any one doubt that we were prepared to go the whole hog of acting the full dimensions of leadership.

This was the basis of my word to you on our second inauguration. That day, I remember referring you to Alexander Michael Hamilton, who affirms ... mankind has faced problems, particularly in determining leadership because mankind has never really settled the question of the unknown ... and for those who have elected to take their fate in their hands, the job is already done when leadership matches the urge for action with boldness; when men and of course women, enter action with boldness and when committed enthusiasts are prepared to burn the bridge ... bearing in mind that focus is never established where there is procrastination.

I had followed this seasonal admonition with the firm declaration we know so well ... we dream dreams and dreams do not rise in he who is not thinking ... and for a people who have so strenuously sought to be

appreciated, even in the cause of just being themselves, the ultimate challenge has been to project the destination from the base ...

Mind you, we have always made it clear that it is our burden to make the difference, again, for good. But while we make the difference, we are reminded of our words, again, in the charred lawns of the Okpara Square, that May 29 afternoon of 2003. That is to the tune that ... better days are ahead.

As I stand before you, today, in this hallowed Chambers of the Enugu State House of Assembly, I feel humbled that I have called on you to once again peruse the State compass as we have designed to ride the storm of rising economy.

Mr Speaker, we are about to confront another set of better days in the theatre of struggles with resources placed against the myriad development needs of our people.

I stand before you today, to once again, seek you permission to point in the direction our development strategies will take, barring insurmountable vicissitudes of life. I am here for the 2005 budget of the government and people of Enugu State of Nigeria.

Permit me, Mr Speaker, to take you back on the sequence of our budgeting process since the year 1999 when true democracy was heralded by all of us. It is a sequence that has helped us to follow strictly designed development roadmaps on whose highways we seek our route into the craved height of growth and development.

You will recall that we started in the year 2000 with a Budget of Transformation, in which we pursued, with success, a re-orientation of the minds of our people whose

trust on leadership and development processes had deteriorated.

Our subsequent 2001 Budget of Renewal, we can recall, provided the kick, which we sought to re-establish that the life of our people could still earn greater promises if a full rebirth for the infrastructure base of the State was achieved.

The results of these efforts, as you know, were consolidated with the year 2002 Budget of Re-invigoration and Sustainability.

By the successes of these, we have continued to insist that we will leave no stone unturned if, as we are determined, Enugu State will have to climb out of the old pit of decay and infrastructure neglect. Against that backdrop, we drove into our 2003 budget of sustainability aimed at lifting such public services, which motivate all to actualize and be more meaningful partakers in the socio-economic and political enterprises.

Remember, we have never ceased from telling our people that democracy is about service; it is about people and it is ultimately about what gainful and propelling dividends made available to the people; without their having to beg for them, without their having to be humiliated in the process.

So, as all we do is about building in or building on the heritage, we never acted to ignore the reality of what we do having to fit into the compelling needs of our people and their coming generations. That is to say that we do not in any way miss that fact of history that it is on that stead the true texture of this our State will be urged, even after our generations have been phased out. So, that Budget of sustainability enabled us to sustain the tempo of development of infrastructure facilities like roads, schools,

hospitals/health centers and electricity and potable water.

Our 2004 Budget of integration, as you will recall was to launch us closer to our ultimate objective of reducing poverty through aggressive empowerment of the individuals to grow socio-economically and in exploitation of the accomplished infrastructure development. We have since elaborated on what we had to do to hook into the global development programme. That has taken the tone of our Poverty Reduction and Reform Strategies of which we hope to reach the millennium development goals of rolling poverty by year 2015.

As we conclude the implementation of the 2004 Budget, we must look back, in retrospect, and declare that we have set the stage for poverty reduction, having commenced, in full, a sound infrastructure base upon which diffused wealth creation and self-employment can be enacted for the greater number of our people.

Such feat, as accomplished, leave us with the greater hunger for more, the drive to seek better conditions and the lure to take this social and economic environment to the summit of civilization. In other words, we still need to put more of such permanent structures that will ensure total reduction of poverty and leave a legacy for the generations on their way.

Mr Speaker, Sir, having come this far; having acted for more, having lifted hope, having done our bit in reinventing the Enugu man (indigene, resident and sojourner), having created the enabling environment for man to place food on the table and having designed such environment for man's energy to be creatively channeled

for the uplift of a socio-economic environment long abandoned. I stand before you to begin the word and figure definitions of the year 2005 budget. (Applause)

*It shall be called, as it will be driven, to be felt and appreciated as, a true **Budget of Legacy.** (Applause)*

Review of Year 2004 Budget:

In the now receding 2004, we implemented a Budget of Integration aimed at reducing poverty through wealth creation and employment generation.

Mind you, we took a look at poverty and sought to conceptualise same along the social, economic and political context of our State. While we did that, we were mindful of the global definition culminating in seeing poverty as lack or absence of well-being. On that note, we viewed poverty as presence of lack, attitude of hate, strife, ignorance, antiquated manpower, lack of focus, absence of vision, incomprehension of the social, economic and political environment, among others.

Of course, you can attest today that remarkable achievements were recorded in the area of empowerment of the individual, social institution and community/neighbourhood kin feeling, towards wealth creation and employment generation. We did follow this with physical infrastructure development and institutional reforms designed to get the right developmental focus.

In pursuit of these and more, Mr Speaker, a total sum of twenty two billion, three hundred and thirty six million, eight hundred and twenty nine thousand six hundred Naira (N22,336,829,600.00) was budgeted for recurrent expenditures and capital

development programmes in this ending but glorious 2004.

Of this amount the sum of twelve billion, four hundred and ten million, eight hundred and twenty nine thousand, six, hundred Naira (N12,410,829,600.00) was earmarked for recurrent services, while the sum of nine billion, nine hundred and twenty six million Naira (N9,926,000,000.00) was budgeted for capital expenditure.

Our deployment of these resources, you already know, vindicated our drive and war against poverty, hunger and blight. This vindication can be more elaborately attested to by the following sectoral details:

Agriculture:

In the year under review, our guiding policy in Agriculture remained research and development in the areas of food security and enhancement of farmers' output. In pursuance of that, the Enugu State Agricultural Development Programme (ENADEP) undertook aggressive extension services, using broadcast media techniques and farm visits to reach the desired audience. More trial/demonstration pilot farms were established to promote modern farming practices and develop improved seeds and seedlings for farmers.

The State Veterinary Clinic was rehabilitated, equipped and upgraded to a veterinary hospital to enable it render more services to livestock formers. The root and tuber expansion programme was strengthened to ensure increased root crop production in the State.

Commerce and Industry

In a determined effort to bring back government ailing industries to life, detailed studies were carried out on the existing ones

and well-packaged proposals were produced for each, to enhance commercialization. Remarkable progress was made towards completion of the New Haven shopping centre.

Rural Electrification

As we did say always, the Enugu State Government is not at ease with the current trend of rural-to-urban population drift. We had considered many ways of getting our people to hang around a little while more in the rural areas so as to effectively activate our hinterland for even development of the State.

And having identified electrification of our rural communities as one of the necessary steps to stem the tide, government intensified efforts to energise more rural communities, where hope that micro enterprises and other socio-economic activities, would evolve to hold down the inquisitive population. So, while the electrification of Amagunze, Ndiuno Uwani Akpugo and Obutu was completed during the year under review, mounting of more poles and tension cables commenced in other areas. The following electrification projects were also handled: Reactivation of Vandallised 33KVA line to the Crash Water Programme, 9th Mile Corner Ngwo; Agbani electrification project, street lighting of Air force school link road and installation of flood light in the premises of Air-force Secondary School, Agbani.

Land Transport:

Certainly, you have not forgotten our noble ambition of having a ring road network in the State. We continued with it to effect of intensifying construction and rehabilitation work in the following areas: Nsukka-Ogurute-Ette Road, Nenwe-Oduma-Ndeabor-Mpu-Okpanku Road, Oji River-

Achi-Awgu Road. Also, work reached advanced stage on such roads as: Nara-Nkerefî road, Agbani-Mgbogodo-Akpugo road, access road to ESUT Permanent site, Obuofia-Agbani road extension etc.

In addition, the construction of Amechi link road embankment was carried out during the year under review. Aggressive rehabilitation of urban roads in the State was embarked upon. Notable among them are the dualization of Chime Avenue, New Haven; Construction of Ebeano tunnel to link Ogui road with Okpara Avenue; rehabilitation of Agbani road and rehabilitation of Kingsway road, all in Enugu metropolis.

Preliminary design work has been carried out on the UNTH – Coal Camp link road and Independence Layout – Lagos Street link road. Actual construction will soon commence on these roads. (Applause).

Education:

Today, it is a significant milestone that we have successfully introduced a unique and first ever School Meal Plus Programme in our primary Schools. (Applause). This project, which involves providing one standard meal per day per pupil and some essential health services, commenced in Aninri and Uzo-Uwani Local Government Areas during the period under review. By this we have established a standard for the measurement of dentition, mental acuity and sibling/mother health condition of our pupils, irrespective of economic or social disposition of the family.

Also, the State Primary Education Board (SPEB), assisted by the World Bank, renovated 10 Primary Schools in each Local Government Area of the State.

Construction work progressed rapidly in the following schools, Day Secondary School, Independence Layout, near ETV; Emene Girls' Day Secondary School; Science School for Boys Agbani; Special Science School for Girls Agbani; School District Centres at Enugu, Nsukka, Agbani and Awgu.

Also special attention was given to the construction of ESUT permanent site to ensure completion of work on schedule. A visit to the site will convince you that our dream to build a model University Campus has become a reality. (Applause). About 1000 primary school teachers and 1000 post primary school teachers were recruited to ensure adequate staffing of our schools.

Health:

The year under review witnessed health sector organizational reform with six District Health Centres repositioned to render effective primary and secondary health services. Rehabilitation of district hospitals was carried out. Efforts were intensified on Immunization of Children against the six Child Killer diseases.

The upgrading of Park Lane Hospital was pursued with vigor. New structures were started and sophisticated equipment installed to bring it up to a Teaching Hospital status.

Work progressed impressively on the construction of ESUT Medical School. A number of structures were put up within the year while the on going ones received finishing touches.

Information:

The State Government in its determination to bridge the information gap between the government and the governed continued the

refurbishment of ESBS Radio and Television stations. Faulty components were replaced to keep the two broadcast institutions in a good working condition. While we successfully repaired their generating sets, government just purchased a more flexible one for greater efficiency of the stations. In collaboration with the SLGP/DFID, we have packaged a monthly Public Service Bulletin called **The Service News**. This Bulletin is produced to inform and educate the public service community on the development trends of the State and the challenges of enhanced participation in upward drive of Enugu State.

Again, with the assistance of the DFID, the Daily Star table has been reactivated and is already test running for final take off (Applause) and impact on the State. New printing cord machines, units of air conditioners, newsprints, computers and internet facilities have been installed. (Applause).

Water Supply:

Our effort to provide potable water for rural and urban dwellers was sustained during the period under review. A number of projects were executed to ensure uninterrupted water supply to the citizenry. They include: Ikakara Agbani Water Scheme; replacement of Pipe Line at Chime Avenue New Haven; purchase of 1.9MVA and 1.5MVA generating sets for Ajali low life; laying of 150mm dedicated pipeline from Rangers Avenue Booster station to Arts Theatre Enugu; purchase of water treatment Chemicals, etc.

Environmental Sanitation:

Organizational reforms were carried out in this sub-sector to ensure adequate environmental sanitation and protection. A new Waste Management Authority was

inaugurated to pursue our policy of converting waste to wealth. The abandoned monthly environmental Sanitation exercise was re-introduced to encourage citizens to operate a routine to clean their surroundings. The State environmental Court was strengthened to handle environmental cases. The house-to-house collection of refuse continued with more private sector involvement.

Housing:

Construction of more houses and completion of uncompleted ones were carried out at Golf and Harmony Estates. Design work was completed on such new estates as Lomalinda Estate, etc. Actual construction of houses in the new estates will soon commence.

General Administration:

Some important projects have been executed to propel the machinery of governance. Impressive progress was registered on the construction of Abuja Liaison Office. Construction of a befitting Judiciary Headquarters was started. The complex which will contain an administrative block and 18 computerized Court rooms will help to reduce the accommodation problems facing our Judiciary, at the moment. Such will be conducive for speedy dispensation of justice. Some Government Official Quarters were renovated. Vehicles and Communication equipment were also procured.

The State Government embarked on the construction of a 4000-seater International Conference Centre to boost tourism as well as provide venue for intellectual development, social interactions through local and international conferences.

Legislature:

The Enugu State House of Assembly Complex was refurbished and equipped. Dilapidated portions of the Legislative Quarters were rehabilitated.

Public Service:

We embarked on public service reforms to reposition the public service of Enugu State for efficiency and greater, gainful impact on the people and State. These include computerization of payroll; computerization of Pensions; lunchtime; seminars/staff training; regular promotion of staff regular payment of salaries etc. Some of these reforms have started yielding dividends to government and workers. For instance, the on-going computerization of payroll is already showing a clearer picture of the staff strength and actual cost of maintaining the Enugu State Public Service. With this achievement, the wage bill of the government will be more manageable if as already indicated the ghost-worker syndrome becomes a thing of the past.

About 5,000 workers spanning across various cadres and levels gained their promotion during the year under review. This is meant to ginger them into a more dedicated service that will help to move the state forward. With the assistance of the DFID, the State Government introduced Lunch Time seminars designed to give education and information to different cadres of Civil Servants to enhance their performance. More than 2000 workers have so far benefited from this programme.

Our commitment to the consultative formula with labour issues has made it possible for us to have relative industrial peace during the period under review.

Pensions and Gratuities:

Government is not unmindful of the arrears of pensions and gratuities owed to our retired offices. Regrettably, indeed, failure of past systems to provide or maintain such basic infrastructure and social services, which now drain our resources and cause deviations in allocation of the lean state purse, compound the situation of the pensioners. To this end, Government is making a concerted effort to clear this backlog of arrears. Nevertheless, it is to be realised that this situation arose as a result of the lean resources of the State government.

The Year 2005 Budget

Mr Speaker Sir,

Honourable Members of Enugu State House of Assembly, it is my privilege and honour to present before you the 2005 Draft Budget of the State. This Budget is unique in the sense that it is the first instrument that would be used in the implementation of our newly launched State Economic Empowerment and Development Strategy (SEEDS). The Budget is therefore designed to achieve the overarching goal of the SEEDS, which is sustained poverty reduction through wealth creation and employment generation. It is in view of this that a Budget size of twenty five billion, one hundred and thirty four million, seven hundred and ninety seven thousand, five hundred Naira (N25,134,797,500) is proposed for our activities in the 2005 fiscal year. It comprises the following:

Expenditure type	2005 Budget	Percentage
Recurrent expenditure	10,627,600,500	42.28
Capital expenditure	14,507,197,000	57.72
Total	25,134,797,500	100

Comparatively, the 2005 Budget shows an increase of two billion, seven hundred and ninety seven million, nine hundred and sixty

eight thousand Naira (N2,797,968,000) or 12.53% over the 2004 Budget. The unique feature of the current Budget is that for the first time in the recent past, the recurrent expenditure is less than the capital expenditure. This is as a result of government determination to reduce the cost of running government business in order to have more funds for the provision of infrastructural facilities and social services to the people.

Recurrent Revenue:

Revenue generated from recurrent sources includes Internally-Generated Revenue (IGR), State Share of the Federation Allocation Account (FAAC) and Value Added Tax (VAT).

From these sources, the State expects total Revenue of sixteen billion, four hundred and ninety-nine million, six hundred thousand, five hundred Naira (N16,499,600,500). This is shown thus:

Recurrent Revenue	2005 Revenue		2004 Revenue	
	Amount (N)	%	Amount (N)	%
1. Internally-Generated Revenue (IGR)	2,364,600,500	14.33	1,946,012,400	13.65
2(a) State share of the Federation Account	12,481,000,000	75.64	10,744,254,270	75.38
(b) Value Added Tax (VAT)	1,654,000,000	10.03	1,563,789,180	10.97
Total recurrent revenue	16,499,600,500	100	14,254,055,850	100

Recurrent Expenditure:

The Recurrent Expenditure for the 2005 Budget consists of Personnel Costs, Overhead Costs including subvention to Parastatals and tertiary institutions and Consolidated Revenue Fund charges (CRFC). These are shown in the table below:

Recurrent Revenue	2005 Revenue Expenditure		2004 Revenue Expenditure	
	Amount (N)	%	Amount (N)	%
1. Personnel Cost	6,381,920,900	38.68	7,739,821,360	54.26
2. Overhead cost (including subventions to parastatal and tertiary institutions)	2,915,922,880	17.67	3,431,008,240	23.98
3. Consolidated revenue Fund Charges (CRFC)	1,329,756,720	8.06	1,250,000,000	8.76
Total Recurrent Expenditure	10,627,600,500	64.41	12,410,829,600	87.01
Transfer to capital development fund	5,872,000,000	35.59	1,853,226,250	12.99
Total	16,499,600,500	100	14,264,055,850	100

Transfer to Capital Development Fund:

In this 2005 Budget, Recurrent Surplus transferred to Capital Development Fund (CDF) amounts to five billion, eight hundred and seventy two million Naira (N5,872,000,000). This represents 35.59% of the total recurrent revenue of four billion nineteen million, seven hundred and seventy-three thousand, seven hundred and fifty Naira (N4,019,773,750) over and above one billion, eight hundred and fifty three million, two hundred and twenty six thousand, two hundred and fifty Naira, (N1,853,226,250), which was transferred to Capital Development Fund in 2004.

Capital Expenditure:

The total budgeted Capital Expenditure for the year 2005 is fourteen billion, five hundred and seven million, one hundred and ninety seven thousand Naira (N14,507,197,000). The sectoral allocation is as follows:

a. Economic sector	3,633.178	25.05
b. Social services sector	5,730.540	39.50
c. Environmental development sector	2,898.892	10.98
d. General administration	2,244.587	15.47
Total	14,507.197	100

Highlights of the Year 2005 Capital Expenditure Economic Sector

This sector is made up of Agriculture, Manufacturing (Commerce and Industry), Science and Technology, Land Transport, Finance and Rural Electrification sub-sectors. It receives an allocation of N3,634 billion, representing 25.05% of the total Capital Expenditure. The details are as follows:

Agriculture:

The State Government will continue to emphasize the development of the Agriculture sub-sector, in recognition of the role of Agriculture in the Poverty Reduction Programme of the State. Majority of the population of the State resides in the rural areas with agriculture as the mainstay of the hinterland economy. Consequently the sum of N22.6 million will be spent on Agriculture in the 2005 fiscal year.

The Enugu State Agricultural Development Programme (ENADEP) will receive the sum of N68.6 million to enable it offer more extension services to farmers for increased crops and livestock production in the State. Large-scale production of cassava will be encouraged while the Ada Rice Project will be revitalised in conjunction with the Federal Government. The sum of N20 million will be devoted for this project. The Asata Mine Poultry will be rehabilitated with the sum of N20 million. Also the design

of an ultra modern Poultry complex in the same place will be produced within the year.

Manufacturing and Crafts (Commerce & Industry)

This sub-sector will receive an allocation of N557 million. The sum of N400 million will be spent on the completion of the Permanent Site of the New International Trade Fair Complex. Also the sum of N50 million will be used for the rehabilitation and reactivation of some government owned companies, which afterwards may be put up for sale, privatization or commercialization. Industrial estates will be established in the urban and rural areas of the State. The development of the Enugu International Market will be undertaken within the fiscal year and the sum of N50 million has been budgeted for it.

The New Haven shopping complex will be completed within the year while the State will participate in National and International Trade Fairs to showcase the economic and tourism potentials of the State.

Science and Technology:

The State Government realizes the role of Science and Technology in economic development and poverty reduction. To this effect, practice steps will be taken within the year to encourage the development of this sub-sector. This may include an overall computer appreciation training for every public servant to hook up with the global trend in high technology. The sum of N176.6 million will be spent Science and Technology in the 2005.

The sum of N100 million will be spent on the establishment of Business Development (Industrial) Parks in designated places in the State.

A World-Class Fruit Juice factory will be established in the State. The sum of N50 million will be used for this project within the period under consideration.

Rural Electrification:

The Rural Electrification programme of the State will be pursued more vigorously within the 2005 fiscal year. To this end, the sum of N416 million will be spent on this sub-sector. The on-going rural electrification projects in some communities will be completed within the year. There will also be replacement of transformers, completion and commissioning of the rural electrification projects at Aguobu Owa, Mbu, Isi-uzo, Udi etc. The sum of N20 million will be spent on the rehabilitation and energisation of vandulized ITC/TDN lines from Awgu town to Achi, Nachi to Achi, etc. There will be extension of electricity and upgrading of sub-stations at Ngwo, Alo Agu, Ukehe, Ezimo Agu, ESUT Campus, Nsukka, etc. Adami – Ogurugu Networks will be completed while transformers will be procured for some rural communities with the sum of N50 million. Also, the sum of N50 million will be spent on the Enugu State Rural Electrification project, Phase III. We will also follow suit on extension of electricity to Alo-Uio, NYSC Camp Awgu, Amofia (Nara), Ngwo Asaa, Agu-Orba and Leja.

Finance:

This sub-sector will receive an allocation of N370 million for the 2005 Fiscal Year. Of this amount, the sum of N150 million will be used for the purchased of Rights of Issues in companies where the State Government has share holdings. Similarly, the sum of N131 million is being devoted to the acquisition of shares in Federal Government owned companies. This is to enable the State to be actively involved in the on going

privatization Programme of the Federal Government. Loans will be granted to public servants for the purchase of shares in quoted companies. The Board of Internal Revenue will be assisted and encouraged to generate more revenues for the State. Existing sub-treasuries, tax offices and licensing offices, will be renovated while new ones will be built to enhance our internal revenue generating effort.

There is an on-going reform effort aimed at improving the revenue base of the State. This will be accelerated within the 2005 Fiscal Year, in collaboration with our development partners, especially DFID.

Land Transport:

Provision an maintenance of roads continues to be a top priority of the State Government. This is demonstrated by the number of completed and on-going road projects in urban and rural areas of the State. The sum of N1.89 billion is budgeted for the Land Transport sub-sector for the period under reference. Of this amount, Nsukka-Ogurugu-Ette Road is allocated the sum of N100 million and so are Oji River-Achi-Awgu Road and Ikem-Eha-Amufu (Ebonyi State Boarder) Road. The Ugwaogo-Nike-Neke-Mbu-Ikem Eha-Amufu Road and Ugbawka-Nara-Nkerefi Boarder Road will receive the sum of N260 million each, while Nenwe-Oduma-Ndeabor-Mpu-Okpanku Road is allocated the sum of N260 million. Agbani-Mbogodo-Akpugo Road is allocated the sum of N150 million while Ebeano 9th Mile Bye-pass has the sum of N250 million allocated to it.

Other roads include Access road to ESUT Permanent Site, Amechi Bridge Access Road, Aku-Mkpologwu Road, Ameke Ngwo-Eke-Ebe-Egede-Afa-Akpakwuine road, etc.

We will never tire of more roads, as we are convinced of the role of good roads, as access providers in poverty reduction.

Social Services:

The Social Services sector will receive an allocation of N5.731 billion or 39.5% of the 2005 Capital Expenditure and represents the highest sectoral share in the budget proposal. This is in recognition of the role of the sub-sectors that make up the social services sector; viz: Education, health and Information, that is in the Poverty Reduction Programme of the Enugu State Government. The detailed sub-sector allocations are as follows:

Education:

Education projects will receive an allocation of N2.388 billion in the year 2005 Budget. This budget size reflects the importance the State Government attaches to the development of education in the State. Of this amount, the sum of N956.54 million will be spent on ESUT projects, including the development of the ESUT permanent site. Also the sum of N555.71 million is budgeted for SPEB projects while the State's school Meal Plus Programme receives an allocation of N150 million. The sum of N301.720 will be spent on the implementation of the State's Universal Basic Education (UBE) programme. The District Schools Project of the State is allocated the sum of N120 million for the establishment and equipment of the Centres at Agbani, Awgu, and Nsukka. While the sum of N120 million will be devoted to the establishment, and renovation of Secondary Schools, including Special Science Schools. Science and library equipment and materials will be supplied to the State Secondary Schools to boost teaching and learning especially in the Science subjects. The Institute of Management and

Technology (IMT) will receive an allocation of N64.34 million to assist in its Capital development programmes within the 2005 Fiscal Year.

Health:

Already, we are virtually completing the overhaul of our Health Development Programmes in line with the latest trend and practices in the profession. Our health reform programme has benefited immensely from our development partners, especially the World Bank, UNICEF and PATHS.

Indeed, we are very grateful to these and other development partners in our Health Programmes. Health receives an allocation of N2.441 billion or 17.06% of the Capital Expenditure Budget and represents the highest sub-sector allocation in the 2005 Budget. From this amount, the sum of N600 million will be spent on ESUT College of Medicine and Teaching Hospital Projects while the sum of N150 million will be spent on Park Lane Specialist Hospital. The sum of N407.6 million was allocated for Priority Diseases – preventive, Curative, Rehabilitation and Cure, under the new health reform programme while the sum of N297.58 million was devoted to Poverty Reduction Projects (Health) in the 2005 Fiscal Year. The sum of N250.4 million will be spent on Health Commodity Management Programme while the sum of N107.750 will be used for capacity building within the period.

Development of Health Infrastructure will be carried out with the sum of N84.8 million. This includes the completion of rehabilitation work in the seven Health Districts, etc. The sum of N12.8 million will also be used for development of Health Laws and Regulations, while N29.7 million will be spent on the establishment of a functional

financial system which includes training and retraining of staff on new financial management systems. N106.5 million will be used for the development of the District Health Planning, while Health Communications is billed to take the sum of N39.33 million.

The sum of N294.78 million will be spent on the Health System Development Project II (HSDP II), which includes strengthening of Primary Health Care facilities, provision of drugs and medical equipment, and capacity building.

Information, Culture and Tourism:

The State Government is very much aware that modern democracy or people government is media driven. We cannot lose sight of the fact that development of culture will spring our social being and intensify our understanding of our environment to the effect that the usual question on legitimacy of authority aside of known cultural values can be answered if we get keener insight into the mutuality of goals of decent social practices.

While it will not be a function of government to restrict cultural practices, the reach back in history, we believe, will augment our drive for citizens to undertake cultural integration, which will enhance greater affinity and access to one another. The Enugu State government will participate in the efforts of the Federal Government to identify and build data on old slave routes, cultural and tourism sites; these attending to past migratory exercises culminating in the social formations of our environment. To this end, this subsector receives an allocation of N783.9 million in the 2005 fiscal year. The Enugu State Broadcasting Service (ESBS) – Radio and Television will be assisted to improve its services to the

people. Its equipment will be repaired and renovated while new ones will be purchased.

The Government Printing Press will also be modernized and equipped. This particular department of government, we regret to say, had been ignored in the schemes of past systems, that is to the effect that normal printing of government gazettes, legal notes, inventories and losses, were abandoned in the early 1990s. Delivering on our counterpart slot with the DFID in the rehabilitation of the State's Printing and Publishing Corporation (Daily Star stabled), government will rehabilitate the buildings housing newsroom, general administration, press hall and staff canteen to ensure a smooth take off in the next few months. The Enugu State government will no longer stand and watch while the documentation and access facilities of the State Central Library rot. We insist that every effort of government is worth documenting and we insist that such facilities, including modern books needed for the building of a better future society, must be in our libraries. We will move with determination and impact to enhance the supply of modern books and other reading materials to the library, which we also insist must drive hard to catch up with modern international listing and documentation profile. Our first effort in this, in the fiscal year, will be the rehabilitation of the block housing the State Central Library. The State government will take over the Enugu State Learning Resource Centre from the development partners currently running it, and thus assume full responsibility for the equipment, maintenance and supply of materials to the centre. An International Conference Centre with 4,000 seating capacity will be constructed in the State capital within the year. The sum of N600 million is proposed for this project. Luckily, Enugu State is one endowed with great

tourism potentials. We have viable sites, locations scattered all over the State, and government is determined to assist the State Tourism Board to meet up with the challenges of modern day tourism.

Environmental/Regional Development Sector:

This sector is allocated the sum of N2.899 billion which represents 19.98% of the Capital Expenditure Proposal for the year 2005. The sector is made up of Water Supply, Environmental Protection and Solid Mineral Development, Housing, Town and Country Planning, Community and Neighbourhood Development.

Water Supply:

The Government is committed to the provision of adequate and regular water supply to the people of the State. The sum of N682 million is allocated to water supply in the 2005 Capital Budget. Of this amount, the sum of N100 million will be used for the optimization of Enugu Urban Pipe Network while the same amount will be spent on the Oji-River Federal assisted water supply. Also, development of Micro-water sources for Independence Layout, Abakpa and Emene will be undertaken with the sum of N35 million while the Greater Nsukka water scheme has an allocation of N50 million. Rural water Supply Schemes under the Guinea Worm Eradication Project II receives an allocation of N80 million. Other rural water supply schemes in the State will also receive adequate attention within the year and so will the Agbani Water Supply Scheme and the Crash Programme Water at 9th Mile Corner, Ngwo.

Environmental Protection / Sewage / Drainage / Solid Mineral Development:

This sub sector is allocated the sum of N292.9 million in the 2005 Capital

Expenditure Budget. This is to take care of the activities of the newly established Enugu State Waste Management Authority, the Ministry of Environment and Solid Minerals as well as the State Rural Water Supply and Sanitation Agency (RUWASSA). The sum of N45 million will be used for Environment Friendly Rural and Urban Development Programmes while emphasis will be placed on the development of Alternative Energy sources with a view to encouraging the use of coal and other sources of energy and power supply in the State.

The State Government has revived the monthly sanitation programme of the State and will encourage and support ESWAMA for its effective implementation.

The Private Sector initiative in waste management and refuse disposal will also be encouraged with the assistance of our development partners especially the DFID. The sum of N120 million will be spent in the activities of the UNICEF – Assisted Rural Water Supply and Sanitation Agency (RWASSA) and will include the purchase of one drilling rig for drilling more boreholes in the State.

Housing:

The Government is very much determined to provide affordable housing accommodation for the urban dwellers. As a step towards achieving this objective, the sum of N600 million is budgeted for the construction of nine high-rise blocks, containing 324 two-bed room flats, under the Loma Linda Housing Estate programme of the State Government. Also reasonable provision has been made for the construction of housing units for staff of the State public service on owner-occupier basis. The housing sub-sector will therefore receive a total

allocation of N609.5 million in the 2005 Budget.

Town and Country Planning:

This sub-sector receives an allocation of N752 million for the 2005 Fiscal Year. The State Government is very much determined to carry out the construction and maintenance of the urban roads in the State. Also emphasis is on the provision of facilities and installations that will improve the life of our urban dwellers. The sum of N540 million will be utilized for the construction and rehabilitation of Enugu Urban Roads. This includes the completion of Chime Avenue Dual Carriageway, Lagos Street Link Road, Ebeano Tunnel Crossing and UNTH Bye-pass, etc. The sum of N100 million will be used for Nsukka Urban Roads.

Relatedly, Street Lighting installations and other essential will be provided for some key urban areas as the Independence Layout, Trans-Ekulu, G.R.A. Nkvubor Satellite village, New Town Layout in Nsukka, Ekulu East Layout, etc.

Community / Neighbourhood Development:

Poverty reduction and Wealth Creation through basic community development are the main policy thrusts of the Enugu State Government. Most of the activities in this sub-sector are targeted directly at achieving that objective. Consequently the sum of N562.492 million is allocated to this sub-sector for the 2005 Fiscal Year. An allocation of N150 million is being made for the Community Development Coordinating Council (CDCC) Projects to support community development projects in 50 communities.

Also the sum of N332.992 million will be spent on the Local Empowerment and Environmental Management Project (LEEMP) – with the assistance of the World Bank – for agro processing, provision of drinking water, construction of rural feeder roads, afforestation, market development, rehabilitation of schools, etc., in the rural areas.

The State Government will give micro-credits in the form of loans to Small Scale industry operators, such as motorcycle operators, roadside businesses, co-operative societies, etc. The sum of N36 million will be used for the neighbourhood improvement programme, which is aimed at assisting neighbourhood groups to embark on self-help projects and infrastructural development in the urban centres.

We shall add to this with our new design to take another step in the poverty reduction and wealth creation programmes of the State Government setting up Skills Acquisition Centres in 15 communities in the State.

General Administration:

This sector is made up of Administration, Judiciary and the Legislature. It will receive an allocation of N2.245 billion which represents 15.47% of the Capital Expenditure Budget.

Administration:

Administration is allocated the sum of N2.127 billion. Of this, N185 million will be spent on the DFID supported programmes on Securities, Justice and Growth, State and Local Government Project, and small and Medium Enterprise Centres. Enugu State Liaison Office in Abuja will receive an allocation of N100 million while the sum of N92.5 million will be spent on the purchase of vehicles. The sum of N190 million is to be

spent on the Public Sector Reform Programme, which is already enjoying considerable assistance from the DFID. Also N200 million will be spent as support to Local Government Areas for the preparation of their Local Economic Empowerment and Development Strategies (LEEDS).

Judiciary:

For the Judiciary, N100 million is allocated to the construction, renovation and maintenance of court buildings and staff quarters while the sum of N600 million will be spent on the construction of 18 computerized Courtrooms and Administrative blocks. Vehicles will be purchased for the Judiciary with sum of N50 million. Verbatim reporting machines and other materials will also be purchased for the Judiciary.

Legislature:

The sum of N118 million is allocated to the Legislature. The major items of expenditure include the purchase of security gadgets, rehabilitation of the House of Assembly Complex and Legislative Quarters, reactivation of water fountain, purchase of furniture and equipment and purchase of editing suites for the documentation unit of our legislature.

Conclusion:

Mr Speaker, Sir, it is our firm belief that the implementation of the above Budget will go a long way in transforming the lives of our people and especially in reducing the level of poverty in our society. I have no single doubt that the entire people of Enugu State are geared to prepossess their State if by the worthy attempts of government, they get rescued from the cold hands of want, deprivation, ignorance, strife, envy and indirection. They have already revealed that

they have all it takes to take a social environment to the most enviable height. These I have seen in their co-operation with government and their responses to bilateral assistances offered by such development motivators as the praiseworthy DFID, PATHS, UNICEF, World Bank, UNDP, etc; whose patience, friendliness and insightful contributions have made the difference.

Of course, Mr Speaker, the other arms of government – the Legislature and the Judiciary – have been exemplary in the confidence reposed in this government. And we cannot say less of the organized labour, Civil Society Organizations, NGO's, etc, who, more than before, have exhibited great inclination to making democracy a reality in our environment. We cannot thank you all enough.

Have we not then chosen our path? Have we not assured the fuller participation of all? Have we not underlined the key elements of taking a people from where they had been quarantined? Of course, we have no excuses if we had not. We elected on our own to seek the mandate of the people to take the front seat in this stage of the history of Enugu State.

As children of history, we squint and stagger while we pose for historical impression of capacity for resource management, justice, equity and fair-play and as we implore you, Mr Speaker, that if this Honourable House will pass this Bill, as you have always done, we would all have seen it as Marshal Ervin Tudor of the army of Great Imperial Britain saw it; because we are all united, our opponents in battle named lethargy, rancour and distraction did not appear for battle ... victory we clad close to our chests and whistle home ... as is done in Enugu State ...
To God Be the Glory!

Mr Speaker: His Excellency the Deputy Governor of Enugu State, the Right Hon. Chief Ezenwata Okechukwu Itanyi; the Deputy Leader House of Reps. Hon. Gill Nnaji; the Deputy Speaker of Enugu State House of Assembly, Right Hon. Atigwe David; the Leader of Enugu State House of Assembly; the Chief Whip of Enugu State House of Assembly; other Principal Officers here present; please permit me to observe all protocols;

Your Excellency, the Executive Governor of Enugu State Dr Chimaroke Nnamani; when I walked into the Chamber this morning I saw a large crowd of people waiting to hear your Budget Speech. That shows the commitment, determination, enthusiasm, and necessary support of the people of Enugu State. (*Applause*). I sincerely wish on behalf of my Colleagues to thank you today for presenting the Budget which will go a long way to refresh the life of our people. I had wanted to make some arrangements for our people to accord you good reception here. But God so kind, when I came in I saw a large crowd of people and this increased my happiness, because I could not have had enough food to feed all these people. (*Applause*).

Be it as it may, Your Excellency, the only thing we can assure you this afternoon is that this Appropriation Bill will be passed into Law without delay. (*Applause*). There is no need delaying the Budget because that will amount to delaying your good plans and the good work you are doing for the people of Enugu State. Therefore, we cannot afford to delay the passing of the Appropriation Bill into Law.

Having said this, Your Excellency, I wish to state that since the establishment of this honourable House or since 1960 when

this House was built, this is the first time we are having a total renovation of this Assembly. (*Applause*). I am happy to state that this wonderful achievement was done during our own time. Your Excellency, I am always in the Chamber only to preside; that is my job here; there is no amount of Motion that will go ahead to express our happiness to you. I will rather appreciate if two or three legislators would express their happiness or commendations on work well done by His Excellency. I thank you Your Excellency for coming; and I have the honour and privilege to come on the Floor of the House to fire the fair shot. Thank you and may God bless you. (*Applause*).

Leader (Mr J. Anichukwu): Your Excellency, the Executive Governor of Enugu State; Your Excellency, the Deputy Governor of Enugu State; the Deputy Leader of House of Reps; the Speaker of Enugu State House of Assembly; the hon. Colleagues; Ladies and Gentlemen;

The history of today cannot go without few remarks. It is going to be brief because if I am allowed or given time I can talk about Your Excellency from this time till tomorrow. To some of us, all the performances of His Excellency are not surprising, because when the journey started, we had a watch word, that is, the power we seek is the power to do good. Your Excellency, your aggressive pursuit in history is to ensure development in Enugu State. and the vigorous efforts to eradicate completely poverty in Enugu State. (*Applause*). In fact, we are very happy and very grateful. We are saying all these things because people of Enugu State are grateful. We are being envied within and outside. Therefore, we have cause to be grateful. This is because, when one has a child that performs creditably well, one will have that

inward joy. Although you know that all these things are not being done ordinarily without the divine power or instructions from the Almighty. That is why we are very grateful. The Right hon. Speaker has mentioned some of these things already said. For instance, if you look at the Okpala Square, you will think that it was constructed two days ago. Anytime you go there, you feel delighted with the expensive structures at the square. As you know, he is not the only Governor that has ruled this State since this edifice was constructed. But he is the only Governor who has deemed it necessary that such magnificent edifice has to be maintained and has got to be reconstructed. So Your Excellency we are grateful.

One other thing we have been praying for is for the Almighty God to lead you on. Enugu State is blessed by God and our prayer is that the Almighty God will give you the opportunity so that a larger community of this country will once again feel happy as we are feeling in Enugu State. I believe that God will answer our prayer in Jesus name. Thank you. Mr Speaker. *(Applause)*.

Mr M. Onyeze (Igbo Eze North I): His Excellency, the Governor of Enugu State, His Excellency, the Deputy Governor of Enugu State, the Deputy Leader of the House of Representatives, Mr Speaker Sir. Permit me to join the Leader of this honourable House in thanking His Excellency for his benevolence to the Members of this House and to the Legislative arm of the Government here in Enugu State as an institution. The renovation of the legislative building here will no doubt enhance our performance and enable us to work harder to the good people of Enugu State. It is a well-known fact, Mr

Speaker, that despite the fact that His Excellency was instrumental to our coming here as hon. Members of this House, he has never taken us for granted. *(Applause)*. Few days after our coming here, he renovated our quarters. Within the first two months we are the first hon. Members to be given brand new official cars in this country *(Applause)*. To crown it all, for the first time in the history of this legislative House, all the hon. Members here had the privilege of going on study tour overseas. *(Applause)*. That is to say, he has never taken us for granted.

Mr Speaker, Sir, I want us to understand that the understanding between the Executive arm of Government and Legislative arm is reflecting in the lives of all the people of this State. His Excellency has been given the relaxation, the concentration so that he can focus on State matters. *(Applause)*.

The period of distraction is over, we are now in a peaceful stage. We wish to assure the people of this State that by the end of our tenure of this four years the achievements of His Excellency will double that of his first tenure. *(Applause)*. We pray the Almighty to continue to give you good health because it is the head that waggles the tail. We wish you good luck in all your endeavours; we thank you for liberating many families and individuals in this State. *(Applause)*. The quality of food of thousands of families have changed. *(Applause)*. The quality of our water has changed and we all enjoy good roads and our Institution, the ESUT will be an international Institution by the end of your tenure. We are grateful, Your Excellency.

Mr C. Enebe (Awgu North): Mr Speaker, Your Excellency, the Governor of Enugu State, Your Excellency the Deputy

Governor of Enugu State, the Deputy Leader House of Representatives, my distinguished Colleagues, Ladies and Gentlemen. On behalf of my Colleagues from the Enugu West Senatorial Zone, may I join my Colleagues in thanking His Excellency and the Government of Enugu State for all they were able to do within a short period of time in this State. I want to thank him especially for renovating this House of Assembly Complex. This singular act of his has confirmed the saying that His Excellency started from where Dr Okpara stopped. *(Applause)*. What His Excellency is doing in Enugu State is laying a legacy. A legacy for us all and our children unborn. Where do we start from? The last time we visited Abuja I was overwhelmed when I saw Abuja Ebeano complex. One may ask: why are we thanking His Excellency now? Like in accounting they say, *as and when due*. We cannot delay thanking him we have to thank him; at the appropriate time. So, we thank you very much. What we need in democracy is deliberate co-operation and collaboration between the Executive and the Legislature and that is what we have had in this tenure and I believe like the hon. Member for Igbo Eze North I *(Mr Onyeze)* said, this enabling environment is what is going to make this particular tenure remarkable in terms of social development.

We are happy that His Excellency has been responsive in the affairs of this Assembly since we started this administration. We thank you Your Excellency for all you have been doing to ensure that the good people of Enugu State have good governance. We cannot thank you enough but we believe that what you are doing will give us hope, hope that even in our family and in various families your name will remain for ever in Jesus name. *(Applause)*.

On a further note, may I call on the people of Enugu State to continue to support His Excellency because he means good for us. Thank you, and may God bless everyone of you. *(Applause)*.

Mr G. Chukwuegbo (Enugu South II): Your Excellency, the Executive Governor of Enugu State, Dr Chimaroke Ogbonnaya Nnamani Your Excellency, the Deputy Governor of Enugu State, Ezenwata Okechukwu Itanyi. Mr Speaker, Sir, all other protocols duly observed. Your Excellency, on behalf of my Committee Members I want to formerly use this opportunity to thank you for giving us the privilege and honour to embark on renovation of the Assembly Complex. Your Excellency, we thank you and will continue to pray for you that God Almighty will continue to guide and direct you as you discharge your duty as the Governor of Enugu State. Your Excellency, I thank you. *(Applause)*.

His Excellency, the Governor of Enugu State leaves the Chamber.

Leader *(Mr Anichukwu)*: Mr Speaker, Sir, may I move that the House resumes sitting to enable us accept the 2005 Budget Speech. Thank you, Sir.

Mr F.C. Onah (Nsukka West): Mr Speaker, Sir, I have risen to second the Motion as moved by the Leader *(Mr Anichukwu)*.

Question put and agreed to.

(Mr Speaker resumed the Chair)

Leader *(Mr Anichukwu)*: Mr Speaker, Sir may I move that the speech as delivered by the Governor of Enugu State, be accepted

for immediate consideration along with the Draft Estimate Bill. Thank you, Sir.

Deputy Speaker (Mr Atigwe): Mr Speaker, Sir, may I stand to second the Motion. Thank you.

Question put and agreed to.

The 2005 Budget Speech presented by the Governor along side with the Appropriation Bill accordingly accepted for immediate consideration.

**PRESENTATION OF A BILL
ENUGU STATE OF NIGERIA
APPROPRIATION LAW 2005**

A Bill for a Law to make provision for the sum of twenty-five Billion, One Hundred and Thirty-four Million, Seven Hundred and Ninety-seven Thousand, Five Hundred Naira to the services of the Government of Enugu State of Nigeria for the year ending thirty first day of December, two thousand and five and for other related purposes, presented by the Leader, (Mr Anichukwu) and read the First time.

Mr Speaker: Honourable Colleagues, the 2005 Appropriation Bill has now been read for the First time. I wish to thank all of you for your cooperation. I also wish to thank you for your punctuality and for the able way you comported yourselves this morning.

I do hope that on or before our next sitting, we will arrange to handle the Bill Clause by Clause. Thank you and may God bless you

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move that this honourable House do now adjourn till Thursday 9th December, 2004 at 10a.m. Thank you, Sir.

Deputy Speaker (Mr Atigwe): Mr Speaker, Sir, the Motion for adjournment is accordingly seconded. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday 9th December, 2004 at 10a.m.

Adjourned accordingly at 12.40p.m.

No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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ENUGU STATE OF NIGERIA
PROCEEDINGS

AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 121

Tuesday
9th December, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 9th December, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us, our Votes and Proceedings of Monday, 6th December 2004. I have gone through them and found them to be correct. However, in keeping with the Rules of the House, I call for your comments to enable us put them in the proper shape. Thank you.

Mr F.E. Amu (Nsukka East): Thank you, Mr Speaker. I have equally gone through the Votes and Proceedings of our last sitting and found them to be correct. I, therefore, move for the adoption of the Votes Proceedings.

Mrs C. Eneh (Udi South): I have risen to second the Motion as moved by the hon. Member for Nsukka East (*Mr Amu*).

Question put and agreed to.

Votes and Proceedings of Monday, 6th December 2004 accordingly adopted.

ORDER OF THE DAY

**THE ENUGU STATE OF NIGERIA
2005 APPROPRIATION BILL
NO. 11, 2004**

A Bill for a Law to Make Provision of the Sum of Twenty-five Billion, One Hundred and Thirty-four Million, Seven Hundred and Ninety-seven Thousand, Five Hundred Naira to the Services of the Government of Enugu State of Nigeria for the Year ending Thirty First Day of December, Two Thousand and Five and for other Related Purposes.

Order for Second Reading Read

Leader (Mr J. N. Anichukwu): Mr Speaker, thank you for the opportunity for us to X-ray the pros and cons contained in the 2005 budget. As usual, the budget of Enugu State does not contain much demerits. The advantages have always outweighed the disadvantages because the budget is well articulated. The implementation processes will not be a problem. But good a thing, this honourable House, with the experiences it has gathered from within and outside the country, will now be in a better position to know that it is not only passing the budget that matters, we will go further to make sure that the budget content is fully executed because this is part of the oversight function of the House.

Mr Speaker, the 2005 budget which I have heard is a Budget of Legacy, legacy in the sense that all the infrastructural developments, constructions both human and material being put in place in Enugu

State is for both this generations and the generations to come. The people of Enugu State will ever remember that all those things were put in place by the Governor of Enugu State, Dr Chimaroke Nnamani, and the honourable Members of the House of Assembly will ever be remembered that we have given the budget legal backing by passing it.

So, it is in this sense that I want us to X-ray the budget estimate in detail.

As usual, this Budget is calculated at complete eradication of poverty. We will recall that the major thrust of the present administration in Enugu State has always been to eradicate poverty, because poverty is a disease and every effort should be directed at its total eradication in this State. I believe that all hands should be on deck because the poverty we are talking about is more in the rural areas. It is in recognition of the fact that greater percentage of poverty is being felt mainly in the rural areas that large sums of money have been allotted to the economic sector of the Budget covering Agriculture, Manufacturing, Commerce, Industries, Science and Technology; under this sector, great emphasis is being placed on Agriculture. We say that a hungry man is an angry man and I remember the good old days in this State when food was at the reach of everybody.

Mr Speaker, this sector covers not only agriculture but includes rural electrification. You will agree with me that serious efforts are being made to make sure that there is electricity in every

community, so that the urban areas will be decongested.

I am sure that we have all gone through the Budget; the Budget of 2005 is the making from 2004. This honourable House knows that the State has three major Senatorial Zones and as usual every local government, every zone; every area is well covered in this Budget. That is why I did say earlier that in furtherance of our activities, the only thing we will do this year will be mainly effective emphasis on functions of whoever might be delegated to come and install or replace or revive any rural electrification in the communities. The Executive can only issue order to a certain point of the implementation but it is not effective when, we, as the representatives of the people will not make sure that efforts are being made that whoever is doing the job does it in our interest.

So, Mr Speaker, under Manufacturing, I know this House cannot relent in our efforts to make sure that the International Market which is under construction, is progressing. The project cannot be done in one day but it has got to be a continuous process and by the grace of God during the life of this honourable House the international market of Enugu will be completed. And the little we have is that it was done not only in our time but we contributed because it is contained in the Budget and we got it approved.

The delay at the New Haven Shopping complex, is not deliberate but they want to complete the entire complex so that when they do the allocation this time around, it

will be done once and for all and by the grace of God it will be completed this year and whoever applied and has gotten the allocation, the management will process their application and the market will take off.

Mr Speaker, under Social Services, the Social Services have actually made much legacy for this State. The people we are representing have not ceased in appreciating our efforts and that is why we are not relenting our efforts because an Ibo adage says that *Ana-eto-nwoke na nke omere, ona-eme-ozo*.

If you go to the Park Lane Specialist Hospital and see the rate the work is progressing, you will be happy and satisfied that sooner or later there will be full operational services at the new site there.

On Education, Enugu State University of Science and Technology (ESUT), the only University that Enugu State Government has. In a short while we will be happy that enough is being done and this House has always been in love with education because this has been a sort of poverty eradication. If you educate the child properly the child lives to know how to find his way; if you show the child the light he will be proud and the way of showing the child this is by providing the ideal environment through proper education which has started.

Mr Speaker, under information, some of us who had the privilege to be at one of the Committees who visited the Enugu State Broadcasting Services (ESBS) know

that the Enugu State Broadcasting Services as a media and the major source of information in Enugu State is in trouble because some of the equipment they have are out-dated. They expressed the difficulties which they have and that is why they are yearning to have modern equipment so that the people of Enugu State will not get up one day and hear that the ESBS is off air forever. If this Budget is passed, but I know it will be given consideration by this honourable Members, we will be in a position to have contributed, may be, to making sure that we are properly and correctly informed of the happenings in the world.

In terms of information in Enugu State giving that today we now have bi-monthly publication of Daily Star, there is a very big improvement now. The continuous co-operation will also go a little further probably before this time next year, the Daily Star might be having daily publication. This is the only newspaper that Enugu State government has.

So, Mr Speaker, the most important thing is that when one moves, one has to stop and watch reactions. I know that greater number of hon. Members will say I have spoken much but I am only giving the highlight of the budget. As the debate continues I will still be throwing more light. I beg to sit down. Thank you, Mr Speaker, for giving me the opportunity.

Mr M. Njeze (Udi North): Mr Speaker, Sir, I want you to take a look at the budget of Legacy presented by the Executive, for passage by this House and I want to call on my Colleagues that after it might have

gone through Committee levels and certain amendments made, that it should be passed into law so that the year 2005 will be as proposed – a year of legacy for the Executive, a year of legacy for the House of Assembly. In the first instance, I want to talk about Ministry of Information and Information generally. I am very comfortable with the amount allocated to the information sector but I would wish that during the consideration at the Committee level, that Mr Speaker, we provide for infrastructure at the Enugu State Broadcasting Service. We also make provision for manpower development. There is very strong need for the staff to receive in-house professional training. I noticed for sometime, having studied the budget for the past eight years including that of last year, that no provision has ever been made for the training of staff. I, therefore, wish that as we are leaving legacy for the year 2005, that a minimum amount of three million Naira be budgeted for staff development at the ESBS.

I am equally happy with the aspect that has to do with Udi North Constituency. Construction of the Ameke-Eke-Egede-Affa-Akpakwume Road. I am happy that finally a certain amount has been set aside and the legacy will be left in my time. It is an important road to the people of Udi North because it traversed virtually all the clans in Udi North.

Mr Speaker, Sir, I was telling the House that all the Committees should work hard so that work can start in earnest especially as it relates to road construction. Mr Speaker Sir, it appears to me that this amount provided or proposed

for 2005 including other fees can be realised internally. I believe that if drive for tax is intensified, up to twenty five per cent of the amount needed can be realised internally. The Members of this House of Assembly understudied advanced democracy and we saw that more than half of their revenue came as internally generated revenue and we discovered from their system that we, the people agree for one person or group of persons to hold power in trust for them, these people that have agreed to that arrangement have to do something for the government to survive and that is what we call taxation.

We discovered that this taxation is one big thing government depend upon to carry on for the operations of government; for protection of lives and properties of the citizenry and their economic development empowerment. I believe that in Enugu State that time has come when we should imbibe the legacy for our children and also make our country rich by ensuring that every taxable adult should pay his tax promptly without being persuaded to do so I believe that we can do this in obedience to the laws of the land I know that the law has it that any tax evader is a criminal and any criminal should not be given any chance in the society for he should be confined until he learns how to behave.

In this year 2005, we should agree to bring to book anybody who commits crime against the State. I believe that without money these projects cannot be carried out; without money there is no way this proposal will work, and this money can only come when the people who want it make their contributions.

Mr Speaker, it is based on this that I am appealing to the House that certain ways of ensuring that these laws, especially the laws of taxation, is carried out and obeyed by the people, should be formulated.

Also, the section that deals on Daily Star is heart warming, because this Budget of legacy is going to bring legacy in Enugu State, information wise, because when it is implemented to the letter Daily Star is going to shine daily. I am happy that the Enugu State Broadcasting Service is really trying, giving the circumstances under which they operate, circumstances of inadequate training for members of staff.

It is on this issue of inadequate training of staff of the number one media organisation for the State, the Enugu State Broadcasting Service (ESBS), and the call for proper adherent to our taxation laws by the citizenry, that I call on Members of the State House of Assembly to please pass the 2005 Appropriation Bill into law. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, my contribution will not be more than a minute. The essence of Budget is the collective and cohesive views of changing the lives of the people for better. We will recall that the 2004 Budget to the best of our knowledge and my knowledge has a very high percentage of implementation.

Giving this Budget a passage will equally enable the Governor to tackle all the projects he has at hand. It is in view of this that I am also noting the fact that the

various Standing Committees of the House will have a good job to be done as it affects their own Committees. Invariably, it appears that most of the jobs as required, even if it is not called debate, can now come under the Committee level.

In view of this, Mr Speaker, may I now move that further debate on this Bill be deferred, and then you will use your good offices to commit the Budget to the various Committees to enable them start work. Thank you, Mr Speaker.

Mr J. U. Onoh (Enugu North): Mr Speaker, Sir, I rise to second the Motion as moved by the Deputy Leader of the House.

Question put and agreed to.

That further debate on the 2005 Appropriation Bill accordingly deferred to a later date to be determined by the Rules and Business Committee of the House.

Mr Speaker: Honourable Colleagues, having deferred further debate on this Bill, I wish to humbly refer this 2005 Appropriation Bill to all the relevant Committees of the House. That is to say, that Education Committee, for instance, will handle all the aspects that concerns Education. Commerce and Industry Committee will handle all the Commerce and Industry aspect as contained in the Bill. Likewise other Committees. I would like each Committee to prepare Reports on their Budget defence and hand them over to the Chairman House Committee on Finance and Appropriation for final presentation to the House.

I am aware that we do not have much time as Christmas is fast approaching. We have to do our best to see how far we shall go before Christmas. On that note, I am giving the various Committee Chairmen one week to finish their Budget defence and return same to the Chairman, House Committee on Finance and Appropriation, for further deliberation. Thank you.

ANNOUNCEMENT

Canteen

Mr Speaker:

1. I wish to inform hon. Members that we have a functional canteen now. So, I use this opportunity to call on those of us who may wish to have their meals or entertain their visitors to do so at the canteen just downstairs.

Message

2. Honourable Colleagues, I have a message for you on the rising of the House in my office. It will not last more than two or three minutes. Thank you.

ADJOURNMENT

Leader: Mr Speaker, Sir, may I move that this honourable House do now adjourn till Tuesday, 14th December, 2004 at 10 a.m.

Mr J. Obidinma (Oji River): Mr Speaker, Sir, I am standing to second the Motion for adjournment, as moved by the Leader. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 14th December, 2004 at 10 a.m.

Adjourned accordingly at 1 p.m.

No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 122

Monday
13th December, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Monday, 13th December, 2004
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before this House are our Votes and Proceedings No. 43 for Thursday, 9th December, 2004. I have gone through them and found them to be very correct. However, I call for your comments. Thank you.

Mr E. C. Maduabu (Awgu South): Mr Speaker, Sir, I have as well gone through our Votes and Proceedings of Thursday, 9th December, 2004 and found them to be correct. I, therefore, move for the adoption. Thank you Sir.

Deputy Whip (Mr D. I. Agbo): Thank you, Mr Speaker Sir, I have risen to Second the Motion as moved by the hon. Member for Awgu South (Mr Maduabu).

Question put and agreed to.

Votes and Proceedings of Thursday 9th December, 2004 accordingly adopted.

**MESSAGE FROM HIS
EXCELLENCY, THE GOVERNOR
OF ENUGU STATE,
DR CHIMAROKE NNAMANI**

*Government House,
Enugu.*

10th December, 2004

Ref: GHS/123/VIII/108

*The Hon. Speaker,
Enugu State House of Assembly,
Enugu.*

Dear Sir,

*RE: APPOINTMENT OF CHIEF
JUDGE OF ENUGU STATE*

I refer to your letter Ref. No. ENHA/5/CA/41/VOL.IV/22 dated 19th October, 2004, informing me of the resolution of the House of Assembly not to confirm the appointment of Hon. Justice R.C. Agbo as the new Chief Judge of Enugu State.

Consequent upon the above, the National Judicial Council revisited the nominations submitted earlier by the State Judicial Service Commission in respect of the remaining candidates and recommended hon. Justice I. A. Umezulike to me for appointment as the new Chief Judge of Enugu State.

In the premise and pursuant to section 27(I) of the 1999 Constitution of the Federal Republic of Nigeria, I hereby

forward the name of the said Hon. Justice I. A. Umezulike of the Enugu State High Court for the consideration of the Honourable House for the confirmation of his appointment as the new Chief Judge of Enugu State.

I enclose herewith the said letter from the National Judicial Council for your guidance.

While expecting an expedite action on this, please accept the assurances of my highest regards.

Sgd

CHIMAROKE NNAMANI, MD
Governor of Enugu State.

Leader (Mr Anichukwu): Mr Speaker Sir, may I move that the Message from the Governor of Enugu State, Dr Chimaroke Nnamani, be accepted for immediate consideration by this honourable House. Thank you, Sir.

Mr E. C. Maduabu (Awgu South): Mr Speaker Sir, I have risen to second the Motion as moved by the Leader.

Question put and agreed to.

Leader: Mr Speaker Sir, the Message of His Excellency, the Governor of Enugu State which is before this honourable House is only a new message on the ground that the issue which this House do firmly objected to, has now come for consideration. Mr Speaker, Sir, in a nascent democracy, we have to

understand that no one arm of government operated in isolation. Based on information available, sooner or later the three Arms of government which is the Judiciary will soon have a vacant position of the Chief Judge of Enugu State.

The Executive, the Legislature and the Judiciary must not be left in a vacuum. They should be allowed to exist with each of the arms of government, otherwise, democracy will have some little bit of problem. It is in this vein that finally the National Judicial Council has recommended that Hon. Justice I. A. Umezulike be confirmed as the Chief Judge of Enugu State. I am urging hon. Members to please take immediate consideration from the point of view that our nascent democracy has to move on smoothly. If this message is considered by this honourable House, it will mean that this system is continuous as it should be. It is in this vein that I am appealing that my hon. Colleagues should please confirm the appointment of Hon. Justice I. A. Umezulike as the Chief Judge of Enugu State as submitted by His Excellency. Thank you, Sir.

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, when you were reading the message from His Excellency, you also mentioned that there was a letter from the National Judicial Council that will be guiding this House. I don't know whether it will be out of place to make a request that the letter should be read to the House so that we will be properly guided in our legislature.

Mr. Speaker: Okay. I do not see anything wrong with that if the House wants me to read the letter from the National Judicial Council which was written to the Governor. And he made reference to the letter for our guidance. I can go ahead and read it. The letter was addressed to the Executive Governor of Enugu State.

Appointment of Chief Judge of Enugu State

I wish to refer to your letter Ref. No. GHE/26 of 22nd October, 2004. The nomination by the Judicial Service Commission of Enugu State for the above mentioned post was reconsidered by the National Judicial Council at its meeting which was held on 8th and 9th December, 2004.

2. The State House of Assembly in her power under the 1999 Constitution decided not to confirm the appointment of Justice R. C. Agbo as the new Chief Judge of Enugu State. The National Judicial Council revisited the nomination submitted earlier by the Judicial Service Commission. Since Hon. Justice I. A. Umezuluike is the senior to Hon. Justice E. Nebo among the remaining candidates nominated, and was in fact, the candidate preferred by the Judicial Service Commission, the National Judicial Council in exercise of its powers under section 271 sub section 1, paragraph 21 of part 1 of the 1st Schedule of 1999 Constitution decided to recommend to His Excellency, Hon. Justice I. A. Umezuluike for appointment

as the Chief Judge of Enugu State. The appointment is subject to confirmation of the State Assembly of Enugu State as provided by the 1999 Constitution. That is the letter. Thank you.

Mr M. Njeze (Udi North): Mr Speaker Sir, I have enough reason to support that the request from His Excellency, for the acceptance of the nomination of the Hon. Justice I. A. Umezuluike be confirmed on the following grounds: In the first instance, this House has always stood for harmony in all the various Arms of Government. We are happy that the State House of Assembly is in harmony, because we have an hon. Speaker who all the Members love, and so there is peace. We have in the Executive a Governor who is doing the will of the people and who is obeying laws passed by this House. And so, the Executive is in harmony; and so progress is going on. In the Judiciary also, there is need for this harmony to exist, so that we get the best of the Judiciary in Enugu State.

From the letter sent to the Executive from the National Judicial Council, it is clear Mr Speaker, that the first choice of Enugu Judicial Commission is Hon. Justice I. A. Umezuluike. And this is obtainable even in an advance democracy that Justice do face election. In our country the first form of the campaign elections is to be selected by their colleagues they are going to work with. Since the Enugu State Judicial Service Commission, a place where he is going to head, chose Justice I. A.

Umezuluike and since also in tradition of the Judiciary the two remaining candidates selected by the State Judicial Commission he is also the senior, it then follows that by seniority he should be approved; and that by vote he should be approved; and by experience. Hon. Justice I. A. Umezuluike has been addressed by several Newspaper publications as an eminent scholar of Jurisprudence.

He has been sent to various assignments to represent various Commissions outside the High Court, where he was a Judge. He has also received a National award on Jurisprudence. And so, since Enugu State is opportuned to have such a high placed Justice in the State Judiciary, and since he has been recommended by his Colleagues and is accepted by the National Judicial Commission I pray this honourable House to do Justice to this request by His Excellency, the Executive Governor of Enugu State, by approving his nominee for appointment as Chief Judge of Enugu State. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I rise to contribute to the request by His Excellency for the confirmation by this honourable House, of Mr Justice Innocent A. Umezuluike as the new Chief Judge of Enugu State. In the first instance, we should recall that the present chief Judge will be retiring today. In Judiciary and even in government, there is no Constitutional provision for vacuum. And it behoves this honourable House which saw the

need for unity of purpose, unity of togetherness, unity of understanding, in rejection of the first nominees. It will now be a recognized fact that this honourable House as the clearing House for any such appointment will rely on the Constitutional provisions as regards the issue before us. Mr Speaker, just like the last speaker said, the Judiciary is a Constituency of its own. As a Constituency of its own, it demands, for instance, you recall in some of the newspaper publications, the office of the Chief Judge of Enugu State or the office of the Chief Judge of a State is no more primarily on seniority.

If you recall that the Nigerian Bar Association in one of their recent meetings, the immediate past President of Nigerian Bar Association and Senior Advocate of Nigeria made it clear that Seniority is no more a factor, so to say, in appointing such a person. In other words, the appointment of Chief Judge is more political now. Just like my immediate Colleague has just said as a Constituency of its own, the State of high Court Judges and some other few individuals appointed to it as provided by law, we have somebody who is more suitable, who is more qualified, who is more co-operative to help the Judiciary.

In Enugu State, we have much cordiality and conviviality existing between the three arms of Government. That cordiality and conviviality existing will not be allowed to be truncated and frustrated by any other means in terms of appointment of a Chief Judge. It will be

an aberration of this cordiality and conviviality to now begin to appoint somebody who will not be able to carry along his people. As a consensus of his own, a Chief Judge of that nature should be accepted by his Colleagues first of all and then made available; being self-centred should not exist. The person must have been exposed, and disposed to work with his Colleagues before he can now assume the position of a Chief Judge.

The issue of not being approachable or such a distant person to head the Judiciary, a corporate independent arm of a Government, will be contrary to the cordiality and conviviality existing in Enugu State. It is only when we have peace and have it abundantly too, that the State can move forward. So, I call on my Colleagues to recognize that their wise decision earlier on this issue has now made it possible for us to have somebody who has been tested by his Colleagues, who has been recognized and approved by his Colleagues to carry them along. The honourable House will be doing her duty by recognizing the fact and approving the Governor's nominee. It is on this note that I call on my Colleagues to now consider and confirm the appointment of Justice Innocent Umezuluike as a new Chief Judge of Enugu State. Thank you, Mr Speaker.

Mr J. Obidinma (Oji River): Mr Speaker, it is very clear since its inception that Enugu State Judicial Service Commission is in solidarity with Justice A. I. Umezuluike (*laughter*).

Mr Speaker: The hon. Member for Oji River (*Mr Obidinma*) said Uwezuluike. It is a slip of tongue. The name is Umezuluike.

Mr Obidinma: Thank you for the correction. Mr Speaker, like I was saying, only the space can judge the events. Now, they have spoken and it is clear that it is only his mates that can judge him first. They know the person they can work with, they know the person they are in harmony with, they know the person that can move the Judiciary services forward.

Mr Speaker, the House of Assembly, as a balancing force in democracy is supposed to be doing the best thing by upholding the nomination of Justice A. I. Umezuluike. Having said this, it is my wish and prayer that this House do consider the nomination of Justice Umezuluike as Chief Judge of Enugu State because nature abhors vacuum. Mr Speaker having heard from many speakers, I don't think it is wise for us to continue to debate on this matter. May I, therefore, move that the Question be put. Thank you.

Mr E. Maduabu (Awgu South): Mr Speaker, I am using this opportunity to thank my Colleagues to expedite action on the confirmation of A. I. Umezuluike as the Chief Judge because from the note read before the House it seems that the letter of the Governor is in harmony with the letters from the National Judicial Council appointing the said person as the

Chief Judge. That being the case we don't have any other problem because the State Judicial Services Commission, in their own vision has Justice Umezuluike as a person to be the Chief Judge of Enugu State.

Now that the National Judicial Services Council has as well confirmed, I think we shall be doing ourselves and then the State a good service by confirming the nomination of Justice Umezuluike as a Chief Judge of Enugu State.

Justice Umezuluike has held many National positions. He was the Secretary, National Committee for the creation of criminal Law of Northern and Southern Nigeria. He was a Secretary on the Land use Review Act Committee; he was as well a Secretary on Interim National Government of Constitution Drafting Committee and then a Special Adviser to the Hon. Attorney-General of the Federation. He is as well a professor of Property Law. Therefore, he is qualified to carry other Judges along with him. Therefore, I am pleading with our Members to confirm his appointment as the Chief Judge of Enugu State. Therefore, I move that the Question be now put. Thank you.

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

Main Question put and agreed to.

Resolved: That the honourable House do today 13th day of December, 2004

confirm the appointment of Hon. Justice A.I. Umezuluike as the new Chief Judge of Enugu State.

ANNOUNCEMENT

Mr Speaker:

Meeting

There will be a meeting of the House Committee on Business as follows: Tuesday 14th December, 2004 on the rising of the House. Members are expected to attend the meeting with their old and new standing Orders as crucial matters are going to be discussed.

ADJOURNMENT

Leader: Mr Speaker, may I move that this honourable House do now adjourn till Thursday 16th December, 2004 at 10 a.m.

Mr M. Njeze (Udi North): Mr Speaker, Sir, I rise to second the Motion as moved by the hon. Leader.

Question put and agreed to.

Resolved: That this honourable House do now adjourned till Thursday 16th December, 2004 at 10 a.m.

Adjourned accordingly at 11.35a.m.

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ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 123

Thursday
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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 16th December, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings No. 44 dated Monday, 13th December 2004. I have gone through them and to my mind, they are correct. However, I call for your comments. Thank you.

Mr D. Ani (Enugu South 1): Thank you, Mr Speaker, I have equally gone through the Votes and Proceedings of our last sitting. I found them correct. Therefore, I move a Motion for the adoption.

Mr J. Obidinma (Oji River): Thank you Mr Speaker, the Motion as moved by the hon. Member for Enugu South I (*Mr Ani*) is in order. So, I second the Motion.

Question put and agreed to.

Votes and Proceedings of Monday, 13th December 2004 accordingly adopted.

PRESENTATION OF A BILL
THE REVISED EDITION (LAWS OF
ENUGU STATE OF NIGERIA)
AMENDMENT BILL NO. 12, 2004

A Bill for a Law to Amend the Revised Edition (Laws of Enugu State of Nigeria Law and other related Matters, presented by (*Mr J. N. Anichukwu*): the Leader of the House read the First time.

Mr Speaker: Honourable Colleagues, the Revised Edition (Laws of Enugu State of Nigeria) (Amendment) Law 2004 has now been read the First time.

Leader (*Mr Anichukwu*): Thank you, Mr Speaker. May I move that the Bill be now read the Second time.

Deputy Leader (*Mr Anikwe*): Mr Speaker, I have risen to Second the Motion as moved by the Leader (*Mr Anichukwu*).

Leader: Mr Speaker, I am very grateful that from all indications, integrity of this House is being held at a high esteem by every section of Enugu State. Why I said this is that in law you do not just say you are making any amendment you feel like doing. You do not pick up your pen or pencil and alter 'A' to 'B'. That is why by my own understanding, this Bill seeks to just amend the law which is in existence by substituting 2003 with 2004.

Why I said this is that it is very necessary for us to know that even the Executive who sent the Bill does not take this honourable House for granted. That is why they sent in this Bill for the Bill to take the normal process the Bill is supposed to take, not minding that it is only changing 3 to 4.

There is no major amendment in this Bill. I am appealing to my hon. Colleagues to please, understand the amendment not to be a major amendment so that they will give the bill the immediate passage it requires. Thank you.

Mr E. Odo (Igbo Etiti East): Mr Speaker, the import of this amendment, you will recall that sometime this year, we passed a bill in respect of this very subject matter, calling for the appointment of a law Revisor. To that extent, the Bill was with the intention of collating all the laws made so far in Enugu State, including the Received English Law that was enacted in this part of the world as at 1900 and also pieces of legislations so far made by this House. And the law was with the view that the appointment of a Law Revisor ought to have articulated all the laws on or before 31st December last year, but due to administrative bottlenecks, the Law Revisor could not articulate all these in the meantime.

It is now necessary even to understand that in between 31st of December 2003 to date, that this honourable House has passed series of Legislations which, if we do not amend this very law, means that while articulating laws as was really put together by the Law Revisor, that the laws made between January 1st to date will not be included. It is in this view that it has become necessary for us to amend the same Bill that was passed by this honourable House so as to incorporate all other laws so far made in this State till date.

The Bill not being a contentious one, it is necessary for us to understand, as well, that some of our High Court laws and even High Court Rules are applicable in this State by adoption, just like the Standing Orders of this

honourable House at present which is currently under review and with the amendment of this Bill and with the law Revisor promising to publish same laws by the first week of next year, the laws of Enugu State will no longer be applicable or by adoption.

On this bases, Mr Speaker, I wish to urge my Colleagues to really support this Bill as the Bill is not a contentious one, so that we just amend the 2003 as mentioned in the Bill to read 2004, so that we incorporate all other laws made so far. Thank you.

Deputy Speaker (Mr Atigwe): Mr Speaker, I understand that this Bill is for mere amendment of an existing law. According to the Mover, he said that the Bill is not contentious or any other thing, but still our purpose here is to make good laws to govern the people. This Bill for amendment is a Principal Law; to delete 2003 and insert 2004, then another one says, for the same and each of the preambles, Sections 1, 2, 3 (i) and (ii) paragraph one of the schedule. I do not have them here. They are not attached here; do I know whether this amendment says dissolve this House of Assembly, then I will dissolve myself and go.

Chief Whip: On point of Order! Mr Speaker, it will be very, very unfair for a Member to claim ignorance or not being aware of the law that has been passed personally. This same law was passed by this honourable House and every Member accordingly has a copy. It was referred to a Committee who screened the Bill and came out and the House adopted it. So, let us not create the impression that we passed a law without knowing the content of it. There is no way one would have expected that the copy of a Bill that was passed by this honourable

House which constructively, all of us ought to have a copy, and I believe all of us have copies of it, and we would now say that we do not know when we passed such law. That is not nice, please.

Deputy Speaker: Thank you Mr Speaker, law does not ...

Mr Speaker: Honourable Deputy Speaker, let me ask a question. What is the purpose of this amendment Bill that is before the House?

Leader: Mr Speaker, if we look at the Section the Deputy Speaker has just read, the purpose of this Bill, as contained in paragraph 3, the Principal law, is hereby amended as follows: (a) *by deleting 2003 wherever it appears in the following and substituting the same with 2004*. The Section the Deputy Speaker mentioned here is not Section.

Mr Speaker: Honourable Colleagues, with due respect, this Bill we are trying to amend: we are not amending the whole Bill. We remember that we passed a Bill here giving the Law Revisors the authority to revise the laws of Enugu State up to 2003. From 2003 to date, this honourable House has passed other laws, and if we do not remove 2003 and insert 2004, it now means that when we come back in 2005, we will now talk about amending this year's own, but the moment we delete 2003 and insert 2004, the Bill we now pass will cover between the date unknown to 2004.

So, I think the argument the Deputy Speaker is canvassing should not be a problem because like the Chief Whip said, this Bill was passed by this honourable House not long ago and we are all aware of

the content of this Bill. So, I sincerely believe that we should go ahead and get this Bill passed and in view of this, I uphold the point of order raised by the Chief Whip (*Mr Odo*).

Deputy Speaker: Question! Mr Speaker, you are the Presiding Officer, so I agree with your rule, but we are speaking before the public. I am amending a law, and I am not against the law, but let me know where I am amending. If you say that Nigerian Constitution, Section 28 said such and such for example, then you quote the section and we see it.

Now, I do not see that section you are talking about, I am not against the amendment if we have the Principal Law now, because in this very Bill it is said *remove* and *insert*. This is my question, I am not contesting anything, but immediately you touch anything in law you must have to quote the Section. Law does not need anything emotional but facts. Now we are talking emotionally and not factually, part of the law should be quoted and this is my point.

Mr Speaker: Well, hon. Colleagues, this is democracy where everybody is allowed to say his mind. If this honourable House do not mind, we can go on and I assure you that we are making arrangement to get the Bill. We have noted the request, so we can go on since I have directed people to get the Principal Law so that we can read that particular Section we are talking about. Thank you.

Deputy Leader (*Mr P. Anikwe*): Mr Speaker, I have risen to make my own contribution to the Bill before us. If you have a closer look at the content of the Bill where the Speaker posed a question to the Leader of this House on the primary intention of the Bill. to my own mind the Bill is never in

contention, the Bill is primarily seeking to include a kind of arrears of laws already made by this House; to include those arrears of laws made by this House from January to date. And if we do not make such amendment of changing the laws of 2003 and 2004, it means that all the good laws we made for this year will still be affected by as *applicable*.

So, I think the essence of the law is not a major change when we say that every other place in 2003 law appears. It has to be amended to reflect 2004. The principal law, in my own mind, is primarily when we pass it either seeking the House for approval to enable the State Government to appoint the law revisors, so that the essence of *Anambra State law as applicable here* will come to an end; and that is what we are saying. We cannot make this law appointing a law revisor and none has been done, now we will begin to refer to the laws we made in January to December this year as applicable again.

So, I think this Bill is primarily seeking to now include the 2004 laws made by this honourable House which will now be the laws that will check-mate every other laws coming from 2005 and for ever. So, I do not think that there is a very big change in the content of the principal law, so to that effect, Mr Speaker, I believe sincerely that we will go ahead and put the Question that the Bill be now be read the second time.

Mr Speaker: Honourable Colleagues, I sincerely believe that this thing does not require much debate; it does not require over-flogging because what we require is just to delete 2003 and insert 2004. So, it is not a big deal but for record purposes, although, I have noticed what the Deputy Speaker said about the principal law so I think I have to

read the principal law right now so that everybody will be carried along.

Deputy Speaker: We have a Motion before the House, Mr Speaker, or are you using your discretion as the Speaker of the House?

Mr Speaker: I have done that already. ...
(Laughter)

Okay, now this is the principal law. I read, they said in Section 7(1):

The revised edition shall be completed and printed soon after the appointed date and the law revisor shall as soon as the revised edition is completed transmit four copies thereof to the Attorney-General who shall forthwith submit same to the Governor for identification.

And the Bill is saying that anywhere we see 2003, please insert 2004. Is that okay? All right, is that okay my Deputy Speaker?

Several hon. Members: It is okay.

Deputy Speaker: Mr Speaker, a Motion is on the Floor, put the Question.

Mr Speaker: You have to move that Motion again because it has been overtaken by event. ... (Laughter)

Deputy Leader: Thank you, Mr Speaker, you know that democracy must be practised, having demonstrated as the professional presiding officer, may I now call your attention, Mr Speaker that the Question be now put that this Bill seeking amendment be read the Second time.

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

- (iii) paragraph (1) of the schedule and
- (iv) explanatory notes

Again Question put and agreed to.

As amended, ordered to stand part of the Bill.

Bill accordingly read a Second Time.

Mr Speaker: Honourable Colleagues, the Bill to amend revised edition law of Enugu State of Nigeria 2004 and other related matters have now been read for the Second time. Thank you and God bless you.

Title and Enactment agreed to

Commencement date 15/12/2004

Interpretation agreed to

Mr Speaker resumed the Chair

Mr Speaker: Mr Speaker, may I move that the Bill be dissolved into the Committee of the Whole House for the consideration of the Bill before this honourable House.

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move that the Bill, as amended, be now read a Third time.

Mrs C. Eneh (Udi South): Mr Speaker, I rise to second the Motion as moved by the Leader of this House.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I rise to second the Motion.

Question put and agreed to.

Question put and agreed to.

**THE REVISED EDITION (LAWS OF ENUGU STATE OF NIGERIA) AMENDMENT BILL NO. 12 2004
(CONSIDERED IN THE COMMITTEE OF THE WHOLE HOUSE)**

Bill accordingly read the Third time and passed.

Mr Speaker: Honourable Colleagues, let me propose Enactment, Citation, Commencement Date and let us move into the body of the Bill.

Mr Speaker: Honourable Colleagues, the law to amend the Revised Edition (law of Enugu State of Nigeria) (Amendment) Bill No. 12 2004 and other relevant matters has now been read a Third time. To that end, the Bill is now passed. I wish to thank you all for your co-operation, efforts and understanding. May God bless you all.

That the principal law is amended as follows:

- (a) by deleting "2003" wherever it appears in the following and by substituting same with "2004"
 - (i) clauses 7,8 of the preamble
 - (ii) sections 1.2.3, (1) and (2)

ORDER OF THE DAY
THE ENUGU STATE OF NIGERIA 2005
APPROPRIATION BILL

ADJOURNED DEBATE ON SECOND
READING (9/02/04)

Leader (Mr. Anichukwu): Mr Speaker Sir, may I move that the Bill be now read a second time. Thank you.

Deputy Leader (Mr. P. Anikwe): Mr Speaker Sir, I have risen to second the Bill as moved by the Leader.

Question put and agreed to

Mr. Speaker: Honourable Colleagues, you will recall that there has been a debate on this Bill discussing the general principles of the 2005 Appropriation Bill – merits and demerits. A lot of you have spoken. May I now have the privilege to call those of you that have not spoken to do so now.

Mr. J. Obidinma (Oji-River): Mr Speaker, I am standing to support the Budget of Enugu, 2005. Mr Speaker, a good start every day brings good result. This budget of Enugu is a good beginning for year 2005. Mr Speaker, I am supporting the Bill with many reasons. Agriculture – Mr speaker, that of last year was about research into agriculture in the state. This year's budget is about applying the result of those research into productivity. So immediately it is passed it will bring food for me and you on our tables.

Then Commerce and industry – Mr Speaker, today, government companies are being commercialized. The budget is about positioning the State Cottage industries before commercialization. Then, Mr Speaker, if this budget is passed, a lot of salary arrears

owed ENADEP workers will be cleared because a lot of money was budgeted for it. Land transport – Mr Speaker, it is my prayer that this budget will be passed to enable Ndiabor-Okpanku-Mpu road to be constructed so that agricultural products can be transported to the urban areas. Education – last year ten primary schools were renovated in each local government. It is my prayer that this year more will be done.

Information – Mr Speaker, actually, I am of the view that the budget allocation was not good enough. Daily Star, the time we were there, was nothing to write home about. This time around, only Two Million Naira was budgeted for it. So I am afraid it cannot bring Daily Star to life. Therefore, I want to appeal to the Committee concerned to do something about it. Mr Speaker we all know that budget is about planning for the future. I do not intend to talk much. Last year's budget was not well applied. It is my hope that this year's budget will be well applied. On that note, I appeal to hon. Members at Committee levels to expedite action so that this year's budget will be passed. Thank you.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, I want to contribute to the debate on 2005 Budget Estimate as presented to this honourable House by His Excellency, the Executive Governor of Enugu State. When that Budget was presented, His Excellency did say that the Budget will be used as an instrument in achieving the State policy of SEEDS – (State Economic Empowerment and Development Strategy). He went on to say that it could be done through the sustained reduction of poverty, wealth creation and employment generation. So why do we not give this Budget express attention. I have personally said that these goals were vigorously pursued through

infrastructural development. We all know the importance of roads which got about N2 Billion Naira. Sixteen road net works were budgeted for. What I am trying to say is that if there is road network all over the State, that is a way of tackling poverty. If there are Rural Electrification all over the State, it is a way of tackling poverty. If water supply which got about N600 Million Naira is approved, it is a way of tackling poverty.

What it takes when we talk of tackling poverty, we should remember individuals in the society. You know very recently the whole State has been sensitized on Cooperative Societies for both women, men and young people. If you go to Secretariat about 500 people have applied to get this Micro Credit provisions. In the rural communities about 500 Cooperative societies exist. I have gone through the Budget, there is no way any provision was made for the Micro Credit. I do not know if this was an omission or whether money will come from some other places. Otherwise, I will suggest, if we are really serious about reducing poverty, particularly among the rural dwellers, some provisions should be made for Cooperative Societies particularly for our rural women. This is the only way they can gain from the mere crux of 2005 Budget.

It is also important to appreciate the innovations in the Budget, one of which is to make provision for N131 Million for the purchase of shares through the privatization exercise, which is going on. This is to enable citizens of this State have the opportunity to buy shares in Federal Government owned companies. This is a very good innovation which if I may suggest, I will say that the money should even be increased. If more citizens of the State can buy shares in Federal Government-owned companies, reputable

Companies and Banks, that is a definite way of tackling poverty because you cannot tackle poverty by counting the amount of money you have in your pocket now, but for the investment you have made for the future. The money you are having now can go at any time, but if you have invested in these companies, you are rest assured that for sometime there is hope. So I very much support the idea of giving these loans to civil servants, plus other public officers so that people can participate in this privatization exercise.

I also wish to commend the State government for the lower income group loans and feeder Housing Estate, an innovation where about 324 Flats will be built for the medium income level people in this State. Such a thing has never happened before. I pray that such a thing will be realised during our own time, where we shall see up to 324 families living in government estate. The experience of the Federal Government Lower Income Group is there, those people who benefited from it are now owners of these Houses. Infact, that is the only thing they can now own in their lives. So I hope that when this is achieved, it will be of great help and a way of reducing poverty among the medium income level people.

I also feel that if the designers of the building will look at it again, so that the building will not be so sophisticated or it may not be easy to maintain. Another thing to maintain is the sewage facilities otherwise over a period of time they will decay. So it is better to reduce the height and the sophistication of the building, to make the number more and the flats less and it will be easier to maintain because it will be engaged by people like us. So this project has been giving us hope.

Like my Colleagues have spoken, this state is living on education. At the last national Council on Education held in Minna, we all heard how the Federal Minister of Education asked other States of the Federation to go and emulate Enugu State especially on the school meal programme. We are said is the only State in the Federation that is looking at what the children are eating from primary school level. That initiative is an empowerment because it is not easy to afford meals to children in primary schools. If you look at the Budget again, you will see that we are having more science schools. I pray that in the next Budget the Science Schools will be spread to other zones because when it is spread to other zones it will enhance the learning of science subjects in all parts of the state. We are very much conscious of increasing the Budget Estimate because the level of income is very much below. Otherwise, I would have said that we need to spread science schools to other zones so that they will benefit from it.

Mr Speaker, there is nobody here that will say we are not happy with the ESUT Permanent site. In a few months time, the INI campus will be left for them and they will take back their former glory of the biggest school of Technology in the country. They will have all the campuses for themselves and we pray it happens at our own time and we can only achieve that by approving the budget as soon as possible. *(Interruptions)*

Mr Speaker, I sincerely plead with my colleagues to consider making something available for micro phase credit loan for the small dwellers because it is a direct attack on the poor. It will make the poor women in the villages to have something in their pockets

for trade and food storage. That is the way to earn their own money; they don't have anything to earn salaries, they don't have supermarkets. If you give them ten, ten thousand Naira it will help them to run their businesses for months or for years and even if they are returning it after some period they will not feel the impact so much. On this note, Mr Speaker, I support this budget and urge my hon. Colleagues to pass it as quickly as possible so that the Chief Executive will continue with the good work he is doing in the State. Thank you, Mr Speaker.

Mr A. Nnadi (Igbo-Etiti West): Mr Speaker, Sir, I don't intend to stay so long on this debate and I do not intend to repeat or re-echo the reasons adduced by earlier speakers. I want to introduce a new subject to this which I know is very relevant to the subject matter. I want to let us know that legislature as far as I am concerned, is democracy and if there is no a Legislature there is no democracy. The good people of Enugu State are very, very lucky to have gotten the kind of Legislature at this point in time. The Legislature that is not selfish; Legislature that has the people represented at heart; a Legislature that is not greedy for money, greedy for any other thing. This reminds me of a publication sometime in the past where the hon. Members of this great Assembly were described as sleeping Legislators. *(Interruptions)*

Mr Speaker: I don't want the hon. Member for Igbo-Etiti West (*Mr Nnadi*), to make reference to a document he cannot lay his hands on when debate is going on.

Mr Nnadi: I have a copy! Mr Speaker, what I want us to know is that I cannot stand up on the Floor of the House and make a statement I am not hundred per cent sure of.

Are they believing that we don't confront ourselves, we don't confront the Executive because we have the people we represent at heart and we want to protect their interests. Based on this, the people of Enugu State should equally thank their God for having a people-oriented Governor. The Governor that has no other thing as his priority other than the welfare of his people and that is why his opposers are not happy with what he has been doing in Enugu State.

Looking at 2004 budget, the budget was above eighty-five per cent implemented. And this year's budget is a budget of complete poverty eradication and budget of 2004 was implemented by the same person who will implement 2005. I don't think we should have fears. He is for the people and he is working for the people. If I may use this term, he is the political Jesus of Enugu State; political liberator who makes all impossibilities possible. We do not have to go to debate whether to pass or not to pass. Of course, we are the protectors of the welfare of the people by giving this budget accelerated passage but that will be after critical analysis of different sections of the budget by different Committees. Mr Speaker, Sir, based on this, I am thanking you and I want to rest my case.

Deputy Speaker (Mr Atigwe): Thank you Mr Speaker, hon. Members. We have before us the budget of Legacy. The greatest legacy one leaves behind are his good works. The roads are there, water, electricity. May I talk of health where the hospitals are being built. The legacies we are talking of further is poverty reduction that Nigeria is talking of that we are practicing in this State. This is poverty reduction that His Excellency is going to leave behind. We are spending and our public Expenditure Management is one

of the best. We are spending from Revenue road expenditure. '

His Excellency is doing what people are emulating and not emulating what other people have been doing and that is why John C. Maxwell said *No pain no gain*. In his 1999 budget, he said that he has a new vision for Enugu State. No vision wherever has ever been achieved without suffering. That is why he has suffered persecution and today he has triumphed together with all of us.

The budget of legacy is laid before us and it is left for us whether the course from 1999 till date has been of good or bad. If it is of good now ladies and gentlemen, hon. Members, there is no need wasting time we have not been deceived. Therefore we have to follow our leader. Delaying the budget means delaying his best. So, Mr Speaker I know that I may not be quoted out of context but I know that my learned friend is not the one presiding. So, Mr Speaker the only place I may have to question the budget is Head 459 where we talked of College of Agriculture Akpugoeze, Nkerefi. It is for the good of our people, but it must come through the Floor of the House and then we pass it accordingly. Again, Mr Speaker, we will continue to pray that God guards His Excellency by getting very closer through the Non-Governmental Organizations. When this administration started, I am one of the people who made a noise about that and today, they are doing good. Anywhere you talk of, we are paying part of our contributions to the NGOs. I thank His Excellency in that aspect.

Again, Mr Speaker, like I have said earlier, the Legislature, we are the ones that suffered before when the Army came into focus. When

the conditions come, we insure ourselves. But our legislature is one of the best in the country today, because we have made it a family. The presence of the House of Assembly is just to change our lives. This State Government through His Excellency, Dr Chimaroke Nnamani, has changed our lives and I wish they are implemented. No Constituency will suffer any hardship and the best democracy is one free of social malady the legacy budget, Mr Speaker, more of it is about social democracy.

The author of 'Democracy Dividends' in this part of the country is ready and we are ready for the passage of his budget. So I am praying that the Appropriation Committee will not waste time to present their committee's report before the House so that we will pass it as and when due. Mr Speaker, if you permit me, may I move that the Question be put. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, I have risen to give my support to this 2005 budget as presented by the Governor of Enugu State. Mr Speaker, I want to speak on the various Capital budgets. In my Constituency Udi South, the construction of the 5th Mile Ebe-Ano by-pass to AMA Brewery now going on. In the areas of rural electrification, I am also happy to observe that many communities in my Constituency are provided.

With this, Mr Speaker, I move that the Question be put. Thank you.

Mr J. U. Onoh (Enugu North): Thank you Mr Speaker I think that everybody has been talking about the merits of the budget. Nobody has talked about the demerits.

I am not actually presiding over the demerits of the budget neither am I talking about the merits of the budget. But we are here to bury Caesar not to hail Caesar. The 2005 budget is remarkable and actually has taken a giant stride and walked the nefarious footsteps to precede the 2004 budget. But wherever there is a cause has already been found in the effect.

Based on that and in the areas of merits and demerits, I can only say that actually when we have stayed in our tenure and left, then our character can be vindicated. And let the end of our tenure the benefits of the budget and the good things we leave behind shall not only be there for the eyes to see but shall try the administration.

With that, I take my seat.

Mr E. C. Maduabu (Awgu South): I have risen to contribute to the debate of the 2005 budget estimate. The budget is a budget that is unique in nature. It is a budget whereby the capital expenditure is greater than the recurrent expenditure. Capital is having 10.6 billion Naira, recurrent is having 10.6 billion Naira. That shows the focus of the Governor of Enugu State. He is highly interested in the infrastructural development of the State which he is pursuing.

I am happy with that. On the issue of manufacturing and craft, which is Commerce and Industry and its committee, which I am heading, I am happy with the provisions made there. On the International Trade Fair Complex which a sum of N400 million Naira has been voted, that is okay, if it is well handled and implemented by the implementors. We need that very Trade Fair Complex. If it is completed, I think the ECOWAS International Trade Fair will be

held there. I give kudos to the Governor of Enugu State for that.

On the rehabilitation and reactivation of most of the government-owned industries or companies, that is very good, because once they come on board and they start functioning, the internally generated revenue of the State will increase and by the grace of God, Enugu State will be recorded as one of the industrial areas.

I am happy again with the outlook of the budget where industrial areas will be established both in the urban areas and in the rural areas. This will now go to enhance the focus of SEEDS, which is State Economic Empowerment and Development Strategy on sustained poverty reduction, through employment generation and wealth creation. The people at the grassroot will now have where to lay their hands on employment will be created.

The Adarice project is a very gigantic project. We were there last time through our overseeing functions and, in fact, we shed tears because a lot of money was invested there and they are just lying fallow. For the focus of the project now which has N20m allocated to it, I wish that the amount be increased to about N30m so that that project will be revitalized.

I am happy again that the electricity extension network is going towards other areas. But still we are looking at the merits and demerits of the Budget. One aspect that touched me much about the Budget is that there are some areas or some projects that have been re-occurring, but have not been somehow implemented. Like in my Local Government, Awgu NYSC Camp, this time by the grace of God, I think the electricity

extension should move there so that the Corpers will have a lease of life there.

With this little contribution of mine, I am begging the hon. Members to give a good passage to the Budget. Thank you.

Chief Whip: Mr Speaker, I may not need to over-labour what has been canvassed by my Colleagues, but I wish to draw the attention of the relevant Committees who will handle the various segments of this Bill to some issues for those of us who may not be privileged to be there.

Mr Speaker, all these while we have been talking of poverty alleviation in this State with a view to reducing poverty, with a view to increasing the capacity base of the citizenry of this State. It does not now really make sense to allocate a very meager amount of money to this very Ministry that appears to champion a very significant issue that cut across the entire people of this State.

For instance, if we look at the Forestry Commission, the money allotted to Forestry Commission is far much bigger than what was allotted to the Ministry of Poverty Reduction. On the issue of Education, we really have to intensify effort because it appears a lot of segments in the educational sector have been lagging behind. For instance, the Federal Scholarship Board and some establishments, even the School Meal Programme has witnessed some shortfalls in the light of lack of implementation by the I wish that the relevant Committees, aside from adjusting whatever that is due to the respective parastatal (para-Ministry) should, as well, make sure that such money mapped out be properly followed in oversight functions of this House.

Mr Speaker, I wish to use this opportunity to call on the House Committee on Works to see to the implementation of the Budget as it relates to Ukehe-Aku-Mkpologu road which has for some time resorted inside the Budget, and I wish that the Committee be kind enough to see that this aspect of the Budget are implemented because my Constituency are really crying about it, and we thank God that it is being re-presented in this Budget. So we are believing the next year's Budget will mark the end of the people's suffering in this part of the world.

Mr Speaker, I wish also to pray that the House Committee on Youths and Sports be lenient enough to review the allocation meant for Youths and Sports with respect to Rangers, so that what could be described today, all the heroism the Enyimba Football Club has been enjoying is what Rangers International has enjoyed in the past. In other words, Rangers International at present is living on past glory, and there is no way we can see to the end of this problem aside from making sure that we allocate quite a substantial sum of money in that section.

I equally wish to make comment on the issue of health. I am quite pleased with the development in the health sector especially the building of Park Lane Specialist Hospital and all other programmes embarked upon by the Government on health, but also there has been a constant neglect on HIV issues. People have come to realise that HIV issue is not just a health issue but a public health issue and as such if we make Budget of this kind, we should apportion some aspects of the State resources to HIV because it has tremendous effect almost on everybody. In other words, if one is not infected by HIV, one is affected consciously or unconsciously,

so we have to really give attention to this aspect. I am therefore urging the health Committee to really make an enquiry and have something allocated to this sector.

Finally, Mr Speaker, on the issue of Judiciary, I equally want to suggest that most of the customary Court Judges, that there should be a conscious attempt to establishing a training for them which ought to have been incorporated inside this Budget. Justice has been delivered in the Magistrate Courts, in the High Courts, in the Court of Appeal and in the Supreme Court, but what happen in the Customary Courts are mere jokes in terms of the administration of justice and I would as well urge the relevant Committee to establish a medium through which the Customary Court Judges will be recruited based on professionalism and people who can, at least, deliver the goods or in the alternative, organizing a training for the said Customary Court Judges.

In the light of these, Mr Speaker, I wish to state that the Budget appears nice if the relevant Committees are going to do their work effectively so that at the end of the day the Finance and Appropriation Committees will now collate appropriately as it was submitted by the relevant Committees. Thank you.

Deputy Speaker: Mr Speaker, Sir, I move that the Question be now put.

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

Main Question put and agreed to.

Bill accordingly read a Second time

4. Hon (Mrs) Lzeugwu E. – Member
5. Hon. Obidinma J. – Member
6. Hon. Ugwu C. – Member

We also decided to expand some of the Committees to accommodate these our ladies. The following Committees have been expanded:

1. House Committee on Economic Development, Civil Service and Labour Matters and we have Hon (Mrs) Edith Nnamani as a Member.
2. House Committee on Agriculture and Natural Resources. Hon (Mrs) Elizabeth Ezeugwu. Member.
3. Also House Committee on Youths and Sports has equally been expanded with Hon. (Mrs) Edith Nnamani as a Member.
4. House Committee on Public Accounts and Anti-Corruptions. Hon (Mrs) Princess Ogbu. Member.
5. House Committee on Petroleum Resources and Environmental Management, Hon (Mrs) Ezeugwu Elizabeth, Member.
6. House Committee on Health, Hon (Mrs) Edith Nnamani, Member.
7. House Committee on Education, Science and Technology. we have Hon (Mrs) Princess Ogbu as a Member.
8. House Committee on Finance and Appropriation, we have Hon (Mrs) Princess Ogbu as a Member.
9. House Committee on Commerce and Industries, Hon (Mrs) Edith Nnamani. Member

I wish to request on a serious note that all the Chairmen should try as much as possible

to accommodate their members very well. I keep on saying at Committee level, we have a quorum before their sittings. I do not want to see where one functions alone. If you are writing your Report, for instance, and it is one-man or two-man Report. I will not accept it. You have to work with your Colleagues to have a balanced Report. If you want to visit a place, you must have to visit the place with at least a quorum of your members. And those of you that have just been made Chairmen, if you have any problem, do let me know. If you are confused any where, please ask questions, we are prepared to guide you. I will like to have a very short meeting in my office tomorrow with the following:

Hon. E. Ogbu (Mrs)
Hon. E. Ezeugwu (Mrs)
Hon. E. Nnamani (Mrs)
Hon. C. Eneh (Mrs)

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker Sir, may I move that this honourable House do now adjourn till Tuesday, 21st December, 2004 at 10a.m.

Mr F. Onah (Nsukka West): Mr Speaker Sir, I have risen to second the Motion.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 21st December, 2004 at 10a.m

Adjourned accordingly at 11.25p.m.

Mr Speaker: Honourable Colleagues, the Enugu State of Nigeria 2005 Appropriation Bill has finally sailed through the Second reading. I wish to express my happiness to all of you for your wonderful contributions and I also wish to thank the Clerk of the House and all the supporting staff for their contributions towards the Second reading of this 2005 Appropriation Bill. Thank you very much and I wish that God will continue to guide you. Thank you and God bless you.

ANNOUNCEMENT

Budget Defence

Mr Speaker: The House Committee on Chieftaincy, Culture and Tourism will have their Budget Defence tomorrow, Friday, 17th December 2004 by 11a.m. prompt at room 225, Chairman's office. All Members of the Committee are invited, signed by the Hon. F. Amu, Chairman.

The House Committee on Women Affairs and Social Development of Enugu State House of Assembly will have their Budget Defence as follows:

Date: - 20th December, 2004

Venue: Room 12, Chairman's office.

Time: - 12noon.

All Members of the Committee are invited, signed by the Chairman, Hon (Mrs) C. Ene.

Appeal

Honourable Colleagues, I wish to appeal to various Committee Chairmen to try as much as possible to turn out their Reports and hand them over to the Central House Committee on Finance and Appropriation as soon as possible; you know that the Bill must be passed before the end of the year.

And also next week we may likely be very busy from Monday. There are expected Bills which require very urgent attention and we need to see what we can do to those Bills before we go on recess. So everybody will be prepared to work round the clock as from Monday next week.

Committees

I equally have tried as much as possible to carry everybody along especially our women. So, what we tried to do this morning is to find a way of accommodating them in the various committees and, of course, I am still trying to carve-out other committees so that they will Chair committees. So, if for any reason you are not mentioned now, I do hope that by the time we come back by January and if we decide to dissolve Committees, fine and good; and if we decide to create new ones, fine and good, but I assure you that everyone must be accommodated very comfortably.

This morning, we have decided to create another Committee on Poverty Reduction and Human Development. This is to be chaired by the hon. Member for Udenu (*Princess Ogbu*) and the following are the members:

1. Hon. Agbo D. – Member
2. Hon. Odo E. – Member
3. Hon. Maduabu E. – Member
4. Hon. Njeze M. – Member
5. Hon (Mrs) Ezeugwu E. – Member

We also decided to have a Special Committee called House Committee on Special Duties. We have the following:

1. Hon (Mrs) Nnamani E. – Chairman
2. Hon. Onyeze M.N. – Member
3. Hon (Mrs) Ene C. – Member



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 124

Tuesday
21st December, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 21st December, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings No. 45 of Thursday, 16th December, 2004. I have gone through them and found them to be correct. However, I call for your comments.

Mr A. C. Nnadi (Igbo-Etiti West): Thank you, Mr Speaker. I have equally gone through the said Votes and Proceedings and found them to be correct. Therefore, I move for the adoption.

Mr C. Ugwu (Enugu East): Mr Speaker, Sir, I rise to second the Motion.

Question put and agreed to

Votes and Proceedings of Thursday 16th December, 2004 accordingly adopted.

**PRESENTATION OF BILL(S)
THE HIGH COURT LAW OF ENUGU
STATE BILL, NO. 13, 2004**

A Bill for a Law to Establish the High Court of Enugu State and for other matters connected therewith presented by the Leader (*Mr Anichukwu*), and read the First time.

**THE ENUGU STATE PUBLIC ORDER
PROHIBITION OF MEMBERSHIP OF
SECRET CULTS) BILL, NO. 14, 2004**

A Bill for a law to prohibit membership of Secret Cults in Enugu State, their activities and other matters relating thereto, presented by the Leader (*Mr Anichukwu*) and read the First time.

**THE ENUGU STATE CITIZENS'
RIGHTS AND MEDICATION CENTRE
BILL NO. 15, 2004**

A Bill for a law to provide for the establishment of the citizens' rights and mediation centre, duties of the centre and for other matters connected therewith presented by the Leader (*Mr Anichukwu*); and read the First time.

**ORDER OF THE DAY
THE ENUGU STATE WASTE
MANAGEMENT AUTHORITY LAW
(AMENDMENT) BILL, 2004**

A Bill for a law to amend the Enugu State Waste Management Authority Law 2004.

Order for second reading read

Leader (*Mr Anichukwu*): Mr Speaker Sir, I have risen to talk on this Bill before

this honourable House. Actually, the Bill is not a new Bill but an amendment Bill to the original Bill earlier passed by this House. All is geared towards making sure that Enugu State looks like a State inhabited by decent people. Mr Speaker, I remember when the Bill was introduced, passed its First reading, this honourable House mandated me to clarify certain issues from the Executive. The process of a Public Bill like this should be done very carefully and not in a rush.

Eventually, I had discussions with the Executive, and their opinion is just like the opinion of myself and yourselves: that the situation in Enugu State is disturbing to all citizens of Enugu State; and that every effort must be made by everybody to make sure that the city receives proper attention in respect of cleanliness.

I am very happy that this honourable House, before ever they arrive at a conclusion, normally looks at both sides of the coin. This House has been doing so, particularly in this Bill. As regards the figures involved, in this Bill, the aim is to ensure that Enugu State is clean in the interest of all of us. It is in this vein that I am urging my fellow Colleagues to please, honourably consider this Bill as worthwhile and necessary to be passed. This is because, at the end we shall be happy that in the sanitization of Enugu State, this House of Assembly has contributed effectively. That is why I am urging my fellow Colleagues to consider and if possible, pass the Bill because right now, we are in the *Mber* month. The truth of the matter is that government's effort about sanitation of Enugu State is not a task that one or two persons will solve overnight. In this aspect,

there has been an arrangement to involve private sector participation.

It is not an indigenous company. It is a foreign company, and the company that has been involved in such work in other parts of the country and positive results has actually been achieved. The passage of this Bill will enable the whole system to be effective unlike before when the streets were being covered with dustbins. This time around, with all the arrangements, I was reliably inform are on the ground, this problem by the Grace of God is going to be a thing of the past. After signing the contract in 2005, there will be a remarkable difference in the disposal, control and effective management of waste in Enugu State. Mr Speaker, I sincerely urge my hon. Colleagues to please consider the Bill and pass it. Thank you, very much.

Deputy Speaker (Mr Atigwe): Mr Speaker, we are all aware that this is just an amendment Bill. It does not need much wasting of time. We are aware that the State is being transformed from a social economy to a business economy.

Like I said earlier we have a vision; we have a focus. According to John C. Maxwell, *No pain no gain*, and according to a Yoruba adage, *Obe to dun owo lopa* which means, that a nice soup is made with money.

Mr Speaker, I have to express an opinion that the people be enlightened. They need enlightenment before this collection so that there will be no problem between the people, i.e. the collectors and those who will pay the money.

Since it is only amendment that we are making this afternoon, may I beg that the Question be put.

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

Main Question put and agreed to.

Bill accordingly read the Second time.

Mr Speaker: The Enugu State Waste Management Authority Law (Amendment) Bill 2004 has now sailed through the Second reading. I wish to thank you all especially those who contributed. I sincerely believe that it is a Bill which is intended to be passed, to enable the management go on with their programmes. I thank you for your co-operation. May God bless you.

Leader: Mr Speaker, Sir, may I move that the House do resolve itself into a Committee of the Whole House for the consideration of the Bill before this House alongside with the original Bill.

Mr D. A. Anih (Enugu South I): Mr Speaker, Sir, I rise to second that Motion as moved by the Leader of the House.

Question put and agreed to.

House accordingly resolved itself into Committee of the Whole House.

**THE ENUGU STATE WASTE
MANAGEMENT AUTHORITY LAW
(AMENDMENT) BILL, 2004**

A Bill for a Law to amend the Enugu State Waste Management Authority Law 2004 – CONSIDERED IN THE COMMITTEE OF THE WHOLE HOUSE

The Chairman: Honourable Colleagues, let us suspend Sections 1 and 2, that is Enactment, Citation and Commencement. We start from Section 3, and that is insertion of new paragraph.

Section 12(1) of the Principal Law is hereby amended by inserting immediately after paragraph (i) the following new paragraph, that is (j) *keep clean the space from the premises to road verge and drains (where applicable) of weeds, refuse and effluent of liquid waste.*

Section 12(1) – *As amended, ordered to stand part of Bill.*

4. Amendment of Schedule 1: The schedule 1 to the Principal Law is amended by substituting for the Waste Management Fees set out therein, the following new Waste Management Fees, that is:

Schedule 1: Waste Management Fees

1. (Residential Category):
(a) – (i) – *as amended ordered to stand part of the Bill.*
2. (Commercial Category):
(a) – (o) – *as amended, ordered to stand part of the Bill.*

3. (Educational / Government /
Worship Sectors):
(a) – (c) – *as amended ordered to
stand part of the Bill.*

5. Section 4 of third schedule: The third
schedule to the Principal Law is amended by
substituting for section 4 thereof, the
following new section 4, that is:

- (4) *Subject to the provisions of this
law, all former duties, functions
and powers of the former Enugu
State Environmental Protection
Agency not exercised by the
Authority shall revert to the
Ministry.*

Section 4 of third Schedule – *as
amended, ordered to stand
part of the Bill.*

The Chairman: Honourable Colleagues,
we now go back to Sections 1 and 2, that is
Enactment, Citation and Commencement.
The date of enactment should be 21st day of
December, 2004.

Enactment – *Agreed to.*

Citation and
Commencement – *Agreed to.*

(Mr Speaker resumed the Chair)

Leader: Mr Speaker, may I move that
the Bill be now read the Third time as
amended. Thank you.

*Bill accordingly read a Third time and
passed.*

Mr Speaker: Honourable Colleagues,
the Enugu State Waste Management
Authority Law as amended has been passed.
I sincerely wish to express my happiness to

everyone of you who contributed in no small
way to make this passage possible. I thank
you very much I thank the Clerk of the
House; I thank everybody for his or her
contributions. Thank you, and to God be the
Glory. God bless you.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker,
may I move that this honourable House do
now adjourn till Thursday, 23rd December,
2004 at 10 a.m. Thank you.

Mr F. Amu (Nsukka East): Mr Speaker,
hon. Members, I rise to second the Motion as
moved by the Leader of this House. Thank
you.

Question put and agreed to.

Resolved: That the House do now
adjourn till Thursday, 23rd December, 2004
at 10 a.m.

Adjourned accordingly at 2.30p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU-STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 125

Thursday
23rd December, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 23rd December, 2004

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before this honourable House is our Votes and Proceedings No. 46 of Tuesday 21st December, 2004. I have gone through them and found them to be correct. However, I need your comments. Thank you.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, I have equally gone through our Votes and Proceedings of 21st December, 2004, and found them to be correct. I therefore move for the adoption.

Mrs C. Ene (Udi South): Mr Speaker Sir, I have risen to Second the Motion for the adoption of our Votes and Proceedings of Tuesday 21st December, 2004.

Question put and agreed to.

Votes and Proceedings of Tuesday, 21st December, 2004, accordingly adopted.

ORDER OF THE DAY

**THE HIGH COURT LAW OF ENUGU
STATE BILL, NO. 13, 2004**

A Bill for a Law to Establish the High Court of Enugu State and for other Matters connected therewith.

(ORDER FOR SECOND READING READ)

Leader (*Mr Anichukwu*): Thank you Mr Speaker, Sir, may I move that the Bill be now read a Second time.

Mr E.C. Maduabu (Awgu South): Mr Speaker Sir, I have risen to Second the Motion as moved by the Leader of the House (*Mr Anichukwu*).

Mr Speaker: Honourable Colleagues, the Floor is now open for debate on the High Court Law of Enugu State Bill No. 13, 2004.

Leader: Mr Speaker Sir, this Bill before this honourable House has been in existence in Enugu State. It simply means to give dispensation of Justice. It is a Bill to enable the Chief Judge of Enugu State to amend High Court Rules as was done in other parts of this country in terms of court operation as it is equally applicable even at the Appeal Courts. We need to pass this Bill, Mr Speaker Sir, as fresh Law in order to make sure that the State Law is converted along side with other laws made up to 2004.

It is like the newly revised law of Enugu State which this honourable House should equally pass. What I like is the fact that we do legislation on other laws. It is not contentious; it is a way to strengthen the nature of activities of the High Court of Enugu State. That is why I am now urging my hon. Colleagues to consider the Bill and give it accelerated passage so that the High Court records of Enugu State will be strengthened as it is done in other parts of this country.

Mr E. Odo (Igbo Etiti East): Mr Speaker, Sir, the Bill before us appears to have been in existence. It is just for it to be in line with Enugu State justice reforms, to make recommendations on existing laws of Enugu State as at 2004. This has given rise to the need to re-enact this very law as a fresh and new law. The Bill seeks simply to determine the provisions of our conventional laws in the High Court, ranging from Civil to Criminal. It

equally appears to determine the functions of the Judges with respect to transfer and signing of cases from one Judge to the other. in case somebody allegedly biased. I believe this because this law is helping the Chief Judge to make use of the High Court, just as with making use of the Court of Appeal, and the Supreme Court, the President of the Court of Appeal is charged with the functions of enhancing new laws from existing ones, emanating from Court of Appeals and the same thing applies in the Supreme Court.

So, Mr Speaker Sir, this Bill appears honestly to have been in existence but in order to retain the demands of effective legislation that was why the Bill is being presented for review. In line with this, Mr Speaker, Sir, may I move that the Question be now put.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker Sir, I want to make some observations.

What we are talking about derives from the Constitution, that is Section 270 of the Constitution, page 102. There are some inputs in this our own law, which I do not know whether it is proper or should be expunged. For example, in our own law, section three, says: *"The recommendation by the National Judicial Council is that sub-section 1 and 3 in this Section shall be made from the list of persons admitted by the Judicial Service Commission for appointment to the office of the Chief Judge and Judges respectively. That is an input section 281 down. I want to point out again that section 5 of our own "A person shall not be qualified to hold office of a Chief Judge or a Judge of a High Court of a State unless he qualifies to practice as a legal practitioner in Nigeria and have been so qualified for a period of twelve years or ten years respectively.*

If you look at the Constitution sub-section 3 of 271 *"A person shall not be qualified to hold office of a Judge of a High Court of a State unless he is qualified to practice as a legal practitioner in Nigeria and has been so*

qualified for a period of not less than ten years. So what I am trying to say is that we should restrict ourselves to the Constitutional provision only because if we go contrary to the Constitution whatever we have done is null and void.

Mr Speaker: I think I buy his idea. That is okay. I think he is correct.

Mr E. Odo (Igbo Etiti East): I think Section 4 of our own law is still in line with what we are saying. What it is saying is that a person shall not be qualified to hold office of a Chief Judge or practice as High Court Judge of a State unless he is qualified to practice as a legal practitioner in Nigeria for a period of not less than twelve years or ten years respectively. Respectively there means that either twelve or ten years is acceptable. Thank you.

Mr Speaker: The section 271 (3) you mentioned was talking about High Court Judge and not Chief Judge. The issue of Constitutional provision is not violated here. The section 271(3) is all about the Chief Judge of a State.

Mr Onyeze: What I pointed out is that if you look at part two there it stated state court – everything there was copied from the Constitution except this amendment which I feel is not necessary. If you look at sections 270 – 275, that is what our own law is saying from section 4 – 6 there. What I am saying is that from the Constitution section 270-271 to sub section 5 thereof Section 271 is exactly what our own (from section 4-6) is saying. So I do not think it is necessary to add or subtract anything there.

We cannot take anything from the Constitution and make it different from other States of the federation. That is my argument. Let it be uniform for all States – the issue of appointment of Judges or Chief Judges for States. My view is that we should follow the Constitution as it affects appointment of Judges which is similar for all the States. Ours should not be an exceptional case.

Mr Speaker: What is the hon. Member for Igboeze North I (*Mr Onyeze*) saying. The letter I read here said that Justice Umezulike has been appointed Chief Judge having fulfilled all the conditions for the appointment. He was nominated by the State Judicial Service Commission and approved by the National Judicial Council. It is very clear here.

Mr Onyeze: Since our law is being copied verbatim from the Constitution, if you see Section 4 and Sub-section 3 of 271, it appears something was added in our own law and I think it is not necessary.

The second one Sir, I said, since our own law is being copied verbatim from the Constitution, look at sub (4) and sub-section (3) of 271. If you read two of them, you will see that in copying it verbatim, from the Constitution into our own Bill here, something was added and I think it is not necessary.

Chief Whip (*Mr Odo*): Mr Speaker, Sir, the issue is that I want my Colleagues to really appreciate that the Constitution is a mere reference point to Nigerian Law. All the laws can never be specified in the Constitution, even the Criminal Codes and High Court Laws. The only thing is that if here is a place there is a lacuna; I think the function of this honourable House is to make a law that does not conflict with the Constitution and these things have never conflicted. It does not say that if there is a lacuna in the Constitution, that you cannot fill it. What the law says under Section 1(3) of the Constitution is that:

If any law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.

Now, nothing has appeared before us, nothing has said that if there is a lacuna that it cannot be filled. What the Constitution forbids is to have a rivalry in the existing law.

Otherwise, one would have said that something like the Criminal Code or even the High Court Laws should not exist.

Mr E.C. Maduabu (Awgu South): In the absence of any other debate on this Bill, I move that the Question be now put.

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

Main Question put and agreed to.

Bill accordingly read the Second time and immediately considered in the Committee of the Whole House.

The Chairman: Let us suspend Enactment. Citation and Date of Commencement. Let us start with Interpretation, that is Section 2.

Part I Preliminary

Clause 2 - INTERPRETATION – *Ordered to Stand Part of the Bill.*

Part II Constitution of the High Court

Clause 3 – (ESTABLISHMENT OF THE HIGH COURT) – *Ordered to Stand Part of the Bill*

Clause 4 – (CONSTITUTION OF THE COURT) – *Ordered to Stand Part of the Bill.*

Clause 5 – (APPOINTMENT, TENURE, ETC OF CHIEF JUDGES AND JUDGES) – *Ordered to Stand Part of the Bill.*

Clause 6 – (POWERS AND JURISDICTION OF JUDGES) – *Ordered to Stand Part of the Bill.*

Clause 7 – (PRECEDENCE OF JUDGES) – *Ordered to Stand Part of the Bill.*

Clause 8 – (SEAL OF COURT) – *Ordered to Stand Part of the Bill.*

Part III – Jurisdiction and Law

Clause 59 – (RESTRICTION OF OFFICERS OF COURT BY BUYING PROPERTY SOLD AT EXECUTION) – *Ordered to stand part of the Bill.*

Part VII – Commissioner of Oaths

Clause 60 – (APPOINTMENT OF COMMISSIONER OF OATHS TO TAKE EVIDENCE, ETC) – *Ordered to stand part of the Bill.*

Clause 61 – (PROTECTION OF COMMISSIONERS FROM ACTION) – *Ordered to stand part of the Bill.*

Part VIII – Witnesses, etc)

Clause 62 – (ALLOWANCES TO WITNESSES) – *Ordered to stand part of the Bill.*

Clause 63 – (IN WHAT CASES PRISONERS MAY BE BROUGHT BY WARRANT TO GIVE EVIDENCE) – *Ordered to stand part of the Bill.*

Clause 65 – (RIGHT OF AUDIENCE) – *Ordered to stand part of the Bill.*

Part IX – Representation of Parties

Clause 66: (REPRESENTATION OF THE STATE GOVERNMENT DEPARTMENTS AND LOCAL GOVERNMENT COUNCILS) – *Ordered to stand part of the Bill.*

Part X – Transitional Powers

Clause 67 – (SAVING OF PENDING PROCEEDINGS) – *Ordered to stand part of the Bill.*

Part XI – Miscellaneous

Clause 68 – (RULES OF COURT) – *Ordered to stand part of the Bill.*

The Chairman: Honourable Colleagues, let us go back to those suspended Sections to treat Enactment, Citation and Commencement.

(Enactment) – *Agreed to.*

Part I – Preliminary

Clause 1 – (Citation and Commencement) – This Law may be cited as the High Court Law of Enugu State, and shall come into effect on the 23rd day of December, 2004)

Committee Report Progress

Leader: Mr Speaker, may I move that the Bill be now read the Third time.

Bill accordingly read the Third time and passed.

Mr Speaker: Honourable Colleagues, the High Court Law of Enugu State, Bill No. 13, 2004 has now been passed. I wish to express my happiness to everyone of you especially those who deemed it wise and most appropriate to be in this Chamber by this time of the day. I thank you and God will continue to reward you in Jesus name, Amen.

**ENUGU STATE PUBLIC ORDER
(PROHIBITION OF SECRET CULT)
BILL NO. 14, 2004**

Leader: Mr Speaker, may I move that this Bill be stepped down to a later date to be determined by the House Committee on Rules and Business because I need some clarifications to do on the Bill. Thank you.

Mr E. C. Maduabu (Awgu South): Mr Speaker, I beg to second the Motion as moved by the Leader of this honourable House.

Question put and agreed to.

**THE ENUGU STATE CITIZENS RIGHTS
AND MEDIATION CENTRE
BILL NO. 15, 2004**

A bill for a Law to Provide for the Establishment of the Citizens Rights and Mediation Centre, Duties of the Centre and for Other Matters Connected Therewith.

(ORDER FOR SECOND READING READ)

Leader: Mr Speaker, may I move that the Bill be now read a Second Time. Thank you.

Mrs C. Ene (Udi South): Mr Speaker, I have risen to second the Motion.

Leader: Mr Speaker, I am very grateful that any Bill that needs to touch on the welfare of this State has never or is not being delayed by this honourable House of Assembly. Mr Speaker, this Bills seeks to give authority for the establishment of citizens centre and the way to make service available to the citizens appears to be very expensive because not everybody can afford it. I am grateful to the three Legal Aids Councils whose body has done a lot to make sure that there is yet legal fees on some individuals. Mr Speaker, Sir, this Bill simply means an alternative dispute resolutions. It is not all the cases that could have been settled out of court, even those who have genuine case to go to the court, when they calculate the period within which the matter will last they will lose hope thereby dying in silence. This centre will help a lot to make sure that when operationally in full that it ensures justice to the society.

Some of us are not actually sure of how many people might not come back to their houses, without the Landlords pasting a letter of increase in rentage. It is either you pay or park out. So to attend to any grievances between the Landlord and the Tenants, the contract of deployment and even matters involving husband and wife based on areas we

have highlighted, on situations of misunderstanding between the parties involved.

So, Mr Speaker, Sir, just like the Bill already passed by this honourable House this morning, this Bill is not contentious. It only seeks to give authority for the establishment of citizens right and mediation centre, all to the betterment of the good people of Enugu State.

In this vein, I am now appealing to my hon. Colleagues to please look at the Bill from the point that it will go a long way to help the citizens and it is not contentious. Rather, it is a Bill that will go ahead to make sure at the end that anybody who goes to the centre with whatever problem will laugh at last. So, Mr Speaker, Sir, I am done.

Mr F.C. Onah (Nsukka West): Thank, you Mr Speaker, Sir, I have risen to throw my weight in favour of this Bill. I am in total support of this Bill because I have gone through it and found out that it is a well deserved Bill. We have to make effort not to waste much time in passing it.

First, just as the last speaker has rightly pointed out, this Bill will enhance amicable settlement of disputes between family members, landlord and tenants or between friends. The law some where will create employment for people who will be employed to manage the centres if this Bill sail through. The services of the people employed will be pensionable. Monetary wastes in hiring lawyers to stand in for you in a court case will not be there as the settlement of disputes will be between the complainant and the defendant. So there will be no monetary involvement in order to make sure that the dispute between two persons are amicably resolved. The centre will also accept some people even non-governmental organisations. It will go a long way to help government to clear all monetary responsibilities that will emerge in that centre. So, with this, Mr Speaker. I have to rest my

case and also wish to move that the Question be now put.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, I support the Bill but I want to make some observations before we pass the Bill. At page 2 section 6(1) where it is talking about the Governing Council, I wish to plead with my Colleagues that Section 6(1) should also look like Section 6(1)(a). So that the Nigerian Bar Association should have full responsibility for whoever is attending there. In other words instead of saying a representative of the Nigeria Bar Association Enugu Branch, we should say the Chairman of the Nigeria Bar Association, Enugu Branch, or his representative. Therefore the person will be reporting to them whatever he sees there. This is my first observation.

Mr Speaker: Honourable Colleagues, for Christ sake I feel that an indigene of that State should be there and not may be you go to pick somebody from Ebonyi or Anambra State to be a representative, that fellow must be an indigene of that State according to State law.

Mr M. Onyeze: Mr Speaker Sir, I am not arguing with you. In as much as it is a State law, you are talking of landlords, you are talking of strangers, and when you make laws for people, it gives everybody a sense of belonging. So that now we are calling on Nigeria Bar Association, Nigerian Bar Association Chairman was democratically elected and he is representing Nigerian Bar Association. If he is not there his representative who will be accountable to the Bar Association should be there, instead of picking any member of the Bar Association as a member.

Mr Speaker: Let me tell the hon. Member for Igbo Eze North I (Mr Onyeze) something. He has just mentioned about the landlords. I sincerely believe that if somebody has stayed in Enugu for more than twelve to twenty years that person is no longer a visitor. He is no longer a visitor. So the issue of Landlords and

tenants do not even arise. Somebody, having stayed in Enugu for one year to ten years and above cannot be regarded as a visitor. such a fellow is part and parcel of that place. So, please do not use that criteria to look at this matter.

Deputy Speaker (Mr Atigwe): Thank, you Mr Speaker, Sir. Before I go into my own contributions, I have to refer to the interpretations here. If you look at Section 6(1)(b), it is talking about the Director. There is no interpretation of Director. Section 7 is also talking about Director of the Centre. There is no interpretation about Director. These are part of my observations. Mr Speaker Sir, I am in support of this Bill, but the cost of litigation ... (Interruption).

Mr Speaker: Please the hon. Deputy Speaker made mention of Director.

Deputy Speaker: Yes, I said that there is no interpretation for the post of a Director. But if you go to Section 6(1)(b) of the law you will see Director of the Centre and Section 7 you also see Director of the Centre and there is no interpretation for it in the Law. I want to emphasize that the cost of litigation nowadays is very expensive. This Bill, if passed into law, will be called the poor man's court. This is where the poor and the rich will be equal in judgement. We hope that the people that will serve there will be there for the interest of justice. They said that justice delayed is justice denied.

Again, Mr Speaker Sir, you are aware that we are practicing written democracy and democracy is for the people and the people for democracy. Why we regard it is because we are in a democratic system. I am saying this because this law will be enforced in a democratic dispensation. This is a system we are practicing to change our lives.

So, Mr Speaker, Sir, being in full support of this Bill, may I move that the Question be now put.

Mr M. Onyeze (Igbo Eze North II): Mr Speaker, my second observation is on page 4 Section 10(2). They are talking that the mediator should resolve disputes in collaboration with the parties. My own understanding is that the consent of the parties is necessary for the resolution of disputes. This presupposes that if the parties do not give consent, disputes may not be resolved. For this to function well there must be punishment for those who do not give consent or fail to collaborate. That is my observation here.

Mr E. Odo (Igbo Etiti East): I want to align myself with the previous speakers. It is not a court, per se. It is a place where people can voluntarily go to resolve their differences. It is not where punishment can be meted to anybody. If somebody wishes to make peace with another when they are in dispute, he goes to the centre for peaceful resolution of the matter. It is a civil matter.

On the other hand, if two persons are quarrelling and they voluntarily go to the centre, the people working there are human beings; they should interview the people separately and if agreed, settle the matter for them. The essence of establishing the centre is to avoid cost in case of litigation in a civil case. Nobody has suggested that in a criminal matter, the person should go to the centre. On the basis of this, Mr Speaker, I, therefore, move that the Question be put for the second reading of the Bill.

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

Main Question put and agreed to.

Bill read a second time and immediately considered in the committee of the whole House.

The Chairman: Honourable Colleagues, we will suspend Enactment, Citation and Date of Commencement. Let us start with Interpretation, Section 2.

Deputy Speaker (Mr Atigwe): Thank you, Mr Chairman. I earlier observed that the Interpretation of the Director of the Centre is not there. It is left for the Floor to decide what Interpretation would be given to Director.

Mr E. Odo (Igbo Etiti East): Mr Chairman, the observation of the Deputy Speaker is noted, but it is not something that we are expected to do here. If you interpret the Director of the Centre, then, one would equally expect you to interpret what a Chairman is, what a Mediator is.

It is not in all cases that a matter is explained in the body of the Bill. Interpretation is where there is an ambiguity, a confusion in cases of interpretation. For instance now you find the Director of the Centre, there is no other meaning you are going to give to it. That is my own personal opinion.

Deputy Speaker: You have Mediator, and you have Director. I am confused.

Part I – Preliminary

Clause 2 – Interpretation - *Ordered to Stand Part of the Bill.*

Clause 3 – Establishment of the Citizens' Mediation Centre - *Ordered to Stand Part of the Bill.*

Clause 4 – Centres as Forum for Alternative Dispute Resolution - *Ordered to Stand Part of the Bill.*

Clause 5 – Duties of the Centre - *Ordered to Stand Part of the Bill.*

Clause 6 – Governing Council - *Ordered to Stand Part of the Bill.*

Clause 7 – Director of the Centre - *Ordered to Stand Part of the Bill.*

Clause 8 – Services in the Centre to be Pensionable LPN CAP 346 1990 - *Ordered to Stand Part of the Bill.*

Part II – Mediation and Mediators

Clause 9 – Mediators - *Ordered to Stand Part of the Bill.*

Clause 10 – Functions of the Mediator - *Ordered to Stand Part of the Bill.*

Clause 11 – Parties to Mediation - *Ordered to Stand Part of the Bill.*

Clause 12 – Commencement of Mediation Process - *Ordered to Stand Part of the Bill.*

Clause 13 – Memorandum of Understanding - *Ordered to Stand Part of the Bill.*

Clause 14 – Services of the Centre - *Ordered to Stand Part of the Bill.*

Clause 15 – Independence of the Office - *Ordered to Stand Part of the Bill.*

Clause 16 – Fund of the Centre - *Ordered to Stand Part of the Bill.*

Clause 17 – Programmes - *Ordered to Stand Part of the Bill.*

Clause 18 – Powers to Accept Gift - *Ordered to Stand Part of the Bill.*

Clause 19 – Audit - *Ordered to Stand Part of the Bill.*

Clause 20 – Secrecy - *Ordered to Stand Part of the Bill.*

Clause 21 – Annual Report - *Ordered to Stand Part of the Bill.*

Clause 22 – Local Government Branches of the Office - *Ordered to Stand Part of the Bill.*

Clause 23 – Regulations - *Ordered to Stand Part of the Bill.*

Enactment – *Agreed to.*

Commencement – *Agreed to.*

Mr Speaker resumed the Chair.

Leader (Mr Anichukwu): May I move that the Bill be now read the Third time.

Bill reported from Committee without amendments, read the third time and passed.

Mr Speaker: Honourable Colleagues, the Enugu State Citizens' Rights and Mediation Centre Bill has been passed. I wish to thank you once more for your co-operation, your patience this afternoon. I thank you very much, and may God bless you.

ANNOUNCEMENT

Mr Speaker: I have some letters. This one is from the Central Bank of Nigeria (CBN).

*Central Bank of Nigeria,
Central Business District,
P.M.B. 187,
Abuja.
Tel: 09-676 39425*

December, 2004

*The Honourable Speaker,
Enugu State House of Assembly,
Enugu, Enugu State.*

Hon. Speaker,

Special Invitation

It is with the deepest sense of seasonal complements that I send you good tidings as we approach the yuletide.

*The Honourable Speaker and all members of the House, are invited to felicitate with me on the occasion of a Grand Civic Reception being organized in my honour by the 45 towns/communities of the old Aguata Union comprising three Local Government Areas, (Aguata, Orumba North and Orumba South). The Civic Reception is scheduled as follows:
Date: Wednesday, December 29th, 2004
Venue: Aguata Local Government Headquarters
Time: 12.00 noon.*

A copy of the formal invitation is also enclosed herewith. Please accept the assurances of my highest regards, while I look forward to seeing you on the 29th.

Yours sincerely,

Sign.
Prof. Charles Chukwuoma Soludo
Governor.

Meeting

There will be an emergency meeting of the House Committee on Education, Science and Technology today, 23rd December, 2004, at the Committee Room 216 on the rising of the House.

This letter is from the Chief Judge of Enugu State.

GOVERNMENT OF ENUGU STATE OF NIGERIA

Chief Judge's Chambers,
The Judiciary,
High Court,
Enugu.
23rd December, 2005

Chief Abel Chukwu,
The Speaker,
Enugu State House of Assembly,
Enugu.

Your Honour,

I wish to use this medium to thank most immensely the hon. Speaker and distinguished Members of the Enugu State House of Assembly for the swift and dedicated manner in which my confirmation as the Chief Judge of Enugu State was handled.

May the Almighty God (JESUS CHRIST) whom most of us serve be with and protect all of you in this season.

And as you retire for vacation I wish all of you a blissful Christmas and prosperous New Year.

Yours faithfully,
Sgd.
Hon. Justice I.A. Umezulike (OFR),
(Chief Judge).

END OF YEAR GREETINGS FROM THE HON. SPEAKER

Honourable Colleagues, may I use this golden opportunity to extend my sincere thanks to you, fellow hon. Members of this noble House of Assembly, as we peacefully come to the end of our deliberations this year 2004.

It has been a journey, so far, so good. Our deliberations and legislations have been qualitatively delivered. Our contributions both individually and collectively, have had immense positive effect on the growth,

development and good governance of this State. Thanks for your support. We can boast of our togetherness in this honourable House which can be attributed to sound mind, vision and good focus exhibited by you as representatives of the people of this State. You have been wonderful.

May I also say thanks to the Clerks-at-Table and all other members of staff of this House who have conscientiously and diligently discharged their duties to the success of our deliberations on the Floor of the House and other administrative operations. This year has been marvelously concluded.

My Honourable Members, one major factor that will lead us to achieve our aims and aspirations in this onerous task of legislation is stability. A stable and fortified House of Assembly has obviously positioned herself for greater achievements. Therefore, I urge us all to strive to be together and eschew any act capable of bringing rancour, disunity and division amongst us in the House. May we continue to maintain the good rapport and cooperation which we have built with the Executive and Judicial arms of government over the years. May we also avoid all forms of confrontation both within and outside the House. Rather we should dialogue in order to forge ahead.

I also urge us to cooperate more with one another as this will enhance our activities both in our respective Committee works and at the general Floor of the House. Storms may arise because it is imminent in the practice of democracy. But with candid sincerity, honesty, cooperation and oneness amongst us, we can weather any storm. Let us strive to be our brothers' and sisters' keepers in all forms and ramifications.

Lastly, fellow hon. Members, I want to wish you all Merry Christmas and a prosperous New Year ahead. As we travel to our respective Constituencies, may the Almighty God grant us

journey mercies so that we all come back as one to face and tackle the duties laid in our hands with better vigour.

May God bless us all, merry Christmas. Thank you.

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move that this honourable House do now adjourn till Tuesday 18th January, 2005 at 10a.m. Thank you.

Mr A. O. Chigbo (Uzo-Uwani): Mr Speaker, Sir, while seconding the Motion for adjournment, I want to use this medium to give thanks to God Almighty like you have read in your farewell address, and also to thank my fellow hon. Colleagues for better understanding amongst us.

Today has been a great day, and I thank God Almighty who made it possible for us to achieve our objectives. I second the Motion by praying the Almighty God to see us through the Christmas. Thank you.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Tuesday, 18th January, 2005 at 10a.m.

Adjourned accordingly at 2.40p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 126

Tuesday
18th January, 2004

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA*Tuesday, 18th January, 2005**The House met at 10 a.m.***PRAYERS**

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before the House is our Votes and Proceedings No. 47 dated Thursday 23rd December, 2004, I have gone through them and found them to be correct. However, I need your comments. Thank you.

Mr A. O. Chigbo (Uzo Uwani): Mr Speaker, Sir, my respected Colleagues of this great Parliament, I have equally gone through the Votes and Proceedings of our last sitting dated 23rd December, 2004, and found them to be correct. I therefore move for the adoption. Thank you, Sir.

Mrs E. Ezeugwu (Igbo Eze South): Mr Speaker, Sir, I have risen from my Seat to Second the Motion as moved by the hon. Member for Uzo Uwani (*Mr Chigbo*). Thank you, Sir.

*Question put and agreed to.**Votes and Proceedings of Thursday 23rd December, 2004, accordingly adopted.***ORDER OF THE DAY****THE ENUGU STATE PUBLIC ORDER
(PROHIBITION OF MEMBERSHIP OF
SECRET CULTS) BILL NO. 14, 2004**

A Bill for a Law to Prohibit Membership of Secret Cults in the State, their activities and other Matters relating thereto.

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I move that the Bill be now read a Second time.

Mr P.A. Anih (Enugu South I Rural): Mr Speaker, Sir, I have risen to second the Motion has moved by the Leader of the House (*Mr Anichukwu*).

Order for Second Reading Read.

Mr Speaker: Honourable Colleagues, you will recall that this Bill came during our last sitting, that was last year. So we stepped it down for obvious reasons. Today, the Leader of the House (*Mr Anichukwu*) who is the Chairman of the Rules and Business Committee, deemed it wise for the Bill to be discussed again. At this juncture, we are going to look at the pros and cons of the Bill, i.e. the merits and demerits of the Bill. At the end of the day, we will refer the Bill to an appropriate Committee that will fine-tune the content of the Bill. Thank you.

Leader: Mr Speaker, Sir, like you rightly mentioned, this Bill was one of the Bills that this honourable House was to pass by December, 2004. But the issues involved did not need such urgency because this Bill is exceptional in the sense that it has got to do with the lives of human beings of Enugu State and beyond.

Mr Speaker, Sir, you will agree with me that the issue of cultism in its ramification, as contained in this Bill, means any society, association, organisation or group of body or persons that uses secret signs, oaths, rights, symbols in whatever form to promote the cause of a member's ability to the detriment of the society at large.

I will want this honourable House to look at the issue of cultism beyond school environment because another name for cultism is Secret Society. Whatever group that exists within a society whose activity are not made known to the public should be condemned in all its ramifications. If you look at Section 107 sub-section (d) of the Constitution of the Federal Republic of Nigeria as it affects Enugu State House of Assembly, one of the qualifications for anybody to vie for the seat of an honourable member in the State is that he or she should not be a member of a secret society. To place emphasis on the need that anybody occupying public offices should maintain a high degree of transparency at the National Level, section 66 sub-section (d) of the Constitution of the Federal Republic of Nigeria maintains the same standard: that nobody who belongs to a Secret Society should vie, not to talk of occupying the office of a National Legislature. The peak of it all is Section 137 sub-section (d) which refers to the office of the Presidency: that anybody who belongs to a Secret Society in any form, should not occupy the office of the President of the Federal Republic of Nigeria.

Mr Speaker, I have just given these references to drag my points that nobody in this country takes the issue of cultism very light. We are all living witnesses to the activities of secret cults particularly now as they are being practiced in the institutions of

higher learning in this country and even in some secondary schools. Unfortunately lots of lives have been lost by those who fall victims: call it terror, call it calculated attempt, call it any name. The most unfortunate thing is that ordinary word would say somebody died; without knowing the reason or agreement which was reached. In some cases, even if one is informed, one may be helpless because the ultimate might be to eliminate in order to promote the cause of people who have hidden agenda.

Mr Speaker, as contains in this Bill under discussion, the most glaring points is that these people are now unlawfully in possession of arms for criminal purposes just for the maintenance of whatever cult, I do not know. But all I know that concerns these hon. Members in the discharge of their duties is that under no circumstances should an innocent person lose his life in an effort to exist in the society. This Bill goes further to prescribe the condition under which any organisation or association particularly institutions of higher learning should operate in this country, that is, that their activities should be made public. The school authority and the people in that environment have to know the aims and objectives of such organisation and that membership should not be discriminatory.

Mr Speaker, the fact is that the environment in which we find ourselves has got to be maintained, nobody, no matter how highly placed, has any right in any way to terminate the lives of fellow human beings or disrupt the efforts of innocent ones in an attempt to earn meaningful living for himself. The law enforcement agents have the right to protect the lives and property of citizens of this Enugu State. That is why this Bill seeks to find every alternative avenue to make sure

people's existence in Enugu State are maintained and all hands should be on deck to make sure that whatever one engages in has to be transparent, has to be known to the public, and this hon. House has been, and is continuing to maintain her honour by guarding against anything that can disrupt the society; we do not just sit down and watch; that is why we are here, that is why we are elected and that is why we are representatives of the people. I am happy that hon. Members are seeing this Bill as a high-impact one that touches on the lives of the citizens. If cult activities are not checked, only God knows, except one anybody could be a victim, but may God forbid. If we do this now this honourable House might once again contribute to the welfare and protection of rights and privileges of the good people of Enugu State and the good people of Nigeria because Enugu is made up of both Indigenes and non-indigenes. Enugu is a home for all and as a result I am calling on hon. Members to please look into the Bill for necessary passage because history will record that we are doing our ultimate best. Thank you, Mr Speaker.

Deputy Leader (Mr Anikwe): Mr Speaker, I have risen to make my own contribution to this all-important Bill. In the first instance, I am aware that there is no family in this country that are blessed with children and such children are attaining the ages of going to secondary school or higher institution, that will advise such children to enter into a society like cultism. The essence of this Bill primarily is to put a stop to cultism in this State. There is also a general belief that if one passes through a school the school will equally pass through him. I am also sure that there is no Institution of learning be it high or low, that has cultism as a pre-condition for existing. The Constitution

of the Federal Government of Nigeria actually allows for individual membership of any association but abhors that of secret cult. If you go into the genesis of cultism in Nigeria, you ought to appreciate the fact that cultism has eaten deep into our secondary Institutions, not just higher Institutions so to say.

I recall that in the forties or so, those people behind the formation of student union were primarily doing it to form what they called a pressure group of students who will now be in a better position to now defend and work for their own interest at the expense of the management. We will recall that the man who was said to have been the first person that agitated for this association of student unionship is one of the Nobel Prize Winners Prof. Soyinka. He was not then primarily setting up a cultist group; he was primarily setting up a pressure group which the government now recognizes as the Students Union Government. The government has gone as far as to appreciate and recognize this group as the students union government.

It will be an irony that a child sent to school to learn and progress, to better himself, and the society, has now turned to a kind of suicide person to the community. This is the work of cultism. I believe that Enugu State, is not the first State that will be passing this law. It is already existing in some other States, so we are doing our legitimate and fundamental duties to now stop our children from joining the cult.

Mr Speaker, I believe that if you go into the general principles of the Bill, we will come to appreciate the fact that the Bill is not meant to witch-hunt anybody particularly. It is rather meant to strengthen the future of this society, because if this Bill is not passed by

this honourable House in the State, what it means is that there will be a time when the cultists will be at the helm of affairs because our children, we know, are the leaders of tomorrow.

For our information, Mr Speaker, we can remember that recently a prominent lecturer was murdered in cold blood at ESUT. That person was my immediate elder brother. He suffered because he was trying to maintain the integrity of the school. His own has gone and I am sure that the perpetrators were no other persons than these members of cult. If people can obtain scores by other means other than going to schools, then there is no need for establishing schools. If, for instance, Enugu State Government is discharging all her responsibilities to ensure that our schools are functioning; paying the workers salaries as and when due, the corresponding return is that they will give their best. What they have accumulated in their own days, they will be in a better position to impart it to our children through viable learning.

Learning takes place where one is in a position to teach and listen. In the process of developing the person, that person will have the opportunity to remember even what *Mr School Fees* is called. Education is what one can remember after one has forgotten all; the little thing one remembered after one has forgotten all, that is education. Our children will improve if they learn one thing at the end of each day. If there are 365 days in a year, you can go on to say that the child will be in a position to learn up to 360 things in a year. Before you know it, that person will become an encyclopedia. Going through other means of being liberated will defeat the essence of education.

If you go through the Bill, the Bill is primarily meant to underscore the need for our children to pass through an institution in a convenient way and the institution will also pass through them so that they will become responsive to themselves and the immediate society. That is what the Bill is talking.

It is on this note that I beg my Colleagues to give this all-important Bill necessary passage and consideration.

Mr J. Onoh (Enugu North): Mr Speaker, hon. Colleagues, I have risen to make my own contribution as regards the issue of the secret cult. What is secret but that which comforts the mind, that action and thought that are shouldered from the rest of the people. What is secret but that which motivates our minds to the realization that our weaknesses matter. What can we also define as secret but that which arises from weakness of mind that our individual efforts can only be strengthened by a mob action. What can we also define as secret if not that which shackles the mind and pervades the conscience. But in our own educational foundation, we can read and write, but for every single individual in a University, there are three secret cult members to back up that individual. There are more students today in the universities that know how actually to use a gun and a knife more than read a paper. There are more students in the university that are objects of extermination, than an object of peace and understanding. There are more students today in the universities that have actually grown from the extent of their weakness to become the first weapon of destruction even surpassing that of our military forces. There have been more unjustified killings in the universities than all the civil wars or even the only civil war

Nigeria has experienced. There have been casualties, there have been innocent victims.

Most of us have lost either people we know or people we considered as friends. And also most of us have paid for our children to go to the same university to study and emulate that which we consider as the best of the foundation.

Education is light, but in the four walls of the university carrying a hand-gun is might; that which makes a degenerating mind believe that his actions have surpassed that of any other person. I am actually calling on you, my hon. Colleagues, to support this Bill, because in their own weakness they believe that that which makes them vulnerable has made them formidable. There are lecturers that have actually given the best of their lives to go to the university to impart upon those other individuals that which he has learnt, only to actually wake up in a glorious morning to a devastating death. There are more students that go to school today and end up in the school gate because they are scared of walking into a university because they will die. There are students that even do not go to take their final year examination because that shall be calling upon their own death. There have been results of mob actions. Universities have been closed down because of this same action. And every single year upon year, if there has been no action that has been taken, they have grown into their own degenerating mind to think that they have become formidable and they have strengthened and they have been actually become stronger with the belief that that which fails to kill them makes them feel stronger.

There is a law that guides humanity. There is a law that guides the society and this

same law, if well implemented can reshape our own society. Not for us, as we have left the four walls of a University, but for the children that will come after us. We have to hand to them, that peace and quietness and sweetness of the university as it has been handed down to us. And if we do not do anything about this, what is the price we are going to pay? The first price is education. We shall have more functional illiterates walking the streets of Nigeria; the best of statistical senior killers out of their own weakness believing that mob action justifies their cause. There will not be any child with a basic education but will actually reap haphazardly out of his own self-instinct or self-preservation, and cannot concentrate within the four-walls of a university. The young girls will never enjoy peace; they can not go back to their almamater.

What is the second prize they are going to pay, but the right of choice. We can make our own choices, but when our children walk into a university, they are limited to the choices they make; the choices are limited because of the natural instinct of self-preservation. In this case, we have a choice, but in the university, they do not. What is the prize they are going to pay, but the freedom of movement. Most students today cannot wake up and walk into a university and sit down and take their examinations; rather they might actually end up somewhere hiding because they do not have that freedom to walk into a university. If they walk into the university, it means instant death for them, and therefore their movement is restricted. We do move, but they do not and there is a death prize.

What is the death prize, but the freedom of speech. Even in their greatest agony, they cannot talk. If you pinch us, we shall scream because we feel the pain. If you push us, we

shall fall because we cannot defy gravity. If you cut us we shall bleed because it is a biological instinct. But in the four-walls of a university, when they are intimidated what can they talk. They cannot talk because they are still affected by the first instance, the freedom of choice. They do not have the right to make a free speech in order that they may actually live to see another bright day within the four-walls of a university. Their speech is limited. Even if they screen we cannot hear their voices. But right down in this Assembly we hear their voices, we can hear, we can talk and it is in our own right to give them that protection to realise the freedom of speech.

But it is not the death prize that will affect them, but the right to life and to pursuit of happiness which is the greatest foundation and gift of nature upon humanity, to pursue happiness to the highest point, to live life at its fullest. If I may quote Macefield, he said, *nothing is as beautiful as a university*, but in our day, nothing is as frightening as going into a university because the first caution parents give to their children is not going through the rigorous stress of paying their fees in the university, but the agony that their child may go into the university and join a secret cult and get killed. If he does not kill, he will be killed; therefore, for every single action there is a prize.

Parents go to work everyday stressing and stressing themselves, working under the heavy sun and the agony and frustration of the day just to raise money to pay the children's fees in the university. The first reward they get is a swift and fast death for their own children. Like drowning men, they do not die quietly, their lives have been cut short, and we sit down and say that we have leaders of tomorrow. If we do not take action

today then who will lead tomorrow? We will become tomorrow's past because our children might not make it to the age of 25 passing through the university.

Finally, there will be fear of children growing up in this civilized country if we do not today tackle that same beast by enforcing the same laws. When people are hanged for stealing a horse, they are hanged so that horses may not be stolen again or they think twice before stealing another man's horse. Let us take that same rope and hang that same foundation of secret cult which has become a successful disgrace. I have decided to use the term successful disgrace based on the success of its foundation, and the motives and guidelines they were supposed to achieve in the four-walls of a university: protecting them instead of intimidations. They were like the watch-dogs of a university, but today have become a foundation of disgrace because they have failed to achieve and realise all those things they have actually wanted to realise. It is better to work in this field than the actual works of human endeavour referring to oneself as an Engineer, a holder of a degree even a holder of Senior School Certificate than walking out in the streets of Nigeria raising ones head as a member or leader of secret cult. They may end up tomorrow standing on the street when there is no more such individuals to kill in the four-walls of a university. You can believe me that there is more individuals to kill on the express roads.

The same ammunition they have used to torment and fight their fraternity wars within the four-walls of a university which has granted them the sanctuary to evade that right to life, when there is no more people to kill in the four-walls of a university there will be more people to kill at the express roads. There will be more people to intimidate.

There are more people today who lose their Mobile phones just walking on the street not because it is not day-light or that it is darkness, but just because the same person, the same young man with a gun working in the same field of a university and has actually embraced himself under the guise of a student, has a gun to work on the street and remove that. The same intimidation has arisen from the four walls of a university to the street.

If we do not do anything today our children will grow to become the role models and have the image of secret cult as a role model for the foundation of their future

Other countries did pay the prize and as each day passes, one student in one university in Nigeria pays the prize with his life. One student out there pays the prize with his own foundation and desire to become somebody tomorrow.

I am asking you, my fellow Colleagues, let us join hands today and pass this Bill because it is not only important to the people, but also important to the foundation of our country Nigeria; and as we are not greater than this country, at least our effort to defend the country shall always be remembered. Let us today aid in passing this Bill in order that we may secure tomorrow and that in all our efforts even in our life-time and after us, we would not have said that we have actually sacrificed the future today. I thank you all and beg that we support the Bill. Thank you.

Chief Whip (Mr Odo): Mr Speaker, Sir, I stand to align myself with the previous speakers by simply saying that the menace of cultism is something we are very much aware of and something that appears to work contrary to our 1999 Constitution as it relates

to Chapter Four entirely, ranging from right to life, right to freedom of association and even movement.

We should recall that severally the police have arrested a lot of cult members, but at the end of the day they are granted bail grounds that there is no law through which they can anchor their prosecutions. In place of that it has become necessary for us to come up with this kind of Law to really allow the police do their prosecutions to even let the courts pass some references where they will cite as an existing law.

Mr Speaker, Sir, having said all that, I wish to make some observations with respect to the Bill. The definition Clause of the Bill appears to be defining cultism, and if we take the definition as written in that clause, then one could equally say that the Bill seeks to vary on Odo Festivals or Mmawu festivals as the case may be because it defined cultism *as any association, or society or organisation, group or body of persons whether registered or not that uses signs or oaths, right of symbol and which is strong to promote a cult, the purpose or part which is to foster the interest of its members and to aid one another under any circumstance without any due regard to merits, state of justice, to the detriment of the interest of those who are not members.*

One can describe Odo Masquerade as a cult, because they have the interest of the males who are interested, to the detriment of the female members of the society. To my mind, the definition Clause of the Bill does not really capture the whole essence of what the Bill was meant. Secondly, the Bill appears to capture all manners of Secret Cults. Inside the Bill proper, they defined only the role itself to incorporate only

students. These students are not just secret society members in a way, they derive their powers from some where. It is the big boys out there that collide and even assist and sponsor these children.

So if you are talking of cultism, it has to be all-embracing in the sense that you do not have to restrict it to students in tertiary institutions. Even people who have not gone into the university, among the people across the society are members of Secret Cult. If we are going to make a law banning secret cults in this State, then it has to be all-embracing. There should be no sacred cow. We start from the top to the very least. There is Secret society in Secondary Schools and perhaps in Primary Schools depending on the level. So my view is that we really have to do a lot of work on this Bill. We do not have to hesitate because the Bill proper has its targeted audience: I mean its focus is on students in tertiary institutions without finding out where their powers are derived from.

So, Mr Speaker, I want us really, before passing this Bill, to capture in essence, the definition of Secret Society. It needs to address the issue in accordance with what it intends to produce and not to appear to be restrictive, because we know where the sources are. There are people who are not actually students, but are members of Secret Society. These are people who are highly placed in our society. So you cannot now come up may be to harass students with ordinary locally made guns, while there are some other people having sophisticated weapons. We have lots of things to do in this regard.

So, Mr Speaker, Sir, having said these, I want to urge the Committee that for us to take off effectively, there has to be a liaison

to establish at least in every local government area or may be territories or zone, a special court for the commencement of this exercise. That will prevent delay and red tapism in the administration of justice. On this note Mr Speaker, Sir, I wish to call on my Colleagues to take into regard my observations about the Bill.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, I have risen to join my Colleagues in supporting the passage of this important Bill. This is a Bill that affects us at our various homes and the society at large. My main reason for supporting the Bill is that nobody will like his son or daughter to be a member of a secret society because of the obvious dangers. If we as individuals condemn it in our homes that we do not want our children to be members of secret society, we should be bold enough to condemn it by passing this Bill so that we can help to sanitize the society. Like my Colleagues have already pointed out, the purpose of going to the University is to make the society better but if a product of a university comes out to promote evil and insecurity in the society, then the aim have been defeated at the end of the day. So it is very very important that we echo our view by passing this Bill into Law.

When people go into the university and instead of reading their books they coerce lecturers and their Colleagues by using their powers as members of Secret Society to pass their degree exams, when they come out they cannot perform. They will not be productive. They may even come out to be medical doctors without being able to practice. They can also come out as (a lawyer) without being able to practice. So that is the purpose of this Bill. That is why it is necessary to condemn it. Also when you leave the university you will be happy to come and practice what you

read as it affects the entire society. So it is something we should commend the Executive for initiating this Bill. I also wish to point out some observations in the Bill. In the State, if one travels out from 9th Mile through the Old Road going to Nsukka, one will see people actually guarding the society. Security has degenerated to a point where if you are having your meal, some people will come to demand it even in the day time, that they needed it more than you. So people are now engaging vigilante groups with offensive weapons. They guard their societies or communities with these offensive weapons. Even though we have defined offensive weapon, and have also gone further to define security agencies, nobody have talked about vigilante groups and I am aware that in this State they are fully recognized. In fact, they operate in all the communities and they are protecting public utilities and are protecting the lives and property of the general public. So we have to recognize them because they are security agencies recognized here. Others are Nigeria Police, Armed Forces of the Federation, State Security Services, National Drug Law Enforcement Agencies, Directorate of Military Intelligence, plus any other corps recognized by law. So this Bill has to include Vigilante groups because they are really helping us in our various communities. We will recall that this State was where community policing was launched in the Federation. They are doing very well at the local communities where all of us come from.

Mr Speaker, Sir, Clause 5 is talking of *harbouring of offenders*. As we are here today, one may have a small house in the village or even here one may be a landlord. In your boys-quarters people can come and say let us hire your boys quarters. You may

not know that some of them are Secret Cult members. Now the Bill is saying *any person who harbours an offender*. One may harbour an offender without knowing that he is a potential criminal or a cult member. You may be punished without knowledge. So the Committee that will work on this Bill may go further to incorporate that it will be wrong to punish the person harbouring them without knowing that they are offenders or cult members, because he may not have the instrument to detect who is a cult member and who is not a cult member.

Then if you go to Clauses 14 and 15 where it runs about 5 sub-Clauses and *penalty for non-recognition*, I think there is a mistake there because where penalty for non-recognition is placed is where *power of detention*, would have been placed. That section 14 says:

Any person who forms, is a member, operates, associates or sponsors any organization, association, union or group that is not duly registered and recognized as provided under this Law, or whose registration remained unrenewed after expiry shall be deemed to be a member of a secret cult, under this Law.

Now in Clause 15, it says:

The police, believing on reasonable grounds that a person is a member of a secret cult, or has committed an offence under this Law shall have power to detain such a person for questioning and trial.

What I am trying to point out Mr Speaker, is that what is contained in this Clause should have been in Clause 15. So, there is a mistake there.

Mr Speaker, the other speakers have pointed out that highly placed citizens support cult members; some make use of them during elections, some make use of them to assassinate their business partners or to hide crimes. Ordinarily holding arms should be an offence but if surrendered you have a prize from the Government. That is what the Sole-Administrator did in Plateau State. If you want to reduce the activities of secret cult members there should be a prize in this Law which should state the prize that any highly placed person who is sponsoring cult members will get if they surrender their arms. It then means that highly placed persons who use students in the universities will think twice to achieve their inordinate ambition in the society. So, it is not enough, like I pointed out, to focus on the students alone without considering the cause. You have to consider the people outside the campuses; you have to treat both of them simultaneously. Having made these points, I beg my hon. Colleagues to support the passage of this Bill in the interest of our various homes and in the interest of Enugu State, and in the interest of the nation at large. Thank you, Mr Speaker.

Leader (Mr Anichukwu): Mr Speaker, may I move that further debate on this Bill be deferred to a later date to be determined by Rules and Business Committee of this House. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, I have risen to second the Motion as moved by the Leader.

Question put and agreed to.

Bill accordingly deferred.

ANNOUNCEMENT

Mr Speaker: Honourable Colleagues, we stand by observing all protocols and further state that I have great pleasure to welcome every member of this honourable House back to this Parliament after two to three weeks recess in which we celebrated the Christmas and ushered in a new year. I say to God be the Glory. I also wish to use this opportunity to thank every member of this House for their commitment, determination, and efforts geared towards achieving successes in this Enugu State. I do believe that having come back well positioned and well determined, we are going to move mountains this time around.

On our side, we believe that we cannot do all these things without enabling environment. I do hope that we try as much as possible to make sure that we have lots and lots of packages for you this year. One of the major things facing us right now is 2005 appropriation Bill which was presented by His Excellency, the Governor, last year and I believe at this juncture that the Committee must have done a thorough job. I do hope that within a couple of days we will be able to pass the appropriation Bill into Law. It is only when this is done that we are going to give the Governor the mandate to pilot the affairs of the State very effectively.

At the close of last year, I thanked you, Members of this great Parliament for your co-operation and understanding. I like the Oliver Twist is asking for more in this regard. Your understanding and co-operation will lead to a stable, fortified and harmonious, enviable great House that will stand the test of time in this generation. In democratic set up of this nature, there is tendencies of disagreement and conflict of opinions. For us to forge ahead, dialogue, understanding, and maturity

should be applied to solve such disagreement. As Representatives of our people we must work together to achieve the best for the people of Enugu State. I therefore, call on all hon. Members to have open minds to initiate Motions and Bills. It might interest you to note that when compared to other State Houses of Assembly we are not lagging behind. Bills that are of benefit to our people sailed through. It is not my intention to praise ourselves.

But if we consider the number of Bills and Motions passed and its content thereon, this legislative House is not lagging behind.

Finally, I have to thank the supporting staff, especially for their hard work and urge them to continue. More grease to their elbows. Once more I thank my hon. Colleagues for their understanding, co-operation and maturity. Thanks, and may God bless you.

Honourable Colleagues, having started the second reading of the Bill before this House, I sincerely wish to state that I appreciate the opinion of those who spoke on this Bill. For us to do a good job and a job which will stand the test of time, we do not have to be in a hurry in the passage of the Bill. The most important thing is to do a thorough job. On that note, I wish to refer this Bill before this House to a joint Committee on Judiciary, Public Petition, Ethics and Privileges and House Committee on Education, Science and Technology. And of course, we give them a time frame of two weeks to report back.

I also wish to request that all the Chairmen of various committees should try as much as possible submit their Reports on the 2005 Appropriation Bill to the Chairman

House Committee on Finance and Appropriation on the rising of the House.

OBITUARY

Hon. Colleagues, with heavy heart, I wish to inform you of the death of one of our staff, Mrs Ezeilo Ify, who until her death, was the Secretary to the Clerk of the House. She died on Friday last week after a brief illness. May her soul rest in perfect peace. Amen.

All the hon. Members are requested to be in my office on the rising of the House. Also invited are the Clerks-at-Table. Thank you and may God bless.

Meeting

There will be an emergency meeting of the House Committee on Education, Science and Technology on the rising of the House, today, at Committee Room 216, for a very important message.

ADJOURNMENT

Majority Leader (*Mr Anichukwu*): Thank you, Mr Speaker. May I move that this honourable House do now adjourn till Wednesday, the 19th day of February 2005, at 10 a.m.

Mr E. Maduabu (Awgu South): Mr Speaker, I have risen to second the Motion moved by the Leader (*Mr Anichukwu*).

Question put and agreed to.

Resolved: That the House do now adjourn till Wednesday the 19th day of February 2005, at 10 a.m.

Adjourned accordingly at 12.49 p.m.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Wednesday, 19th January, 2005
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, I have before us our Votes and Proceedings No. 48 of Tuesday 18th January 2005. I have gone through them and found them to be correct. However, I need your comments. Thank you.

Mr E. Maduabu (Awgu South): Mr Speaker, Sir, I have gone through the Votes and Proceedings No. 48, 18th January, 2005 and I found them to be correct. Therefore I move for their adoption.

Mr U. Onoh (Enugu North): Mr Speaker, Sir, I rise to second the Motion.

Question put and agreed to.

Votes and Proceedings of Tuesday 18th January 2005 accordingly adopted.

ORDER OF THE DAY

Report from Committee on Finance and Appropriation on the Enugu State of Nigeria 2005 Appropriation Bill No. 11, 2005

Mr U. Onoh: Mr Speaker, may I move that I be granted more time to enable my Committee collate Reports from Chairmen of other sub-committees for presentation on any day to be determined by the Rules and Business Committee of this House.

Mr Njeze: Mr Speaker Sir, I beg to second the Motion ...

Mr Speaker: Wait. Order! Continue, please.

Mr Njeze: I stand to second the Motion by the Chairman House Committee on Appropriation for the stepping down of the work of the Committee to a date to be determined by the Business and Rules Committee of the House.

Question put and agreed to.

ANNOUNCEMENT

Conclusion of Report

Mr Speaker: Honourable Colleagues you are aware that January will end by next week. This is the first time that the Budget has not been passed

till this time. I am aware that you are doing a thorough job in this 2005 budget. I am requesting that this Report must be concluded by Monday. If you have not done yours with your Committee try and do something and send it by Monday to the Chairman Committee on Appropriation because by Tuesday he will present the report. Also, by Tuesday, if possible, that is the same day we will pass this 2005 Budget. We have today and Monday, and next tomorrow and weekend to finish this job. Thank you.

ADJOURNMENT

Leader: Mr Speaker. Sir, may I move that this House do now adjourn till Tuesday 25th January, 2005 at 10a.m. Thank you.

Mr F. Amu (Nsukka East): I beg to second the Motion as moved by the Leader of the House.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 25th January, 2005 at 10 a.m.

Adjourned accordingly at 1.47 p.m.

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ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 128

Tuesday
25th January, 2004

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Mr Chigbo: Mr Speaker, it is not a laughing matter, I demand an apology from my respected hon. Colleagues, if I will continue.

Mr Speaker: Order! The hon. Member for Uzo-Uwani (*Mr Chigbo*) may respect my opinion too because I strongly believe that he was here that day.

Mr Chigbo: Mr Speaker, I may not speak again, because even the hon. Member for Enugu North (*Mr Onoh*) who is arguing, I took him out and gave him two bottles of beer on that day (*Laughter*).

Mr Onoh: Mr Speaker, can I apologize? I want to tender my apology. Based on the presumed two bottles of star he gave to me, and based on that liquefied contents of that bottle, and on behalf of Nigeria Bottling Company (NBL), I apologise (*prolonged laughter*).

Mr Speaker: Order! Order!! The hon. Member for Uzo-Uwani (*Mr Chigbo*) may continue.

Mr Chigbo: Mr Speaker, Sir, I have equally gone through the Votes Proceedings of our last sitting and I therefore move for the adoption.

Mr Onoh: Mr Speaker, I rise to second the Motion as moved by the hon. Member for Uzo-Uwani (*Mr Chigbo*). Thank you.

Question put and agreed to.

Votes and Proceedings No. 49 of Wednesday 19th January, 2005 accordingly adopted.

ORDER OF THE DAY

REPORT FROM COMMITTEE ON FINANCE AND APPROPRIATION ON THE ENUGU STATE OF NIGERIA 2005 APPROPRIATION BILL, NO. 11, 2004

Chairman Committee on Finance and Appropriation (*Mr J.U. Onoh*): Mr Speaker, Sir, my hon. Colleagues, on behalf of the Committee on Finance and Appropriation, Enugu State House of Assembly, I rise to read the Report as regards the 2005 Appropriation Bill.

1.00 Introduction:

Honourable Speaker, Sir, we forward herewith the recommendation of the Committee on Finance and Appropriation on the draft budget estimate 2005.

Mr Speaker, Sir, you may recall that sequel to the presentation of the Enugu State 2005 Appropriation Bill to this honourable House by His Excellency the Executive Governor of Enugu State on Monday 6th December, 2004 and subsequently after its adoption and first reading, the Bill was referred to the various Standing Committees for detailed consideration and recommendation to Committee on Finance and Appropriation for further appraisal.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 25th January, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us our Votes Proceedings No. 49 dated Wednesday, 19th January, 2005. I have gone through them and found them to be correct. However, I call for your comments. Thank you.

Mr A. O. Chigbo (Uzo-Uwani): Mr Speaker, Sir, my respected Colleagues of this great Parliament....

Mr C. Ugwu (Enugu East II): Point of Order. Mr Speaker, Sir, I observe that the hon. Member for Uzo-Uwani (*Mr Chigbo*) was not in the Chamber during our last sitting.

Mr Speaker: Order! Was the hon. Member for Uzo-Uwani (*Mr Chigbo*) in the Chamber during our last sitting?

Mr Chigbo: Mr Speaker, I was present.

Mr Speaker: Was he there during the second reading of the Bill on Enugu

State Public Order (Prohibition of Membership of Secret Cults)?

Mr Ugwu: Mr Speaker, he came in and left.

Mr J.U. Onoh (Enugu North): Mr Speaker, I am putting it to the hon. Member for Uzo-Uwani (*Mr Chigbo*) that he was not in the Chamber. It was the hon. Member for Udi North (*Mr Njeze*) who sat in his position. But, Mr Speaker, you have your attendance with you.

Mr Speaker: Honourable Colleagues, the attendance record shows that the hon. Member for Uzo-Uwani (*Mr Chigbo*) was present.

Mr Onoh: But he was not in the Chamber. I am putting it to him, the hon. Member for Uzo-Uwani (*Mr Chigbo*) that he was not in the Chamber.

Mr Speaker: Order! Honourable Colleagues, I recall that on that very day, the hon. Member for Uzo-Uwani (*Mr Chigbo*) was on his seat. He came here also to tell me something. That he was not with us until the end of the sitting does not mean that he cannot move Motion for the adoption of the Votes Proceedings.

Mr Onoh: All right Mr Speaker, we accept.

Mr Speaker: Okay!

Mr Speaker: If the hon. Member for Enugu North (*Mr Onoh*) had known he would have done some preambles before reading his Report. What he is reading now is not contained in the words of the Report.

Mr Onoh: Mr Speaker, Sir, on what is contained in the Report given to you, I assume that the Almighty God in his infinite mercy allows thunder and lightening to thrive during the rainy season being a planting part of this year. So may I move that you allow me to offer words of gratitude based on New Year to members of my Committee, as I was interrupted in the process of presentation of this Report? At your discretion Mr Speaker.

Mr Speaker: Well, if it is the opinion of the Members of the Committee go on, to give a report of what is not contained in your Report.

Mr Onoh: Honourable Colleagues what do you say?

Mr Enebe: Mr Speaker Sir, I believe that having read the conclusions of the Report, what remains is the names of the Hon. Members that signed the Report. After the members that signed it, he can now seek permission to make further comments outside the Report by the time he finishes he can now say *signed*. Those who signed it will know if that was what they signed. Do you understand what I am saying?

Mr E. Odo (Igbo Etiti East): Mr Speaker Sir, besides the fact that there is a formal report the presenter still has the right to express his mind. So long as he brings to the attention of the hon. Members that he is no longer within the confines of what was written inside the main script. If he has something to say to displace or to buttress what he had presented, he can do that provided that his Members know that he is no longer reading from their Report.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, I feel that having read the conclusions and the Committee Members endorsed the script – he has read, he should spell it out on behalf of the Committee Members. If there is anything that he is saying which they do not agree with, they will retrieve it. If it is oral there is no way that the Members can retrieve it. So let the Chairman end with the conclusions. If there is any other thing to say as the Chairman not on behalf of the Committee Members, he can go ahead to say them. We cannot accept what is not contained in the script that we are having.

Deputy Leader: Mr Speaker Sir, I have a kind of observation. I do not think that the hon. Member for Enugu North (*Mr Onoh*) is a stereotyped human being. He has that competence as the Chairman of the Committee. One can even illustrate more on points already raised. That was why I said he is not a stereotyped human being. In presenting a Report one has the options of illustrating more on his Report, provided he does not

2.00 Comments:

It is pertinent to state that the various Standing Committees invited and subsequently interacted with various Ministries and Governmental Organs to ascertain the true situation.

These Committees after critical analysis of respective allocations for their various Ministries / Parastatals / Commissions being not unmindful of the prevailing economic realities and the present economic reforms embarked upon by the government which are aimed at improving the economy through strict financial and economic exercise, therefore, recommended that respective allocation for all the various head / sub-heads remain as they are contained in the Bill and the budget estimate 2005.

Recommendation

The 2005 Budget tagged "budget of legacy" is a masterpiece. This is because many Ministries and Governmental Organs were satisfied with the budgetary allocation appropriated to them. In view of the above, Committee therefore has recommended for approval the appropriated sum of twenty-five Billion, One Hundred and Thirty four Million, Seven Hundred and Ninety-seven Thousand, Five Hundred Naira to the services of the Government of Enugu State of Nigeria for this fiscal year; i.e. Head 412 to 468 and all the sub-heads and their corresponding budgetary allocation remains unchanged.

Conclusion

We must say that the exercise was very worthwhile; also the Committee wants to use this medium to express its unalloyed gratitude to the House for this opportunity to render service to our state.

Sgd. *Sgd.*
Hon Onoh J. **Hon. Anichukwu J.**
Chairman Member

Sgd. *Sgd.*
Hon Anikwe P. **Hon. (Nze) Onyeze**
Member Member

Sgd. *Sgd.*
Hon. Enebe C. **Hon. (Princess) Ogbu**
Member Member

We agreed to have made all possible efforts on the state of the nation on the present moral values, efforts for essential sacrifice on the part of our political ambition. ... *(Interruptions)*

Several hon. Members: We do not know from where the hon. Member for Enugu North (*Mr Onoh*) is reading.

Mr Speaker: The hon. Member for Enugu North (*Mr Onoh*) should realise he is presenting a Report from the Budget Committee on 2005 Estimate and that is a formal Report and what he is expected to read is what he has circulated to the hon. members.

Mr Onoh: Mr Speaker Sir, I am just adding some embellishment ...

digress. So Mr Speaker, Sir, I believe that he has the right to buttress his points. Thank you, Sir.

Mr Speaker: Honourable Colleagues, let me tell you something. Now this Report was signed by the Chairman and Members of the Committee and like I said earlier, if he is giving preamble, it is understandable, but having said *conclusions* he went ahead to introduce other matters that are not connected to the Report here. It was not signed by Committee Members. Like the hon. Member for Igbo Eze North I (*Mr Onyeze*) said, if there is any reason for us to disagree then why and how do we disagree? What he will do, he can as the Chairman of the Committee conclude his Report. As the Chairman it was duly signed by his humble self and Members of the Committee. He can now go ahead to add more points as it was not contained in this Report.

Mr Onoh: Mr Speaker Sir, my hon. Colleagues, I will not add more problems, I will rather say in the words of Julius Caesar that I died in the hands of so many physicians. (*Prolonged Laughter*)!

Mr Speaker: You can go ahead.

Mr Onoh: Thank you, Mr Speaker Sir, point of information. The hon. Member for Igbo Eze North I (*Mr Onyeze*) made an argument and in his statement, he made a legal mistake. He can only argue on a document which he does not have, but anything that was said

and it is not contained in the document does not become legally binding but can be treated as oral. Thank you, Mr Speaker.

Leader: Mr Speaker, Sir, may I move that the Report of the Committee on Appropriation of Enugu State 2005 Appropriation Bill be accepted for consideration by this honourable House. Thank you, Sir.

Deputy Leader: Mr Speaker Sir, I have risen to second the Motion as moved by the able Leader of the House (*Mr Anichukwu*). Thank you, Sir.

Question put and agreed to.

Leader: Mr Speaker, may I move that the House do now resolve itself into a Committee of the whole House for the consideration of the Report alongside with the original Bill. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, I have risen to second the Motion.

Question put and agreed to.

**THE ENUGU STATE OF NIGERIA
APPROPRIATION BILL 2005 –
(Considered in the Committee of the
Whole House)**

The Chairman: Honourable Colleagues, let us suspend the Title, the date of commencement, enactment.

Citation – agreed to

Section 2: Expenditure of Ten Billion, Six Hundred and Twenty-seven Million, Six Hundred Thousand, Five Hundred Naira out of consolidated Revenue fund.

Mr C. Enebe (Awgu North): Mr Speaker, I have an amendment there. I am proposing that we introduce Section 414A to accommodate Local Government Pensions Board which was omitted completely.

Mr Speaker: Honourable Colleagues, listen so that you can follow what is going on. If you look at Section 412A, 412B, 412© 412(d), 413, 414(a), then 413(b), 413(c) and 413(d) then we have 414 up to the Head of Service. Then, if there is something you want to introduce which is not contained in this law we should allow it to come under 414 so that you know where we are.

Mr Enebe: Mr Speaker, we are proposing the inclusion of Local Government Pensions Board and the sum of Two Hundred Million Naira is required for the service for the year. It is an oversight (*Interruption*).

Mr Speaker, so, like I said, we are introducing Section 414A, Local Government Pensions Board, that was completely omitted and my Committee recommends One Hundred Million Naira for them. Thank you.

Mr Speaker: What of ENSIEC?

Deputy Speaker: For ENSIEC, there is no problem there but they had Five Million we should add Ten Million to make it fifteen.

Mr Speaker: Please, let us do it one by one. Let us finish the Pensions Board first, we will then move ahead to see if there is any need for us to introduce additional fund to State INEC. We will do that. However, if you look at this Bill, the Government has to budget what they can realise.

Section 412 – 413 – *Ordered to stand part of the Bill.*

Section 414A – (*Proposed Amendment*)

Mr Enebe (Awgu North): Mr Speaker, may I move that we include Section 414A – (Local Government Pensions Board), with the sum of N200 Million (Two Hundred Million Naira).

Deputy Speaker: I second the Motion accordingly.

- *As amended, ordered to stand part of the Bill.*

Sections 415 – 429 – *Ordered to stand part of the Bill.*

Head 430 – 440 – *ordered to stand part of the Bill*

Head 450 – 468 – *ordered to form part of the Bill.*

Title – *agreed to.*

Commencement date 1/1/05 – *agreed to.*

Enactment – *agreed to.*

(Mr Speaker resumed the Chair)

Leader: Mr Speaker, Sir, I report the Bill out of Committee with amendments and move that it be read the third time.

Bill accordingly read the Third time and passed.

Mr Speaker: Honourable Colleagues, the Enugu State 2005 Appropriation Bill, as amended, has now been passed. I humbly wish to express my gratitude to all the hon. Members especially the Chairman of the Committee on Finance and Appropriation for the attention given to this Bill. Having done this great work, the Governor has been given the instrument to operate. I wish to thank the Clerk and other staff of the Assembly for their hard work. May God continue to reward you all. Thank you.

THE ENUGU STATE PUBLIC ...

Several hon. Members: Defer debate on the Bill to a later date.

Leader: Mr Speaker, I am happy that democracy is very much on course in Enugu State. In view of this, may I move that this honourable House do now step down further debate on item five on the

Order Paper to a later date to be determined by the Rules and Business Committee of this House.

Mr A.O. Chigbo (Uzo-Uwani): Mr Speaker, Sir, I have risen to second that Motion as moved by the hon. Leader.

Question put and agreed to.

Debate on item five on the Order Paper accordingly stepped down to a later date.

ADJOURNMENT

Leader: Mr Speaker, may I move that this honourable House do now adjourn till 10a.m. on Thursday, the 27th day of January, 2005. Thank you.

Mrs E. Ogbu (Udenu): Mr Speaker, Sir, I have risen to second that Motion as moved by the hon. Leader. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday 27th January, 2005, at 10a.m.

Adjourned accordingly at 1.30p.m.

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ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 27th January, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before us are our Votes and Proceedings No. 50 of Tuesday 25th day of January 2005. I have carefully gone through them and found them to be accurate. However, I call for your comments. Thank you.

Mr F. Onah (Nsukka West): Thank you, Mr Speaker, I have equally gone through the Votes Proceedings and found the contents to be accurate records of our last sitting. Based on this, may I quickly move that the Votes Proceedings be adopted.

Mrs C. Eneh (Udi South): Thank you Mr Speaker, I have risen to second the Motion as moved by the hon. Member for Nsukka West (*Mr Onah*).

Question put and agreed to.

Votes and Proceedings of Tuesday, 25th January, 2005 accordingly adopted.

**PRESENTATION OF A BILL
THE ENUGU STATE HIV/AIDS
ANTI-DISCRIMINATION AND
PROTECTION BILL 2004**

A Bill for a Law to Provide Against all Forms of Discrimination and Give Protection, Access to Justice, Support and Care for All Persons Living with and Affected with HIV / AIDS in Enugu State and Other Matters Related thereto; presented by Mr E. Odoh (*Chief Whip*) read the first time and referred to the Joint Committees on Health, Judiciary, Public Petitions, Ethics and Privileges, Women Affairs and Social Development to report out within two weeks.

ORDER OF THE DAY

**THE ENUGU STATE PUBLIC
ORDER (PROHIBITION OF
MEMBERSHIP OF SECRET
CULTS) BILL NO. 14, 2004**

*(Adjourned Debate on Second
Reading (18th January, 2005))*

Leader (*Mr Anichukwu*): Mr Speaker, may I move that the Bill be now read the second time. Thank you.

Mr D. Ani (Enugu South I): Thank you, Mr Speaker, I rise to second the Motion as moved by the hon. Leader of the House.

Mr Speaker: Honourable Colleagues, you will recall that this Bill

came up during our last two sittings and our last sitting. Some of you made your contributions. Along the line there was a Motion that further debate be deferred to a later date to be determined by the Rules and Business Committee and at this juncture, may I request that those of you who have not actually contributed to the debate to do so now. Thank you.

Mr E.C. Maduabu (Awgu South): I have risen Mr Speaker, to contribute to the debate on the prohibition of membership of secret cult. Secret cult originated right from the time of the Colonial Masters in this country. And the founding fathers initiated the cult of the secret organisation to fight against the inhuman treatment, torture and degradation of human body by the Colonial Masters then. And this was centred then at the campus arena. Now, the secret cult has metamorphosed into a dangerous society altogether. It is now being used to send great threat and hatred on the members of the society, even in the school.

Secret is something that is known by a small number of people and then kept secret or away from the knowledge of other people, or great number of people ... and by that definition and the nature, it is used for something that is bad.

Therefore, we are saying that it should be condemned. Human rights border on the right to life, freedom of movement, freedom of liberty to people but all these things have been thrown to the wind by the attitude of members of

the secret cults. Many parents now have the fear of sending their children to the school because of the activities of members of the secret cult. The children do not even have the freedom to go and sit in the classrooms or the examination hall because of the activities of members of the secret cult. Some of the students do not even have the freedom to associate or assemble because the members of the secret cult will be hunting them unless they belong to their own organisation. It is now making some parents to have the fear of sending their children to school; instead, they will now be sending them to learn some trades and this will be bad to the educational development of this very nation. It is bad. The highly placed people in this society lend their weight to the organisation of the secret cults.

They call it blending. It is a system whereby some of those people will have their own family and themselves into a secret organisation. Therefore, how do we check it? We are centering our prohibition on the schools but we have not said anything about the entire society, the people that matter. If we ban it in the schools, how then do you ban it in the larger society. That becomes a problem, but I am saying that no matter what happens, it is proper to ban membership or the secret cult, because it is used not for the benefit of the society but for the disadvantage of the society.

With this little submission of mine, I will say that I am urging other Members of the great House to lend their weight

to the prohibition of secret cult in our society.

Deputy Speaker (Mr Atigwe): Mr Speaker, I have risen to speak on this Bill before the Parliament. I am lending my support, one, because it is enshrined in the Constitution. Part of disqualification for the Members of the House is found in Section 107(g) of the 1999 Constitution: It says – *You shall not be a member of a Secret Society.*

Honourable Members, say about the year 1952, Harri Confraternity was formed in the University College, Ibadan by Wole Soyinka and Co., then. It was not called secret society. It was there for the protection of our people against the Whites. It was for the egalitarian society. The move then was not militant. I am against it today because it turned to be militant. Otherwise, there are so many things they do in the secret. As you know the field of 6ft x 4ft is played in the secret and nobody banned it. That game is played in the secret and nobody banned it, but because this is militant and they have gone to both our higher and lower institutions of learning, and one of our duties here, is to make good laws for the people. We should not fail to perform our Constitutional duties.

This Bill is before us now because as I have once said authority as we all know is the command of another commander directed to the commander and that is why they sent this Bill to us

to make sure that they are authorized to prosecute accordingly.

Honourable Members, I do believe that our duties here as representatives of our people, is to make sure, just as we have here in this State, that peace and harmony reign, and that is what we want in our institutions of lower and higher learning. We must protect and perform the duties assigned to us Constitutionally as this is a Constitutional duty.

I am also praying that this very Bill which is of high impact should have more advocacy, and what I mean by this is public hearing, for people to come and air their views for us to use their views to pass this Bill accordingly.

Mr Speaker, fellow hon. Members, I know that if this is done, the public has done their duties and then turn to the Parliament to perform her own duties, and I know we shall not fail them. With this, Mr Speaker, I beg to warm my seat.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I have risen to give my contribution to this important Bill. To my own mind, Mr Speaker, the disadvantages of membership of secret cults are more than the advantages. One, the activities of cultism most of the time do not allow the members to be serious with their studies, thereby wasting the efforts of their parents. Secondly, it leads to the killing of both cult members and innocent students and citizens. Thirdly, most of the times when

members disagree with their school authority, it results to riots in our higher institutions.

With this Mr Speaker, may I move that the Question be now put. Thank you.

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

Main Question put and agreed to.

Bill accordingly read a Second Time.

Mr Speaker: Honourable Colleagues, the Enugu State Public Order (Prohibition of Membership of Secret Cults) Bill, No. 14, 2004 has now been read for the Second time.

In view of this development, I wish to express my happiness to all of us who contributed towards the sailing through of the Bill at this second stage. More importantly, I wish to express my happiness to those of us who contributed during the first day of the debate, and this after noon. It has been very wonderful. I wish also to express my happiness to the Clerks-at-Table and Members of the press.

Before, I end up, just like the Deputy Speaker rightly pointed out, I would wish that the House Committee in charge of this Bill should try to organize a public hearing because it is a very important Bill. It has to touch the lives of our people. It has to go a long way to improve on the lives of the society.

Therefore, it requires people's input before the passage into law. I sincerely express my happiness to all of us. Thank you and God bless.

ANNOUNCEMENT

Meeting

Mr Speaker: Honourable Colleagues, the people from Enugu North Senatorial zone will meet at the Deputy Speaker's Office on the rising of the House.

Mr A. O. Chigbo (Uzo-Uwani): Mr Speaker, the meeting cannot hold in the Office of Deputy Speaker *(Interruption)*.

Mr Speaker: Just an announcement, so I am not bothered, if you don't meet. I was asked to and I have to do that. I am not interested whether you attended or not. But it is important you attend.

Notice of Visit to Enugu State University of Science and Technology, ESUT

The House Committee on Education Science and Technology will pay a courtesy visit to the new Acting Vice Chancellor of Enugu State University of Science and Technology today, 27th day of January, 2003 by 2p.m. Signed by the Chairman *(Mr Onyeze)*.

Bill

I also wish to appeal to the Joint Chairmen of this Bill which we had the First reading this morning to endeavour to meet the deadline so that we can get it behind us.

ADJOURNMENT

Leader (*Mr Anichukwu*): Mr Speaker, may I move that this honourable House do now adjourn till Tuesday, the first day of February 2005 at 10a.m. Thank you.

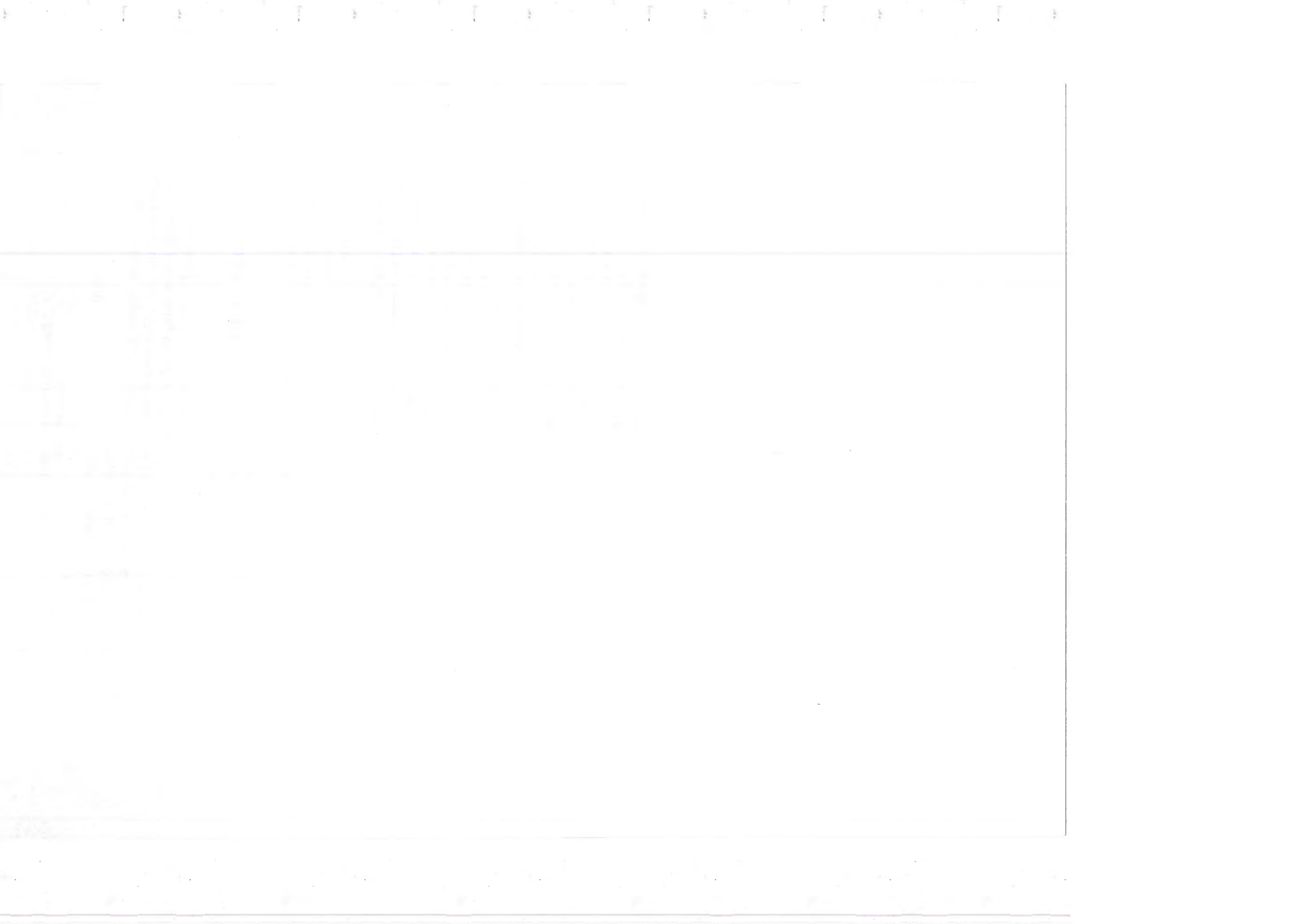
Deputy Leader: Thank you Mr Speaker. While seconding the Motion for adjournment, may I also observe with disappointment the nature of our Camera because if you watch over the television any day, for instance, when we passed this year's Appropriation Bill, if you look at the screen you will be ashamed; it is just darkness that was being shown, nothing at all to be seen. Therefore, I encourage the appropriate Committee to help secure a befitting Camera because I can see there is no proper light that is why nobody is seen. On this note, I encourage the appropriate Department to take proper step.

Mr Speaker: I have heard hon. the Deputy Leader (*Mr Anikwe*). I appreciate his view and I can tell him that we will try to get it behind us.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Tuesday, 1st February, 2005 at 10 a.m.

Adjourned accordingly at 1.40p.m.



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ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 130

Tuesday
1st February, 2005

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Tuesday, 1st February, 2005
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings of Tuesday, 27th January, 2005 are before us. Please *Tuesday* should be expunged and replaced with *Thursday*. It should now read *Thursday, 27th January, 2005*. I have gone through them, apart from the above minor error, I found the rest of the contents to be correct. However, I need your comments. Thank you.

Mr J. Obidinma (Orji River): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of Thursday, 27th January, 2005, and found them to be correct. Therefore, I move for their adoption.

Mrs C. Eneh (Udi South): Mr Speaker Sir, I have equally gone through the Votes and Proceedings of our last sitting and found them to be the true reflection of what we discussed. I, therefore, second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 27th January, 2005 accordingly adopted.

ORDER OF THE DAY

THE HIV/AIDS ANTI-DISCRIMINATION AND PROTECTION BILL 2005

A Bill for a Law to Provide Against all Forms of Discrimination and give Protection Access to Justice, Support and care for All Persons Living with and Affected by HIV/AIDS in Enugu State and Other Matters Related Thereto – (ORDER FOR SECOND READING READ)

Chief Whip: Mr Speaker Sir, may I move that the Bill before this honourable House be now read the Second time. Thank you.

Deputy Leader: Mr Speaker, Sir, I rise to second the Motion moved by the Chief Whip (*Mr Odo*) thank you.

Mr Speaker: Honourable Colleagues, the Floor is now open for discussion on the Bill before this honourable House as it appeared in today's Order Paper. The Sponsor of the Bill, the Chief Whip, (*Mr Odo*) can now lead us in the debate. Thank you.

Chief Whip: Thank you Mr Speaker. The reason behind the formulation of this

Bill can be seen from the angle of discrimination as an inhuman treatment being meted to people living with HIV. We are happy to know today that there have been a great difference because HIV is no longer a health issue; it has become a public health issue world over. And one pertinent thing that should come across our minds is that once you are not infected, you are affected by way of having a relative who is living with HIV.

The formulation of this Bill has introduced us to a lot of processes. One of these processes in the first instance was the Court decision in *Ukonu and Abaka*, where the Court helped to interpret section 34 of Nigerian Constitution. I am talking of Section 34 (1)(a): *right to dignity of human person*: This section 34(1)(a) said that *every individual is entitled to respect for the dignity of his person, and accordingly: no person, shall be subjected to torture or to inhuman or degrading treatment*. So the Court was able to interpret torture, through psychological torture which basically is one of the major problems people living with HIV are facing. It cited a case where seven men were convicted of criminal offence, and the mode of executing them was through pouring them acid, one after the other. When a bucket of acid was poured on the sixth person the seventh person who has seen all these things was affected psychologically. Then finally they now poured a bucket of acid on the seventh person and he died. You now find out that most problems as it relates to

sicknesses especially HIV and AIDS has to do with a lot of psychological problem. The treatment meted on this people assist in facilitating their deaths.

On this ground Mr Speaker, we now felt that this Bill being the first of its kind in this country, we feel that there should be consultation to enable our Colleagues from other States to borrow a leaf from what we are doing here. The current National Assembly is trying to emulate the Enugu State House of Assembly because somehow they got a hint of this Bill that is going on here. We are happy today that we are into the Second reading and we should be the first State Assembly to pass this Bill, and not only in Nigeria but the whole Africa.

Mr Speaker Sir we have divided this Bill into segments and stages. In stage 1 we have been able to do some consultations. We have been able to consult some religious bodies, legal practitioners banks, Ministries and even the House of Assembly in our consultation processes. Thereafter we have been able to organise policy dialogue workshops for House of Assembly Members, majority of us were in attendance, and other stakeholders sometime last year to obtain their consent and contributions towards the formation of this Bill.

As a result Mr Speaker we got the views of the Honourable Members towards the actualization of this Bill. We went further to hold a two-day workshop for the stakeholders in Health Sectors

along side the Members of this House of Assembly all in a bid to articulate the best way forward to carry on with this Bill. And as a result we were able to form a Technical Committee to peruse and look into the suggestions made by the hon. Members, some stakeholders in the Health Industry which at the end of the day we were able to put up a report and finally submitted it to the Ministry of Justice for final vetting and legal purification to be in line with the Reform Process of Enugu State Government.

Currently, Mr Speaker, we are now doing a hand to hand media campaign in respect of this HIV with particular reference the campaign currently going on NTA, ETV, Radio Nigeria, and ESBS. Mr Speaker, Sir, last Thursday we were able to introduce this Bill and it was able to sail through by the assistance of the Members of this House.

Now we come to give reason why the Bill should be allowed to sail through by the Members. The intention of the articulators or the people behind this Bill stem from the fact that HIV is a very deadly disease. It is a disease that, ordinary nobody should feel proud to be associated with. In fact, prior to this time around, leprosy appeared to get the same feeling but HIV has ousted leprosy because it has dangerous connotations.

All the laws that had been made on HIV has been on the issue of the use of contraceptives, on issue of use of condom, usually shown on NTA and other Televisions on Zip-up, Zip-up; that

is not really entirely the solution to the problem. We feel that it is common knowledge that many people are infected and affected by HIV in the world running into millions even in Nigeria. Large percentage of Nigerians have tested positive to HIV and even in Enugu State. In fact in every ten persons two of them must test HIV positive. That being so we now feel that there will come a time when we end up producing children living with HIV.

We have to device a means of carrying people living with HIV along and most problem we have is the people living with the disease and because of the psychological trauma they have been going through, because people living with this disease are never proud to come out, they end up spreading the disease on one by one basis.

What this Bill is seeking to canvass is that all these discriminations being meted out to these people living with HIV will henceforth stop with the passage of this Bill. The only way we can do this is to give support to this Bill, realizing the fact that we have made some conscious efforts to educate people living with the disease that having sex further with their partners will increase their viral load and will be detrimental to their health. The contacts from where the disease transfers from one person to another is not what we anticipate.

For instance if people living with this disease come out people will find it difficult to shake hands with them; that is

not the way it transfers from one person to another. It comes through sexual intercourse and through the use of unsterilized objects. Having understood the very means through which the disease can transmit from one person to the other, what we are now canvassing is that without all these connotations and discriminations, those people living with the HIV will now declare themselves openly, knowing that they are not going to lose anything.

I give you a case of somebody who contributed to a radio programme and because somebody was able to identify his voice, because it was a programme concerning HIV, the person who contributed is living with HIV; unknown to him somebody had identified his voice; the person works in the Ministry in Enugu State here. At the end of the day that led to the termination of his appointment. If we keep on this way, there will come a time we keep on reducing the economic capacity and productivity of especially the youths in this country. We are not canvassing that people should sleep with the people living HIV, we are canvassing that the moment we do not stigmatize the people living with HIV, they will now feel free with the members of the society. They will now feel free to declare themselves that they are carrying HIV but if we keep on concealing it, there will come a time they would intentionally decide even to transmit the disease.

I have had a case of where somebody who is infected swore that before he dies

that he must communicate it to two hundred persons. It is my belief that if people understand the whole intents of this Bill such people with such dangerous intensions will have nothing to lose, because the only reason they have to do that is because of the stigmatization because once they come in people will feel somehow about them.

We are therefore canvassing that we give support to this Bill in other to really stop this dangerous trend. We equally liaise ourselves with the umbrella body in Enugu State that appear to see to the day to day running of HIV activities that is, Enugu State Action Committee on HIV (ENSACA). These people, we will try to incorporate them in this Bill to the extent of regulating and implementing the laws as made by this House of Assembly. Just like NACA at the National level used to do same in Nigeria as a whole. We have equally gone to the extent of trying to seek the view of well meaning Nigerians in the Health Sector.

We have been able to incorporate in Chapter one the issue of testing people may be people who are donating blood and what have you. We are trying to advocate that for people to go for HIV tests it must be a voluntary issue. It is not something somebody should be forced to do before, may be, some kind of favour is done to him. I have heard of one of the Embassy before you travel they must test your HIV status. It does not really portray the essence of this Bill and that will certainly under-mine the productivity of such individual. Take for

instance, if there is a scientist in this country who had wanted may be to advance because of his learning in an advanced country and then all of a sudden the person is denied a VISA. I mean you can imagine the level of problem the person could have. This is why we are now saying that people going for tests should as much as possible see it as voluntary and the consent of the person must accordingly be obtained. That is what we are trying to imply here. This is not to say that it is automatic.

There are cases through which one can be forced to undertake blood tests as in the case of somebody may be who want to donate blood to an individual, it is necessary that this kind of person will be compelled to consent to testing him so as to know whether such a person is HIV free, so as not to infect the other person he are trying to save. There are also cases of rape where the proof of rape is an issue, then there has to be a test of the person or persons who are trying to inflict the crime. As against the rape per se, it has to be verified whether or not the persons who are raping the other has HIV. These are cases of exception but generally we do not advocate that people should be made to have a compulsory test before they undergo medical test. This has caused a lot of problems in terms of employment, in terms of even wedding as the case may be.

If you turn to Section 5 that was where we high-lighted the issue of Blood

Tissue, Organ and Body Fluid which has virtually been read. We equally incorporated the ways through which this disease could get to some other persons such as the use of syringe and may be perforated gloves and may be basically through sexual intercourse. The intention of the draft may and which I will urge the House to imbibe is to make it a criminal offence by Section 4 where we wrote Criminal and Corrective System Legislation.

We intend to make it a criminal offence if someone is established to have been HIV positive, intentionally exposes himself to somebody who is an innocent person with a view of inflicting this dreadful disease to the person. It should be made a criminal offence and as a matter of fact in Section 4 sub-section (i)(3) we high lighted the concept of the Criminal Code which says that before a Sexual inter-course is undertaken there must be a consent between the adults. In this case while we are placing true reliance on the criminal code, we are equally advancing that even where such a consent is obtained that it is still a criminal offence or else the person who is intending to engage in the act knows fully well that the person he is about to sleep with is a HIV positive person.

We have cases of sexual act and relationship that if for instance we have been able to advance that anyone who refused to use or approve the use of condom by consenting adults in a relationship or who forces, coerces, rewards, or threatens a sexual partner in

order not to use condom or protect himself or herself from the risks of HIV infection, this shall be deemed to infringe on the latter's right to health and fundamental rights to life. So we are placing this Bill at par with the fundamental Human Rights as enshrined in Chapter 4 of the Constitution of the Federal Republic of Nigeria.

You need not shoot a man or poison him before you know that you have committed murder. You could commit murder through some other means, and for us to stop this very trend, it appears a bit abstract for that is a reality. Take for instance there is nobody who parades himself as somebody living with HIV but what normally happens in most cases is that they keep on concealing it, trying to behave as if nothing is happening, even where there has been a medical test to that effect. All they now have to do is to find a way of transmitting it to others, all because of the psychological problem, he will be having, all because of the discrimination being meted to them in their places of work, in their families, in their churches, in buses and what have you. Generally, it affects their relationship with their partners and with the people they will wish to relate to.

Mr Speaker, Sir, this has been the rationale and the principles rather than the merits of this very Bill. We know that we are starting newly and it will be very difficult for somebody to enforce this law. As people are not ready to identify themselves as people living with HIV, we have tried to incorporate under

Section 30 of this Constitution to the effect that interest groups, that people can under representative capacity file a court matter on behalf of somebody living with HIV whose rights have been infringed upon. This is based on the societal influence arising from the psychological torture they have gone through.

This Bill seeks to enable interested organisations register for that purpose or somebody with any representative capacity to champion the course of these people. This Bill seeks to give the court powers and limited number of time within which to follow the matter up, so as to award damages in favour of persons living with HIV.

The Bill, as well, is intended to oblige the court the powers to pursue that case to the end, even when the person living with HIV is dead, so that the death of the person living with the disease does not in any way exterminate judicial process in court. We have equally looked at the ways through which the Bill can be extended to accommodate our children at school. We have advocated for the children to receive appropriate information and education on how to avoid HIV, and other sexually transmitted infections because if we keep on hiding this issue it will come to a time when it will get out of control. There should be a way that we can communicate to our children, we advocated that it be inserted into the students' curriculum. So, from day one, somebody will know the risks involved

and if for any reason somebody catches it, for instance, people believe that this disease can be contacted alone only through sexual intercourse. This is not true.

Some people are naturally born as people living with HIV. They committed no crime. Some do contact this disease through barbing their hair. Some do contact it through the attendance to quack hospitals and what have you where some used syringes were re-used for injection purposes.

Infact, about 70% of the people living with the disease could say that it is not really their fault. If we realise that this set of people have something to contribute to the society, contribute in this country, then we should find a way to protect them. Their productivity should also be protected and we should find a way to encourage whatever they are doing.

So, Mr Speaker Sir, I wish to bow and I want to urge my hon. Colleagues to do this House of Assembly the greatest proud of the millennium by being the first Assembly in the whole Africa to pass to Bill and I am sure that by the grace of God if this Bill is passed into law, the National Assembly will borrow a leaf from us. We are now going to really teach them the processes we have gone through and perhaps other States that might be interested. So I want to thank my fellow Colleagues and urge them to make the passage of this Bill a reality.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have risen to give kudos to this all-important Bill. I believe that we can do justice to it because the Bill is aimed at protecting life. We know that there has not been any known medical treatment to HIV/AIDS and no medical cure and nobody will be in a better position to rush to die. You recall that, for instance, all of us are Christians, nobody here wants to go to hell; everybody want to go to Heaven. If a question is asked now, including you Mr Speaker – who wants to die so as to go to Heaven, everybody will say *no*. So, what I am saying, there is no person that wants to die, that is the essence of this Bill. That is the general principle of this Bill. An Igbo adage believes that if you say sorry to a sick person, the person gets cure immediately. God will salvage the person's life immediately. At the moment you are leaving that person has gained additional life in him or her. But if you come to a sick person and say you are dying, you must die; that person even if he has thirty minutes to live, it will be reduced to ten minutes for him or her to go. That is the essence of this Bill.

The Bill is seeking primarily to make our people believe that if somebody is infected or affected, that is not the end of it all. Happily, you will recall, Mr Speaker, that there has been now a kind of (because I know this is a part of your profession), that there is now a new medical assistance for it, what they call anti-retroviral drug. It is now established scientifically that one who has been infected or affected and eating very well

and has access to this retroviral drug can live up to the tenure of his or her life. So what that means is why then do we come down to ask somebody to die whether he likes it or not. It is not just through one particular source that one contracts this particular disease, we have other sources. The only known basic source is having unprotected sex. That is the only known deliberate source.

Today, many children are born through operation and blood is needed. Many people have got it through that means, not a mistake of their own. So, Mr Speaker, the essence of this Bill is to de-emphasize the issue of assisting somebody who is not sound whether affected even by AIDS or not; somebody who is not physically fit. The only medicine there is; take heart; it will soon be over, you will get well, and not to tell the person, do not come near me. Mr Speaker, you can imagine the sorry sight. Assuming somebody who is affected comes to Umunna meeting and nobody wants to sit near him. You do not even allow him to speak. Some people have even gone to the extent of believing that if somebody affected speaks, it will affect others, not to talk of making use of the same plate or tumbler or eating on the same table. That is our belief.

I am happy that a big awareness has been on. People have come to know that you do not get infected by shaking hands with or talking to somebody affected or by mere drinking or going to beer parlour. It is only when you make

deliberate attempt to get into sex without protecting yourself that you can now talk of being ready to die. If you watch the content of the Bill, Mr Speaker, another important thing that makes me to call my Colleagues to support this important Bill is that in all process of the Bill, there is no financial implication to the State, not even one because the law recognizes the existence of State Action Committee on AIDS (ENSACA) as a regulatory body and this action committee has been in existence.

The State is already taking care of it. The law only covers the operators and gives more backing to it. It is only talking of how to take care of somebody in case something happens like rape because women are the most vulnerable today. Women are the most rapists today because women can seduce men to rape. When you dress half naked, that is practical rape on men. So, it is not only men that rape, women can rape men.

Go to our universities today, I am aware there was a time a Motorcyclist was taking a girl to somewhere and then along the road, the girl dropped from the motorcycle, brought out a gun and ordered the rider to come inside a bush. So these are evidences. If you like I give you the name of the place so you can go and find out. What I am saying is that this Bill is trying to bring the consciousness that human beings that have no power to take life should not take life; instead, human beings that have no direct link to life; should be sensitive and should not help somebody who is

sick to die quickly by discriminating against him or her. That is what I am saying.

We are talking about AIDS today. Just like the last speaker said; in the years past, it was the turn of leprosy people, today, it is the turn of people with HIV/AIDS. You may not know tomorrow because the only thing that does not change is change. This law has a kind of cover or assistance – I am aware some people have been chased out of school because they are infected. Somebody's appointment has been terminated because he is HIV carrier.

This Bill is designed to condemn such things and then that the quick process of the law can be implemented is another good thing in this Bill, so that the person will not die while the case is still lingering in the court. Mr Speaker, I call on my Colleagues to support this all-important Bill. I will be very much happy to be associated with the passage of this Bill, as the first honourable House of Assembly in the country to make a law directed to protect life and not condemning life. Mr Speaker, it is on this note that I beg my Colleagues to give a very heated debate on this and then make a very adequate contribution to it so that when it becomes law, we shall all be proud of it. Thank you, Mr Speaker.

Mr J. Obidinma (Oji River): Thank you Mr Speaker, I have risen to give my support to this all-important Bill, because, it seeks to help people living

with HIV. Mr Speaker, we are all aware that HIV has not done much havoc than malaria did many years ago. HIV also has not done much havoc like cholera did many years ago. Likewise leprosy. These diseases went wide rampaging our people before their treatment were discovered. Today, they have 100% treatment. So I believe that very soon, HIV will have a treatment.

However, Mr Speaker, there is a Section of this Bill: section III: Public Health Legislation. Page 10, Marginal Note 1.0 – *Voluntary Testing and Informed Consent*. Mr Speaker, that Section of this Bill wants compulsory test for some people. This is very important. For instance, pregnant women. If a pregnant woman is not tested before delivery, the foetus might be affected. So, it is my wish that they must be tested before delivery. Again, people intending to marry. If I am infected and I see a beautiful woman to marry without disclosing my HIV status, Mr Speaker, in the Catholic Church, if such is discovered, that marriage will be terminated. Therefore, there must be a compulsory test for people like that. Then, people seeking Insurance facilities, especially Life Insurance Police. Like I said earlier, if you must help somebody, that person must be helped very well. If somebody wants to go into Life Insurance Policy without disclosing his or her AIDS position, and cut it short, at the end of the day, he or she might not get the claims he or she is looking for. Therefore there must be a test for such people.

Then, travelers. Mr Speaker, if you allow people like Ghananians that are interested to come into Nigeria, as it is said that in every ten people in Nigeria, two are infected, in the next two months, in every ten people, eight will be infected. Therefore, travelers must be tested before coming in or going out. Mr Speaker, on this note I want to plead with this honourable House to go through this Bill very well and possibly pass it because it will be a big boost for people living with HIV. At least the trauma will be reduced. Thank you, Mr Speaker.

Mr D. Ani (Enugu South I): Thank you Mr Speaker, I have gone through the Bill titled: The HIV/AIDS Anti-Discrimination and Protection Bill. It is pertinent that the Bill should be supported and transformed into law. This is anchored on the fact that the said Bill is geared at protecting and safe-guarding the socio-economic and political rights of the residents in Enugu State. *(Interruptions). (Laughter).*

Mr Ani: Mr Speaker, I hope I am protected.

Mr Speaker: Yes, go on. The hon. Member for Uzo Uwani (*Mr Chigbo*) should not interrupt him. The hon. Member for Enugu South I (*Mr Ani*) has my full protection. Fire on! *(Interruptions).*

Mr A.O. Chigbo (Uzo Uwani): *Onye ESUT ka ogonyelu Mmanyà, onwe delu ya ihaa.*

Mr Ani: Excuse me, Mr Speaker, it is an insult. The hon. Member for Uzo Uwani (*Mr Chigbo*) should withdraw this thing he is saying.

Mr Speaker: Excuse me! The hon. Member for Enugu South I (*Mr Ani*), can sit down, I do not like when somebody is talking, people continue to interrupt. And, of course, there are some language you should not use in the Chamber. However, in our rule of debate, some certain things are allowed. You can have your extract, you can read from your extract. I do not think that the Member for Enugu South I (*Mr Ani*) is reading a text book. He has the right to read from the extract he prepared. So I get irritated when an hon. Member makes ... *(interruptions)*

Mr Chigbo: I withdraw my statement.

Mr Speaker: I get worried when some people who ought to be honourable, try to use words that are ... I mean ... I cannot understand. With due respect, the hon. member for Enugu South I (*Mr Ani*) can go on.

Mr Ani: Thank you, Mr Speaker, you know at times ...

Mr Speaker: Just go on. Go ahead.

Mr Ani: Mr Speaker, this very Bill anchored on the fact that the said Bill is geared at safe-guarding and protecting the socio-economic and political rights of residents in Enugu State who are

infected or affected with HIV/AIDS from any sort of inhuman discrimination which they might encounter in their place of work, schools, hospitals and their residential areas.

Finally, Mr Speaker, if this Bill is passed into law, it will bring justice to the door steps of the infected and affected HIV persons who had been denied justice in Enugu State. Mr Speaker, I urge my Colleagues to support this Bill so that it can be passed into law. Thanks.

Mr A.C. Nnadi (Igbo-Etiti West): Mr Speaker, Sir, fellow hon. Colleagues, I have risen from my place to make my own contribution to this debate. My contribution is going specifically on the core concept of the Bill. We all know, the Bill is aimed at providing a clear conducive atmosphere for those living with HIV/AIDS. But I am going to look at this from a very critical perspective.

I will start by asking this question. The whole thing bothers on life. The Bill wants to protect life as far as I am concerned. I want to know if this life is very sacred or in the longevity of it, is dependent upon the person living with it. That is to say the person now having the life. That being the case the Bill is to be passed by this honourable House. The Bill has come into this House at the appropriate time. If, on the other hand, the span of life is definite; what I mean by being definite is, if life is designed by the designer to begin (*interruptions*).

Mr Speaker: Order! The hon. Member for Igbo-Etiti West (*Mr Nnadi*) asked a question.

Mr Nnadi: Yes, Mr Speaker, but I have not finished, I shall give you time to answer the question. If life is designed to begin on a fixed day, date and time and to end on a fixed day, date and time, then this Bill becomes very unnecessary, irrespective of how death comes.

I want to borrow a leaf from the book of one Reverend Father, "Be ready to die", death can come by whatever means, whether strangled, natural, accident or whatever, that is death generally. But as far as we try to comfort those other persons living with HIV/AIDS, I am of the opinion that this Bill should be passed without further debate by this honourable House because I do not want to repeat or recall what others have said, as I said. I want to talk on the core concept of the Bill, that is, protecting those with HIV/AIDS.

With this, Mr Speaker, I do not want to drag us into this thing so much, I am done and I wish my hon. Colleagues to unanimously support the passage of this Bill to protect them.

Mr Speaker: Gentlemen, let me clarify one issue. The hon. Member for Igbo-Etiti West (*Mr Nnadi*) asked a question. If he listened to the first and the second speakers, that question is unnecessary. This is because they told us that somebody can die after he has been humiliated or rejected. That rejection can

shorten one's life span. They said that even if somebody is going to die today or tomorrow, that a word of encouragement can sustain that person longer than the last day. That is what the Bill is seeking to establish because the moment, like one of the speakers said, somebody who is attending a family meeting and he knows that he is completely rejected, his life can come to an end without much delay.

The moment this Bill is passed by this honourable House and it becomes an offence for somebody to try to reject any person infected or affected by this disease, the person will face the full penalty, and also the person infected or affected will have the opportunity to move freely without being rejected.

Mr M. Njeze (Udi North): Mr Speaker, Sir, hon. Colleagues, the man known as Molly Grubba said, my life and my honour are one, take honour from me and my life is gone. Discrimination against those with HIV/AIDS is deprivation of honour and once a person is deprived of his honour, he is gone. He will be annoyed, unhappy and depressed, and when one is depressed it leads to constipation and when one has constipation, it leads to fever, malaria and so many other ailments. Somebody whose immunity has been reduced or is totally deficient and he goes into a fleet of depression, fever or malaria, he will never recover from it, and so whoever does it whether unknowingly or intentionally has taken away another person's life.

Therefore, Mr Speaker, I want to show my absolute support for the passage of this Bill. My support is that nobody should discriminate against anybody because of the sort of illness or ailment he has, including people with HIV/AIDS.

We also know that persons with HIV have opportunity of not being infected by AIDS. It is not all HIV that metamorphoses into Acquired Immune Deficiency Syndrome (AIDS). Some do eventually go away as we have heard several times that some people who tested positive to HIV and who later were tested again and there were no trace of HIV in their system.

We have cases of families where the father or mother; one particular family, the woman has HIV infection and the man has no HIV or AIDS. After two years the man has HIV, after another two years the man got sick and never recovered from the illness. For over eight years now the woman is still alive and has never contacted AIDS.

So, what am I saying? What I am saying is that we should help our fellow humans to sustain whatever condition that God or nature has brought to bear on them. We should also know that HIV does not only come by sexual intercourse, which is what makes some people a bit shy to declare that they have HIV so that people would not be thinking that they are sexually loose.

You can get it from helping an accident victim; you can get it from carrying a baby who has cut, you can even get it by going to be injected for another ailment. So, it is not enough that when you have HIV then you are loose morally, no, it is not. So, we should not discriminate against them. However there are some provisions of this Law which are, to some extent, contradictory, like the section we read earlier that talks about not stopping anybody to disclose his HIV status. If you go further to where we talked about the preliminary aspect of this Bill you will now see that you are required by this law to disclose your HIV status if you are getting married to somebody. You are required by this Law by the fact that if you have HIV status before you have any dealing that have to do with marriage with anybody you must disclose your HIV status.

We equally argued that if you agree with a person who is not positive and in the course of relationship there is a miscarriage of scientific secretion like if the condom brakes open that you are not liable because you have already disclosed your HIV status and the person accepted, it will just be taken as it is. This law equally makes it possible that if your husband discloses his HIV status that the woman who is not infected is protected by the Law.

So, I think this law, with this contradiction, we can just remove the aspect that says it is not compulsory for you to disclose your HIV status. To

make it open that when you are free to disclose it nobody is going to discriminate against you. It is only when there is discrimination you can now hide your status so that nobody forces you to the great beyond when God has not certified you to go there.

People of our society cause depression and the only thing that can lead to depression is when you are rejected by the society. Anybody who is discriminated against is rejected by his people and if your people reject you, no man is an island, no man can survive as an island. And I want to call on the people of Enugu State and especially through their representative here present and even entire Nigeria to ensure that people with HIV are not discriminated against so that we will know them. There should be a health policy of listening to them so that you know how to relate, you know how you expose yourself, you know how to protect yourself against being infected.

The knowledge of somebody with HIV will help you relate with that person very well so that you will know that you can go to so, so and so extent and you cannot go to so, so, and so extent and that if you want to go beyond this line that you need this life proof for you to go beyond this line. So, it is very, very necessary that we make it compulsory for persons with HIV to disclose their status and to make it very compulsory that whoever discriminates against them will be seriously confined to a place

where he will not have opportunity to discriminate against any other person.

I am very, very happy with the Bill especially where it talked about two hundred thousand Naira as fine against anybody who may hide his HIV status and have sexual intercourse with another person without disclosing and the person is made vulnerable to the HIV. The fine, I think is small. Such a person should be fined a minimum of half a million Naira because with half a million Naira he can sustain his life on the pill for a reasonable number of years. And that will equally discourage them from hiding their status. Thank you Mr Speaker; as time goes on I will have time to contribute again.

Mr C. Ugwu (Enugu East): Mr Speaker, I want to use this opportunity to thank the Mover of this Bill. He did a marvelous job. I also wish to adopt the speeches of the past speakers. However, I am not going to bug you with long speeches because the object of this Bill is very, very specific. Discrimination against Aids infected persons. This Aids, Acquired Immune Deficiency Syndrome came into lime light in the late eighties when CNN broke the news of death of one Sherik Musa of Kenya. The Aids infected persons are citizens of this Nation so there is no need discriminating against them.

In fact, discriminating against them amounts to deprivation of their fundamental human rights, as enshrined in the 1999 Nigeria Constitution. If you

go to Chapter 4 of this Constitution right from Section 35(i) – Right to Personal Liberty and that is the main objective of the Bill. Section 42: Right to Freedom from discrimination. It reads: *A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not by reason only that he is such a person.*

So, they are already covered or protected by this Constitution. So, I cannot find any reason people should discriminate against them.

Aside from this, if you go to this Bill page 7 line 5: *Practicing non-penetrative sex*; if you go down again you will see where avoidance of non-penetrative sex is. What I am trying to say is that they are one and the same. One of them should be expunged. If you go down again to page 9 (3.2) of defending Law where it said that:

The Committee shall report to the State Government or his appointed representative and shall work in collaboration with all line Ministries of the State Government. The word line

should not be there, it should be all Ministries with the State Government, further more, I will take you to page 21 (5.1) of the defending Law. It said:

Those in prisons, police detention and correctional facilities shall be given access to means of protecting themselves from HIV infections including access to condom.

For me there is no need for this paragraph because there is no room for

such activities in prisons or police detention that can warrant the issuing of condom to inmates. So, with this Mr Speaker, I believe that this is a good Bill and I call on my Colleagues to buy my contributions. Thank you.

Mr M. Onyeze (Igboeze North 1): Mr Speaker Sir, in view of the enormous contributions made so far on this very popular Bill, may I move that further debate on this Bill be suspended till a later date to be determined by the Rules and Business Committee of the House. Thank you.

Mr E. Maduabu (Awgu South): Mr Speaker Sir, I rise to second the Motion that was moved by the hon. Member for Igboeze North 1 (*Mr Onyeze*) that further debate on the Bill be deferred to a future date. Thank you.

Question put and agreed to.

ANNOUNCEMENT

Visitors

Mr Speaker: Honourable Colleagues, we have visitors from ACB Bank. They were supposed to be here yesterday, but I don't actually know what happened. Today, they are right now in my office. Therefore, we need to meet with them on the rising of the House. So we should go straight and know their purpose of visit here.

Please, you are aware that the 2005 Enugu State House of Assembly

Calendar is in progress. At this juncture, if you know that the picture you used last year you don't want it, please you should meet the Leader of the House with which ever picture you want, for possible change. Thank you.

ADJOURNMENT

Leader: Mr Speaker, Sir, I move that this honourable House do now adjourn till Thursday, 3rd February, 2005 at 10a.m.

Mr F. E. Amu (Nşukka East): Mr Speaker, Sir, I rise to second the Motion on adjournment that was moved by the Leader. Thank you.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Thursday, 3rd February, 2005 at 10.00a.m.

Accordingly adjourned at 2.00p.m.

No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 131

Tuesday
3rd February, 2005

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 3rd February, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, before the House is our Votes and Proceedings No. 52 of Tuesday 1st February, 2005. I have gone through them and found them to be correct. however, I need your comments. Thank you.

Mr D.A. Anih (Enugu South I): Thank you Mr Speaker, Sir. I have equally gone through our Votes and Proceedings of Tuesday 1st February, 2005, and found them to be correct. I therefore move for their adoption.

Mrs C. Ene (Udi South): Mr Speaker Sir, I have risen to second the Motion for the adoption of our last Votes and Proceedings as moved by the hon. Member for Enugu South I (*Mr Anih*). Thank you, Sir.

Question put and agreed to.

Votes and Proceedings of Tuesday 1st February, 2005 accordingly adopted.

ORDER OF THE DAY

**THE HIV/AIDS ANTI
DISCRIMINATION PROTECTION
BILL 2005**

A Bill for a Law to provide against all forms of Discrimination and Give Protection; Access to Justice, Support and Care for all persons Diving with and Affected with HIV/AIDS in Enugu Sate and Other Matter Related Thereto.

Adjourned Debate on Second Reading, (1st February, 2005)

Chief Whip (*Mr Odo*): Mr Speaker Sir, may I move that further debate in respect of the Second Reading of the aforementioned Bill be continued.

Mr C. Ugwu (Enugu East II): Mr Speaker, Sir, I have risen to Second the Motion as moved by the Chief Whip of the House (*Mr Odo*).

Mr Speaker: Honourable Colleagues, you will recall that during our last sitting this very Bill came up for discussion. I was very impressed with the way hon. Members contributed on the Bill. However, we still have some hon. Members that have not contributed and who are still interested in making their inputs. Those who may wish to contribute can as well do so now.

Leader (*Mr Anichukwu*): Mr Speaker Sir, I have risen to give my total support to this Bill and I will start by telling a very brief story. There is a story of a

young girl who was raped by a lunatic in a village and the lunatic is a HIV carrier. Incidentally, the girl in question became pregnant, invariably, both the girl and the child are HIV positive.

The question arose, what could be done for the HIV to be stopped. Is the lunatic going to be killed? Is the girl going to be killed? And is the pregnancy going to be aborted or what? So it is a question that needs some ponderance and I may not need an answer now.

The bottom story of the issue is that HIV could be contacted through various means. There is not only one source. The erroneous belief is that it could be contacted through sexual intercourse only. It is not true. Medical Report has proved that it could be contacted through various means. Such as the use of unsterilised syringes or equipment used in hospitals for operations. It could be contacted through unsterilized equipment either through cutting the fingernails or barbing.

Mr Speaker, Sir, when we are talking of HIV, I do not think it is even worse than other sicknesses that affect human beings. Some of the serious sicknesses is Malaria. Malaria and gonorrhoea when they came newly, killed lots of people when there was no immediate cure for them. As time progressed, they were able to identify the correct drugs that will cure the ailment. Analytically HIV is not worse than T.B.; HIV is not worse than high blood pressure. HIV is not worse than asthma, diabetes, typhoid or

pile. Why I have just given this little analogy is that whoever is infected by HIV, in actual fact, nobody will like to deal with them. It is an unfortunate incident that affects a man or a woman, even children as the case may be - generally human beings. When it does occur we cannot abandon the person to fall.

All that this Bill is asking is just like any other sickness, that a man who is a HIV carrier has to be accommodated in the society. He has got to be given all the privileges that every ordinary man or any living soul is entitled to. The Society has got to give rights and privileges to the positive carriers of HIV. Only God knows how soon the cure will come. We believe that the final cure will be found soon. I believe that the cure will one day come to be a reality and those who are able to survive will then have the normal treatment to restore their health.

This Bill, like other Bills this honourable House has in the past considered, dwells on the welfare of the society, and the welfare of the people we represent. So, if one is not infected, one might be affected. If one is isolated and he knows it, one might have lost a good number of relations including those close or dear to the person. So we have no option. I believe that this honourable House with their honourable understanding will give this Bill the necessary attention and passage. When you listen to the Report of World Health Organisation (WHO) you find geometric spread of his disease, one starts

wondering who and who are free because I know it does take time in some people for it to manifest. I am not trying to say everybody is involved and I am not praying for that but for those who are involved – a good number of them, we cannot eliminate them either psychologically or otherwise. They must be given comfort; they must be given accommodation until when called, until when God decides the fate of the person involved.

So, Mr Speaker, this honourable House has been honourable having expected that the good people of Enugu State – almost all the Bill we have passed in this House touch on the welfare, feelings and the impulse we get from the people. We are all politicians and today we are, tomorrow, some other people will like to occupy the offices we are. The law we make is not only for immediate concern; it is for today and the future. There are areas on the same page twenty seven where the Bill talked about the privileges and the scope of those to be covered. I just want to add that when they talk of public and private sector under the cloak of professional ethics, I want to add that I have gone through and I have not seen where the political office holders and the hon. Members be it at State and Local levels are protected or covered in this Bill.

So I would want to put a suggestion that this honourable House will consider that they will include politicians in this Bill – this is suggestion that no person in Enugu State shall be prevented or

restricted from contesting election into public offices on the basis of his or her HIV status because the Bill has taken care of the employers at the private sector and those in the public service. I mean career civil servants. But because we are now considering the Bill, I believe the welfare of honourable Members has got to be considered alongside so that, may be tomorrow, because you do not like the face of your fellow human being and the person is qualified to contest an election and there is no protection or coverage legally, for the person to be frustrated or humiliated, one may come up to say that any HIV carrier is not qualified to contest election. So this all-embracing Bill should cover all aspects of the human set-up including politics. Mr Speaker I think this Bill does not need long argument as to the necessity or otherwise. That is why I made my contributions very brief and the point is that I am solidly behind the Bill because it should be regarded as high impact Bill for the help of humanity at large in Enugu State. So, Mr Speaker, with this I beg to rest my case.

Mr M. Onyeze (Igbo Eze North I):
Mr Speaker Sir, I have risen to support this very important Bill. I will start by congratulating the Sponsor of the Bill for summoning the courage to make it possible for AIDS phenomenon to be debated in an important place like this State House of Assembly. If we continue developing phobia to AIDS, it does not bring solution to it, and it is something that is always living with us. Few weeks

ago, a dangerous wind in Asia claimed more than two hundred thousand lives and attention of the whole world was brought to that incident and the whole world including Nigeria have been sending one form of relief material or the other to that region. And here we are in Africa there is no community that does not have a casualty equaled to that caused by AIDS. In other words, it has captured the continent.

So it is very important to have a public debate on AIDS and its effects and how to tackle it. I believe the purpose of this Bill is to create favourable environment with the people who have already been affected by AIDS so that at family level they can declare that they have such a problem and when they declare that their family will know how to relate with them so that instead of isolating or sending them away they can be accepted and when this is done, they will have the opportunity of living long life and be more useful to the society. They will be less frustrated. If they are frustrated they will have the tendency of spreading the disease carelessly to others so that others can suffer like them but if they are positively handled, they can relate their problems to their brothers, sisters and parents.

So this is a very important Bill. Mr Speaker, having highlighted the importance of this Bill I want to make some observations on the contents of the Bill so that the sponsor will have the privilege of throwing more light on those areas.

If you go to page 10(1.1), I want us to read it along side with Section 29.,

Testing of any individual for HIV without specific expressed or informed consent shall constitute a violation of the individual's right to Liberty and privacy. Medical professionals or institutions conducting HIV test shall therefore be required by law to provide consent forms signed by persons requesting for HIV test as proof of consent, howbeit with strictest observation, confidentiality and privacy of information therein provided by the individual making such request.

If you read it along with page 29(7.8), *Every pregnant woman in Enugu State shall be required to consent to voluntary confidential testing for HIV with pre and post test counseling in order to guarantee the health of the child and facilitate prevention of mother to child transmission of the virus in cases where the mother is HIV positive.* Well, I believe, while Section 10(1.1) is suggesting voluntary testing, Section 29(7.8) is making it mandatory. Then on Section 29(7.9), it states that:

All women in the state including HIV positive women shall be entitled to the highest available standards of ante-natal, pre-natal and post-natal care to ensure the survival of both mother and child,

and no health institution shall refuse to attend to a pregnant woman on the basis of her HIV status.

Mr Speaker, I believe that this Section 10 (7.9) did not anticipate that there will be payment in any private hospital, as this is a free market economy. Unless you can pay for certain things, you cannot go there to get certain things. You cannot say, woman go to Niger Foundation Hospital and receive the highest available medical attention because, she may be carrying AIDS. Therefore, you are free to go anywhere and look for treatment, because it is said that they are entitled to the highest available standards of ante-natal. I think it is giving too much or the privilege is not obtainable. I want the Sponsor to look at that.

If you look at page 18 (1.4), this Section gives somebody right to discriminate. If somebody has like twenty wives and you find out that one of them tested HIV positive, the law says that you can now discriminate against the one suffering from HIV virus. You can opt for divorce. This law gives power to discriminate. Let me read Section 15(1.4): *Any partner in a marriage has the right to secure divorce in a situation where he/she considers himself/herself at risk of being infested by an HIV positive partner who refuses to consent to or practise safer sex, especially the consistent of condoms.*

This Section has already given power for discrimination to someone and the title of this Bill is Anti-Discrimination. I want the Sponsor to look at that, otherwise, we can look at the meaning of discrimination or discriminate fully to the hearing of the House. What I am trying to say to that is that that Section has already given somebody power to discriminate.

Now, this law is anchored on fundamental human rights and the emphasis of fundamental human rights is Freedom of Association, or a lot of freedom were granted to human beings to ensure their dignity. I also believe that a Section of that law indicates that you can refuse to associate as a individual. That is the extension of that law. In as much as, the law gives you freedom of association, it also gives you power to refuse to associate. For example, I will not go where leprosy people are dwelling, I will not go where HIV people are living. You have the right to refuse to associate, in as much as you have the right to associate.

When you go to the Constitution, Section 45, Fundamental Human Rights, Charter 4, Section 45: *Nothing in Section 37, 38 39, 40, and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society.* What this Section is talking about is on restriction on and derogation from fundamental rights. Sub Section (a) of this Section said; *In the interest of defence, public safety, public order,*

public morality or public health, while sub-section

(b) says: *For the purpose of protecting the rights and freedom of other persons.*

Now, this law envisages a situation where even if you are the Technical Adviser of Rangers FC, and you want many healthy people to play for Rangers, FC, this law does not permit you to send them for HIV test. I do not think that the Rangers FC management team may agree to that, because they might not like a situation where they may engage somebody with HIV/AIDS and after sometime, the person will not be performing well, because they cannot provide the diet he requires, because they did not test him initially and after sometime, he will start depreciating and the team start suffering.

So if you look at page 22 where non-discrimination against person(s) infected/affected by HIV/AIDS, Section V (1.1), you will see all the areas envisaged by this Bill, it covers employment, sports and recreation, superannuating and insurance etc., now, if somebody is an employer, it is left for him to determine how he will employ you. He can subject you to a test without telling you that this will disqualify you.

In other words, the Bill is so elastic in its coverage of the privileges for the HIV infected persons. Some of the areas might be considered for elimination if we want the thing to be strictly obeyed. For example, if we talk of employment,

the employer has a right to do any type of test before he takes anybody, he cannot tell you on this Floor. He will just say test for this and test for that, then he says what are the rationale. The technical manger has the right to undertake any type of test he wants. In fact, in sports they can even test one for use of drugs and all worth not.

Then the Sponsor talked about Insurance Policies. These are not determined may be within the State. Insurance Policies are determined and applied in various States. So, I do not know whether we shall force Insurance Companies to undertake certain things.

There was an area which the Leader of the House talked on, which talks about public and private sector, that is page 27. It says, Codes of Professional Ethics. The Sponsor of this Bill will still go further to give a format of what he actually wants from the public and private sector employers of labour and professional groups, and define in specific terms what he meant by public sector. Is he talking of State public sector or Federal public sector? Or is the law going to be applied by only public organizations that are owned by the State or State ministries and parastatals, or is it applicable to Federal.

For example, if the people in police force or in prisons are insisting on certain tests, is this law going to say they will not carry it out bearing in mind that when the state law runs or becomes inconsistent with the Federal law, the

State law will become null and void to the extent of its inconsistency with the Federal law. So, the word 'public' should be properly defined.

Then in 6.2, the Sponsor will have to give or suggest specific format because when one is making law, he does not make it so open ended so that he will be able to catch the offenders without prejudice. So, whatever he has in mind as Codes of Professional Conduct has to be spelt out very clearly in the form of a chart and it will be attached to this law by the end of the day so that it would not be open ended because it can catch innocent people and it can be applied with prejudice in which case the punishment which one person suffered may be different from the punishment another person is suffering.

With this contribution, Mr Speaker, I support this high impact Bill for its need to the society. I rest my speech.

Mr Speaker: Honourable Colleagues, before any other contribution, I sincerely believe that the hon. Member for Igbo-Eze North I (*Mr Onyeze*) addressed a very good fundamental issue in this Bill, and initially I requested that there must be a public hearing on this Bill, and of course all the relevant Committees should try as much as possible to organize a public hearing on this Bill. It is only when this is done that we will be able to articulate all these things we have just said. I am happy that the Sponsor of the Bill is here; it is not a question of asking to be

advised on this Floor of the House. He is equally a Member of the Committee that the Bill has been sent to. So, he looks at it at the Committee stage before reporting out to the House. Thank you.

Mr E.C. Maduabu (Awgu South): Mr Speaker, Sir, I have risen to contribute to the debate on the HIV anti-discrimination, Providing Access to Justice, Care and Support Bill.

Discrimination is a crime against humanity and even to every living being. It is a gradual feeling of a person who is affected by a disease. So, in a nutshell, it is quite inhuman for us to discriminate against anybody who is suffering from HIV or AIDS. It is by discriminating against such a person that we now speeding up the person's death, and if we continue in that rate then the society will be washed away because of the spread of AIDS and HIV in the society. It is just like apartheid which was practiced in South Africa by Ian Smith in the then colonial masters' day. It was a political system whereby a race is kept apart from social interactions and then purchase of some essential commodities from the public places. So, I think it is a very bad practice for us to be discriminating against those that have been affected.

HIV or AIDS could be contacted through various ways. It could be through wounds sustained or by equipment that have been used to cure or to apply to a person with such a disease. It could be through birth, it could be through sexual intercourse which is

rampart in our society. Then why should one discriminate against one who has such a disease through sexual intercourse, but then how do we distinguish a person who contacted HIV/AIDS through sexual intercourse from a person who contacted it through birth. It is hard, and the question now is, should we stop having sex? The answer is no because that is the source of life. It is the source through which all of us came into being and it is common and we are with that. It is not proper for us to discriminate against a person with the disease.

The question now goes, like some people are saying that testing or not testing should not be included in the Bill. The Bill is talking of voluntary and informed testing. It is voluntary, for example, if Rangers Management is trying to recruit players, they will inform you that they are testing you for HIV or AIDS. If you like it, then you consent, if you do not like it, then you go away and they will look for another person. It is the same thing with employment; they will inform you that they are testing you for HIV. If you are interested in the employment, then you stand for the test; if you do not want the test then you go away.

That is a means of checking against the spread of HIV in the society. It is proper because before you curtail that, there are some measures to guard against the test so that it will be proper and nobody would die for certain practice. Though what we are saying is just brain

racking because in the real sense of it, there are what it entails. One cannot because of the Bill or trying to give help to a person who is almost dying and then put oneself into danger. There is self defence, we have not seen what AIDS has done; somebody who is dying and has started smelling, would you ask a person to go there and put oneself into such a house, the person will die as well.

So what I am saying, in essence, is that there is need for the Bill, but there are some laws which we cannot even withstand. It is the practice that will show us what will be the end of the Bill.

With this, Mr Speaker, may I rest my speech. Thank you.

Mr Speaker: Honourable Colleagues, you see, what we are saying, we all know the ways in which this Bill can be covered. We are not saying that having known that somebody is HIV positive that we can make love with that person without condom. We are not saying that because we are all aware that people sleeping with somebody who has HIV will not make you HIV positive. Even staying in the same place with him will not make you HIV positive. Shaking hands with somebody who has HIV will not make you HIV positive. When we are saying all these things we should be able to understand how the disease can be contacted.

It is only when we appreciate the way we can contact this disease that we will be able to address it very well. However,

I still believe that we still have to do a thorough job on this Bill; we are not in a hurry. I am happy too that we have competent hands who are going to handle this Bill at Committee stage. More importantly, the Sponsor of the Bill is very competent. So, I don't have any problem. I believe at the end of the day we will pass a Bill that will stand the test of time; we will pass a Bill that people will appreciate that there is a reason why we passed it into law.

I recall sometime in 2001 or thereabout when we were discussing about a Bill on inhuman treatment against widows and widowers and at the end of the day that Bill was passed into Law and everybody in the international Community both in this honourable House was saying *congratulations*. This Bill as far as I am concerned is going to create a kind of creditability on the House. So, let us realise the reason we are making our contributions and I believe the Chairman of the Joint Committee will be able to articulate this and Report back to the House. On that note, we can now forge ahead.

Mrs C. Eneh (Udi South): Mr Speaker, I have risen to speak on this very important Bill. Mr Speaker, you have said it all because most of the things I wanted to say is what you have said. You cannot contract HIV by handshake or by eating with the person who has it. What this Bill is seeking is anti-discrimination against those who have HIV/AIDS. Some Landlords don't accept people with HIV in their houses.

Even in the Universities they are not offered admission just because they are HIV positive. So, I want to touch the caption of this Bill: *anti-discrimination and protection against the people that are affected and infected by HIV/AIDS*. So, we should not discriminate against them. With this, Mr Speaker, may I move that the Question be now put.

Mr Speaker: There is something people don't know, there is difference between HIV and Aids. They are not the same because somebody with HIV can be strong and live his normal life but when it comes to AIDS it means that the person can die at any time. *(Laughter)*.

Deputy Speaker (Mr Atigwe): Mr Speaker, I have risen to contribute to the Bill on HIV/Aids anti-discrimination and protection for providing access for justice care and support for persons affected and infected by HIV/Aids in Enugu State, by discussing about the merits and demerits of the Law. When the come comes to become we go into the body of the Bill itself. This Bill is for life saving. It is just to further be certain about the laws in our Constitution, Section 43: *Right to Life*, Section 44: *Right to Dignity of human person*, Section 42: *Right to Freedom from discrimination*.

You are all aware that AIDS is a disease not only in this State but a disease that affect the whole world. You can remember that there was a Workshop we have with MCID where I said Americans and British, and world

powers, left everything behind has come down here to wipe out our poverty. This is a disease that could be fought by everybody. But here in Enugu what we are talking about is how to give them freedom. Those that are infected by malaria have freedom, they move freely. In those days when we had wars we still lived with our people but still the disease can wipe them out. Today that we are our brothers' keeper why do we discriminate against our brothers.

Mr Speaker, death is no longer anathema. It needs a change. As we are talking, we need Counselors to go and counsel the school children, the barracks people, the market women, even groups need to be talked to about this disease called HIV/Aids. First of all, one has to develop HIV before developing to Aids. These people have lives just like I said, they should be protected in our Constitution. It needs multi-sectorial approach. We shall do justice to it. The most pertinent thing we should do is to pass this Bill into Law.

May I refer to the statement of one Dr Stev Okokwu of the UNISEF, (ie UNISEF Project Officer in this Enugu). *The Reports* at Markudi said: i.e on Tuesday 28th January, 2005 at page 30 – *Two hundred and seventy thousand ladies stand the risk of being infected with Aids, yearly.* What do we say about the fate of two hundred and seventy thousand Ladies aforementioned? They need protection. What about those already infected? They also need protection and treatment. We have ART

i.e Anti-Retroviral Treatment. These Drugs are obtained in the Hospitals. We appeal to the Federal Government to subsidize those drugs more in order to reduce the death rate of these affected people. Because millions are dying every day. There was a time of influenza. He said according to them – that the fear that influenza will come, will kill so many people. But when it later arrived, only few people died.

The fear that some people have HIV and they are being humiliated by public attitudes lead them to die before their time. But one can survive HIV if well treated and I have witnessed some of them. Based on this I am of the opinion that any couple about to marry should test their genotype as well as HIV status. It is written in the Bible; Genesis: Chapter 2 vs 21 to 23 *The Lord God caused the man to fall into a deep sleep; and while he was sleeping, he took one of the man's ribs and closed up the place with flesh. Then the Lord God made a woman from the rib he had taken out of the man, and he brought her to the man. The man said, this is now the bone of my bones and flesh of my flesh. She shall be called 'woman' for she was taken out of man.*

I am saying this in support of the test. Our women should be encouraged to go to the Hospitals for ante-natals. Mr Speaker, Sir, then the test should be carried out. And they may not disclose them, but the carriers should be informed formally and the result should not be hidden from them. Mr Speaker Sir, all

the clauses, section by section I am happy should be taken care of as from the time when the sub Committee will handle it and when it is time for public hearing; and the Committee handling it should make it to be sufficient advocacy so that everybody around will understand this Law and the Rule made.

I hope that the Federal Government, and States will emulate us. With this, Mr Speaker, I beg that the Question be put.

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

Main Question put and agreed to.

Bill accordingly read the Second time.

Mr Speaker: Honourable Colleagues, the Enugu State Anti-Discrimination and Protection, Access to Justice, Care and Support to Persons Infected and Affected by HIV/AIDS Bill NO. 3, 2004, has now scaled through the Second Reading. I wish to express my happiness to all of you for your contributions and, more importantly, to the Sponsor of this Bill. This is because it is one of the most important Bills that this Assembly will pass at this point in time. And we are passing this Bill at the appropriate time. Having scaled through this Second Reading, the Bill is as good as having it passed. And I am sure with your co-operation, we are going to do Justice it when next we meet. I thank you very much for your contributions and I will not fail to express my

happiness to the Clerks-at-Table and, of course, the Gentlemen of the Press. I say thank you; and may God begin to reward you. Thanks and God bless you.

ADJOURNMENT

Leader: Mr Speaker Sir, hon. Colleagues, I rise to move that this House do now adjourn till Friday, 18th February, 2005, at 10a.m.

Mrs C. Eneh (Udi South): Mr Speaker Sir, I rise to second the Motion for adjournment as moved by the Leader. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Friday, 18th February, 2005 at 10a.m.

Adjourned accordingly at 12.45p.m.

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ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 132

Thursday
18th February, 2005

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With respect to the above Bill the aforementioned were charged with the responsibility of giving the said Bill its desired legislative and critical study by the hon. Speaker. The Committees had several settings, interviews and public hearing. People from all walks of life were in attendance. They made their useful contributions and that has been part of the fulcrum of this report.

Aside from this, some people sent several memoranda and tapes which helped the Committees during their appraisal of the Bill.

At the end, the Committees were able to make some amendments and they are hereby enclosed as a veritable tool for this Report.

This Report has been duly signed by the Joint Committees Members. Thank you.

Leader: Mr Speaker, may I move that the Report be accepted for immediate consideration by this honourable House. Thank you.

Mrs C. Eneh (Udi South): Mr Speaker, I have risen to second the Motion.

Question put and agreed to.

Leader: Mr Speaker, may I move that this honourable House do now resolve itself into the Committee of the Whole House for the consideration of

the Committees Report along with the original Bill. Thank you.

Mr D. Ani (Enugu South I (Rural): Mr Speaker, I second the Motion as moved by the Leader of this House. Thank you.

Question put and agreed to.

HIV/AIDS ANTI-DISCRIMINATION AND PROTECTION BILL, 2005

A Bill for a Law to Provide Against all forms of Discrimination and Give Protection Access to Justice, Support and Care for all Persons living with and Affected with HIV/AIDS in Enugu State and other Matters Related thereto

Considered in the Committee of the Whole House

Mr D. Ani (Enugu South I (Rural): Mr Speaker, I second the Motion as moved by the Leader of this House. Thank you.

Question put and agreed to.

The Chairman: We will suspend the Preamble and objective of the Bill up to Enactment Citation and Commencement.

Clause 5 – INTERPRETATION

Sub-section 1(5) – At point 8 which is *avoid of penetrative sex* to be deleted completely.

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA
Thursday, 18th February, 2005
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings No. 53, dated Thursday 3rd February, 2005. I have gone through them to be accurate. However, I call for your comments. Thank you.

Mr C. Ugwu (Enugu East II): I have equally gone through our last Votes and Proceedings of Thursday, 3rd February, 2005 and I have equally found them to be correct and I therefore move for the adoption of the Votes and Proceedings.

Chief Whip (*Mr Odo*): Thank you, Mr Speaker. I stand to second the Motion as moved by the hon. Member for Enugu East II (*Mr Ugwu*). Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 3rd February, 2005 adopted accordingly.

ORDER OF THE DAY

Report from Joint Committees on Health; Judiciary, Public Petition, Ethics and Privileges; and Women Affairs and Special Duties on the Enugu State Anti-Discrimination and Protection (Access to Justice, Care and Support) To Persons Infected and Affected by HIV/AIDS Bill, No. 3, 2004

Mr F. Onah (Nsukka West): Thank you Mr Speaker, I am the Chairman of this Committee. I read the Report:

Office of the Chairman
Committee on Health
Room 14
Legislative Building
Enugu.

17th February, 2005

The Speaker
Enugu State House of Assembly
Enugu.

Mr Speaker Sir,

Report from the Joint Committees on Health; Judiciary, Public Petitions, Ethics and Privileges; Women Affairs and Special Duties on the Bill for a Law on the Enugu State Anti-Discrimination and Protection (Access to Justice, Care and Support) to Persons Infected and Affected by HIV/AIDS Bill No. 3, 2004

Clause 5: - INTERPRETATION, *As amended. Ordered to stand part of the Bill.*

Deputy Leader (Mr Anikwe): Mr Chairman, Sir, I think that for the fact that there are no amendments by the Committee on these Clauses, I prefer where you say that from this Clause to that Clause, following the fact that there is no amendment, should form part of the Law. Thereafter, you then put the Question.

The Chairman: I thank the Deputy Leader (*Mr Anikwe*) for his suggestions. I said earlier that I will take all the Interpretations one by one then when it comes to Clause, in the absence of any amendment, I can now put the Question.

Clause II: Institutional framework

Clauses 1.1 – 3.1, *Ordered to stand part of the Bill.*

Clause II (3.2) (Functions of the Committee)

Chief Whip (Mr Odo): Mr Speaker, I think that there is a typographical error in the Report of the Committee. What the Committee recommended appears to be different. What the Committee recommended was to delete *line* and insert *stroke relevant Ministries of the State Government. Thus the Committee shall report to the State Governor or his appointed representative and shall work in collaboration with all relevant Ministries of the State Government.*

Clause II (3.2): Functions of the Committee – *As amended, ordered to stand part of the Bill.*

Clause III (1.0) (1.2): (Voluntary Testing and Informed Consent)

The Chairman: In line 2 after personnel insert *Comma*, then in line 4 after sports insert *Comma*.

Clause III (1.0) (1.2): - *As amended, ordered to stand part of the Bill.*

Clause III (1.3).

The Chairman: In line 1 delete *in* after *notwithstanding*. Then delete *previous schedule* and insert *previous Clause*. Delete *or* and insert *and* in line two.

Clause III (1.4) – *Ordered to stand part of the Bill.*

Clause 2.0 – Notification of coded information – *Ordered to stand part of the Bill.*

Clause 3 (3.1) Partner notification – *Ordered to stand part of the Bill.*

Clause 3.3 – (Partner Notification)

The Chairman: Honourable Colleagues, there is an amendment. In line three delete *Counselors* and insert *Counselors*. Delete *shall be authorized, but not required by law to* and insert *may*, thus:

The health care provider responsible for attending to an HIV-positive individual including doctors, nurses, welfare workers, counselors, and any such care giver, may notify an individual's sexual partners of his/her HIV status if:

Clause 3.3 – (Partner notification) – *As amended ordered to stand part of the Bill.*

Clause 4 (Detention, Isolation, and Qualification) – *Ordered to stand part of the Bill.*

Clause 5.1 – (Prisons and Correctional Facilities)

The Chairman: Honourable Colleague, there is an amendment here thus: In line two delete *give* and insert *given*, thus: *Those in prison, police detention and correctional facilities shall be given access to means of protecting themselves from HIV infection, including access to condoms.*

Clause 5.1 (Prisons and Correctional Facilities) – *As amended ordered to stand part of the Bill.*

Clause 5.2.-3 – *Ordered to stand part of the Bill.*

Clause 5.4

Chief Whip (Mr Odo): Mr Chairman, Sir, there is a mistake as we are treating this as Clause four instead of

Clause five as written in the Committee's Report. The Committee Report says Clause five, while in actual sense what it is Clause four. So, I would suggest that *Clause, five* be deleted to read *clause four*, that is page 21. The page 21 we are treating now is under Clause four.

The Chairman: Honourable Colleagues, we are on page 16 not 21 as the Chief Whip said.

Chief Whip: Mr Chairman, you are right, go ahead.

Mr M. O. Onyeze (Igbo-Eze North I): Mr Chairman, Sir, there is a discrepancy between the Report and the Original Bill. So, I agree with the Chief Whip (*Mr Odo*) because if we pick 5.4 for example, of the Report that we find in 5.4, that is, at page 21 of the original Bill, while the Chairman himself is still on page 16 of the original Bill. So, they are not congruent.

The Chairman: Honourable Colleagues, on page 21 we have *those in prisons*. Can we say that 5.1 appeared in two places. Somebody should explain.

Deputy Leader (Mr Anikwe): Mr Chairman, what we have to see as the way out is that the Committee tabulation in terms of Clauses did not tally with the original Bill, that is the correct thing. If we are now reading the original Bill with it, it will now appear in Committee's Report as Clause five instead of Clause four. So, it is either that the Committee is asked to now review or a kind of give

new clauses to Committee's Report which did not tally with the clauses in the original Bill. For instance, what we are treating now under the original Bill is at page 21, but we are reading from the original Bill page 16.

The Chairman: At page 16 we have *infection prevention and control*. That is Clause 6.

Chief Whip: At page 16 as we are reading, it appears to have fallen under section 3. We now have on page 16 as we are reading section 3, sub 6:1. I don't know whether that one is correct. But in the Committee recommendation it is section 4, sub-section 5: That is the one we are talking about. Therefore one could be mistaken if ... (*Interruptions*).

The Chairman: The Committee gave us the job. I want you people to tell us what you actually want us to do there so that we can make progress. Thank you.

Chief Whip: Mr Chairman, Sir, from the Committee's Report, in amendment, we have section 5 in section 4:1 instead of section 5, it should be section 4:5; that is the one we are talking about. It reads: *Those in prisons, police detention and correctional facilities, shall be given access to means of protecting themselves from HIV.* we recommended *given*; but they wrote *give access to means of protecting themselves from HIV infection, including access to condoms.* So we now recommended that *n* should be added after *give* ...

The Chairman: What did they call that section?

Chief Whip: they called it section 4.5. Because in the next page we now get Section 5 itself. That is the reason we said that ... (*Interruptions*).

The Chairman: Where does this section 5.4 fall under?

Chief Whip: Mr Chairman, Sir, section 4.5 is still under section 4, that is, section 4.5.1, section 4.5.2; section 4.5.3; and then section 4.5.4 as the case may be we are recommended that the full-stop should be added. In fact, this is all about understanding how we did the pagination; that is the only problem there.

Mr Njeze: Mr Chairman, Sir, the problem I observed is typographical error, we just change 5 to 4. (*Interruptions*).

Deputy Leader (Mr Anikwe): Mr Chairman, Sir, what I am suggesting, like as we have said before, is that, wherever the Committee put section 4, should be replaced with section 3 (*Interruptions*). What I am saying is that we specifically go to the areas where they recommended for amendments. And then we correct the proper section there and we treat that one. If there is no correction we go ahead. Therefore, that place where they wrote section 5 is section 4 in the original Bill. And they where section 5 appears we have section 6; may be section 4 (*Interruptions*).

Chief Whip: No. There is no section 6. Section 6 is all about sub-sections.

Deputy Leader: So we are only making mistake in section 5.5 in typing. That is what I am saying.

Chief Whip: No. There is no mistake there, just like the hon. Member for Udi North (*Mr Njeze*) said (*Interruptions*).

The Chairman: Honourable Colleagues, there is a lot of contradictions in this arrangement. I humbly suggest that this Report should be taken back. They should go and put it in order and bring it back to the House, because if we follow all these sections 4 and others, we will make a lot of mistakes in this Bill. So let us not be in a hurry and make some mistakes. Let us refer this Bill back to the Committee so that they will go and renumber sections and sub-sections to make it easy.

Chief Whip: Mr Chairman, Sir, let me just make these suggestions. What I am suggesting is that the problem is not with the Bill, neither is it with the Committee. The problem is some Members not being able to really appreciate how the section have been numbered. What I expected from ... (*Interruptions*).

The Chairman: Let me come in. You can not tell us that the Members did not appreciate. When you drive from this way and that way, you said that the Members did not appreciate ...

Chief Whip: The Chairman, Sir, all you needed is to seek for clarifications. If you send it back ten times, this is what you certainly should receive again. What you should do is to seek for clarifications because it appears that some people have been regarding sub-sections as sections itself. So what you needed is clarification; otherwise, if you send it back that is what you will still get. Unless you do not want to pass the Bill.

The Chairman: Listen, on page 16 you have 6.0; 6.1; 6.2; 6.3; up to that point. So which section are these falling?

Chief Whip: That is section 3. Please turn to page 10. In page 10 you now have section 3.1; section 3.1.2; 3.1.3. You turn to page 11, you have section 3.1.4; then you have Section 3.2.1; 3.3.1; 3.3.3; 3.4.1; 3.4.2; 3.4.3; 3.4.4; 3.4.5; 3.4.6; 3.4.7; 3.4.8; Then on page 16 you have 3.5.1 then on that page 16 that is why we have 3.6.1. (*Interruptions*).

The Chairman: No. No. I think I am getting what it is. If you go to Section 10, it is just the continuation of that Section up to page 16. We have not moved from that section. We are treating the same Section 3. Am I right?

Deputy Leader: What the Committee now said is that they recognizes it in that way, instead of bringing out that section as substantive section ... (*Interruptions*).

Mr C. Ugwu (Enugu East II): Mr Chairman, I think the Chief Whip (*Mr*

Odo) wanted to help, so I equally think that he has a way out.

The Chairman: The Chief Whip has a way out. all right the hon. Chief Whip should go on.

Chief Whip: Mr Chairman, listen. What we do is that the mistake appears to be at the second to the last page. If I am correct, where you erroneously said Section 4.5.0 instead of 4.0 that is where the mistake is so far.

The Chairman: What do we do?

Chief Whip: What we do is that we should not be confused. I got a notice that instead of Section 5.0 five zero we substitute it with 4.0. The problem is that people see sub-sections as Section itself. And whereby they read along that line they just get confused.

The Chairman: Now, let me tell you that in my opinion, if we should continue with this Bill, we should just look at it on the ground that wherever we have Section 5 on the Committees Report we regard it as Section 4 on the original Bill.

Chief Whip: Mr Chairman, that is why I told you that Section 5 is Section 4 and that is where we are. I do not know why we are confused.

The Chairman: Honourable Colleagues, this thing is very simple, we just change wherever we have 5 to 4 and make progress. So, do I go ahead?

Several Members: No! No! We are confused.

The Chairman: I want somebody to clarify us.

Mr Njeze (Udi North): Mr Chairman, the issue we have here is that this Section 5 in our Report is a typographical error. Then we should change it to Section 4 and so where we have 5.0, that is section 4.4.0 ... *(Interruptions)*.

Deputy Leader: The hon. Member for Udi North (*Mr Njeze*) you are making a mistake it is not true. It is not what is contained in the original Bill. He did not even get it. If you watch out it is at the second to the last page. If we go to the second to the last page of the Committees Report, you see substantive Section 5 ... *(Interruptions)*.

Mr Njeze: What you should say is substantive Section four. ... *(Interruptions)*.

Deputy Leader: It does not tally. It is Section 3.50 in the original Bill and not even Section 4 ... *(Interruptions)*.

Chief Whip: It is not true. ... *(Interruptions)*.

Deputy Leader: Check from page 17 of the original Bill. ... *(Interruptions)*.

Mr F. Onah (Nsukka West): Thank you, Mr Chairman I am the Chairman of the Committee Mr Chairman, in view of

the contradictions in numbering of the Sections of the Report which were not clear, I now humbly wish to withdraw the Report to enable us come out with a clearer Report. Thank you.

Question put and agreed to.

Committee Report formally withdrawn to enable the Chairman and the Members of the Committees do the re-numbering of the Sections and the various sub-sections.

(Mr Speaker Resumed the Chair)

ANNOUNCEMENT

Meeting

Mr Speaker: All Members are expected to meet in my office on the rising of the House for a very short briefing.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, may I move that this honourable House do now adjourn till Tuesday, 22nd February, 2005 at 10a.m.

Deputy Leader: Thank you, Mr Speaker I have risen to second the Motion as moved by the Leader of this House and in doing so, I have the honour to thank the Almighty God for bringing back our Colleagues safely from London after their Legislative studies. It is not easy To God be the Glory. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 22nd February, 2005 at 10a.m. prompt.

Adjourned accordingly at 1.32 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 133

Tuesday
22nd February, 2005

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HOUSE OF ASSEMBLY

ENUGU STATE OF NIGERIA

*Tuesday, 22nd February, 2005**The House met at 10 a.m.*

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, I have before us our Votes and Proceedings No. 54 of Friday 18th February, 2005. I have gone through them and found them to be correct. However, I need your comments. Thank you.

Mr E. Odo (Igbo Etiti East): Mr Speaker, Sir, I have equally read the Votes and Proceedings and found them to be correct. I, therefore, move a Motion for their adoption. Thank you.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, I have risen to second the Motion. Thank you.

*Question put and agreed to.**Votes and Proceedings of Friday, 18th February, 2005 accordingly adopted.*

ORDER OF THE DAY

CONSIDERATION OF REPORT FROM JOINT COMMITTEE ON HEALTH; JUDICIARY, PUBLIC PETITIONS, ETHICS AND PRIVILEGES; AND WOMEN AFFAIRS AND SPECIAL DUTIES

ON THE ENUGU STATE ANTI-DISCRIMINATION AND PROTECTION (ACCESS TO JUSTICE, CARE AND SUPPORT) TO PERSONS INFECTED AND AFFECTED BY HIV/AIDS BILL, NO. 3, 2004

Mr F. Onah (Nsukka West): Mr Speaker, Sir, it is now my honour and privilege to move a Motion that the Report which I presented last week with the re-numbering made on the said Report be considered along side with the original Bill in the Committee of the Whole House.

Deputy Leader (*Mr Anikwe*): Mr Speaker, Sir, I have risen to second the Motion to the effect that the House resolves itself into Committee of the whole House for us to consider the Report.

Question put and agreed to.

**THE ENUGU STATE OF NIGERIA
ANTI-DISCRIMINATION AND
PROTECTION ACCESS TO JUSTICE,
CARE AND SUPPORT TO PERSONS
INFECTED AND AFFECTED BY
HIV/AIDS BILL NO. 3 –
(CONSIDERED IN THE COMMITTEE
OF THE WHOLE HOUSE – DAY
TWO)**

CLAUSE 5.0 (5.1 – 5.6) – (BLOOD, TISSUE, ORGAN AND BODY FLUID SAFETY) – *As amended, ordered to stand part of the Bill.*

5.2.2., 5.3, 5.4, 5.5 and 5.6 *Ordered to stand part of the Bill.*

Delete clauses 2.2, 2.3, 2.4, and insert 5.3, and 5.4 respectively. *As amended, Ordered to stand part of the Bill.*

CLAUSE 6: (INFECTION PREVENTION AND CONTROL) -*Ordered to stand part of the Bill.*

SECTION IV: (CRIMINAL AND CORRECTIONAL SYSTEMS LEGISLATION) -

CLAUSE 1.1-1.7 – (TRANSMISSION AND EXPOSURE OFFENCE) - *As amended, Ordered to stand part of the Bill.*

CLAUSE 3:3.1-4.3 (SEXUAL ACTS AND RELATIONSHIPS) - *Ordered to stand part of the Bill.*

CLAUSE 5.1-5.6 (PRISONS AND CORRECTIONAL FACILITIES) - *As amended, Ordered to stand part of the Bill.*

CLAUSE 5 (5.0) (5.1) (PRISONS AND CORRECTIONAL FACILITIES) -

The Chairman: In line two delete the word *give* and insert the word *given* thus: Those in Prisons, police detention and correctional facilities shall be given access to means of protecting themselves from HIV infection including access to condoms: *As amended, Ordered to stand part of the Bill.*

5.4 In line five after the word *condition* insert the *full stop* thus: where an HIV positive or detainee is critically ill the court or the Executive Governor of the State shall have authority to grant such individual compassionate early release upon the request of the State Attorney-General. In such instance, HIV/AIDS shall be viewed and treated like every other life threatening illness or health condition.

As amended, Ordered to stand part of the Bill.

SECTION V 1.1(a)-k) – Non-Discrimination against person(s) infected/affected by HIV/AIDS. *Ordered to stand part of the Bill*

Clause 2.0 (1.0-2.0) Non-vilification of HIV infected/affected person(s) *Ordered to stand part of the Bill.*

Clause 3.0 (3.1-3.3) Representative Complaints *ordered to stand part of the Bill.*

Clause 4.0 – 4.6 Privacy and Confidentiality Protection *Ordered to stand part of the Bill.*

Clause 5.0-5.8 Employment, Sections VI – V5 *ordered to stand part of the Bill.*

Clause 6.0 – 6.1 – Codes of Professional Ethics.

The Chairman: Amendment please. Section V (6.0) 6.2c): Delete *status* after HIV, and insert *status* thus Codes of Professional Ethics) Duty not unfairly discriminate on basis of HIV status. Clause (6.2c) *as amended ordered to stand part of the Bill.*

Clause 7.1 – 7.9 Vulnerably Children, *ordered to stand part of the Bill.*

Clause 8.0 – 8.1 Property Rights *ordered to stand part of the Bill.*

Clause 90 (9.0) Evidentiary standards providing discrimination –

The Chairman: In line one after HIV/AIDS delete *disability* and insert *conditions*, thus: making HIV/AIDS condition providing discrimination only one of several reasons for doing discriminatory acts would be sufficient to ground a case.

Clause 9.0 (9.1) *As amended, ordered to stand part of the Bill.*

Clause 9.2 *ordered to stand part of the Bill.*

SECTION VI: Regulation of Goods, Services and Information – Regulation of therapeutic goods and services. Section 2.1-2.9 *ordered to stand part of the Bill.*

Clause 2.0 Ethical Research 2.1 – (I-vi) *ordered to stand part of the Bill.*

Clause 3.0 Right to Education and Information on HIV/AIDS 3.1-3.3 *ordered to stand part of the Bill.*

Clause 4.0 Freedom of Expression and Association 4.1-4.6 *ordered to stand part of the Bill.*

SECTION VII: LEGAL SUPPORT SERVICES

Clause 1.0 Free Legal Aid Services 1.1-1.2 *ordered to stand part of the Bill.*

Clause 2.0 Right of Appeal – 2.1 *ordered to stand part of the Bill.*

SECTION VIII: OFFENCES AND PENALTIES UNDER THIS LAW

Clause 1.0 Offences on interferences with the work of the Committee, *ordered to stand part of the Bill.*

Clause 2.0 Public health Offences – 2.1 *ordered to stand part of the Bill.*

Clause 3.0 Criminal Offences 3.1 *ordered to stand part of the Bill.*

Clause 4.0 Anti-discrimination and Protection Offences 4.1 *ordered to stand part of the Bill.*

Clause 5.0 Regulation of therapeutic, Goods, Services and Information Offences 5.1-5.2 *ordered to stand part of the Bill.*

SECTION IX: Regulations, Rules and Orders

Clause 1.0 Power to make regulations, rules and orders 1.1 (a) – (b) *ordered to stand part of the Bill.*

SECTION X: LEGISLATIVE JURISDICTION OF LAW – *ordered to stand part of the Bill.*

Objects and Reasons – *agreed to.*

Preamble and object of Bill – *agreed to.*

Enactment – *agreed to.*

Citation and commencement – 23rd February, 2005.

Mr E. Odo (Igbo Etiti East): Mr Speaker, may I now move that the Bill be read the third time.

Bill reported out of Committee with Amendments, read the third time and passed.

Mr Speaker: Honourable Colleagues, the Enugu State Anti-Discrimination and Protection, Access to Justice Care and Support to persons infected or affected by HIV/AIDS Bill No. 3, 2004 has now been passed. I wish to express my happiness to the Sponsor of this Bill. This is a private member Bill.

I also wish to thank all those who contributed in no small way to ensuring that this Bill sailed through. I thank you very much. I wish to state too that this is a very important Bill in the lives of our

people. One of the most important bills we have passed in this Assembly which will go a long way to protect the interest of those affected and infected by HIV. I remember sometime in the last administration, this honourable House passed a Bill that has to do with widows and widowers. That Bill received international recognition. This is the first Assembly in this country that is passing this kind of Bill. I am very proud of you and I thank you very much.

I also wish to thank the Sponsor of the bill, the Chief Whip of the House (*Mr Odo*), for a job well done. It is not an easy task. When this Bill came up, it was like we were not going to pass it, because people were looking at it on the ground that supposing that, if we pass it, it might mean that you will go and lie down and sleep with somebody having HIV/AIDS. That is not what it means. It means that you try to at least give that person a word of encouragement and when you do that, you try to elongate the success of his health. So I thank you very much and I do hope that other hon. Members will try as much as possible to come up with such private member Bills. I thank the Joint Committee Chairman and all the hon. Members because when the debate was on on this Bill, I mean that it was the highest I have ever had in this Assembly. The kind of support, the kind of zeal and the enthusiasm which every Member demonstrated on this bills so I sincerely wish to thank you and also I will not fail to thank the Clerk of the House and all the other officers of the House for their efforts in trying to put all the documents into what we are witnessing today, into what we have today as a bill and which has now been passed into law. We

have been able to pass it. I also wish to thank the Press for the way and manner they have been carrying out their work especially as it affects this bill because the way they continued to announce it, the way they continued to air it. I mean I lack words but I say may God bless you.

On this note, I wish to express my happiness to everyone of you and I say thanks and God bless you.

MOTION ON MATTER OF URGENT PUBLIC IMPORTANCE

Maintenance of Public Order in the Newly Dualized New Haven Road

That this honourable House conveys a Resolution to the Commissioner for Works Enugu, State Hon (Sir) Festus Ugwu, the Director, Federal Road Safety Corps (FRSC) and the Managing Director Enugu State Waste Management Authority (ESWMA) urging the three Public Officers to work discretely and collaborate with each other in the Maintenance of Public Order in the Newly Dualised New Haven Road.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, may I seek the leave of the House for the application of Rule 25 of the Standing Orders of this honourable House to enable me present a Motion on a matter of urgent public importance.

Mr C. Ugwu (Enugu East II): Mr Speaker, I rise to second the Motion as moved by the hon Member for Igbo Eze North I (*Mr Onyeze*).

Question put and agreed to.

Mr Onyeze: Mr Speaker, Sir, may I move a Motion standing in my name, that this honourable House conveys a resolution to the Commissioner for Works Enugu State, Hon. (Sir) Festus Ugwu, the Director, Federal Road Safety Corps and the Managing Director Enugu State Waste Management Authority (ESWMA) urging the three public officers to work discretely and collaborate with each other in the maintenance of public order in the newly dualized New Haven Road.

Mr C. Ugwu: I stand to second the Motion.

Mr Onyeze: Mr Speaker, Sir, we are all living witnesses to the unprecedented infrastructural developments going on in the State, especially in the State Capital. These crystallised developments are the legacies which the present administration would bequeath to the good people of Enugu State.

Mr Speaker, Sir, it is not expedient for me at this juncture to chronicle all the development projects that have been executed or currently going on in the State. I would rather confine us to one of the areas in the Coal City where the dream of His Excellency the Executive Governor of Enugu State Dr Chimaroke Nnamani had been fully actualized. The area is the Ebeano Housing Estate through the newly dualized New Haven Road. The entire layout of the Ebeano Housing Estate, the quality of the structures as well as the decorum of the business outfits and transactions within the Estate transmits to

On the basis of the above assertions Mr Speaker, I most respectfully urge my honourable Colleagues to consider in this Motion moves to rename the Otigba Junction the Ebeano Round About. Such a gesture would go a long way to promoting the ideals of the group and at the same time encourage individual Members to make sacrifices for the group.

The Ebeano concept and the group are also epitomized on the Leader who incidentally is the current Executive Governor of Enugu State, His Excellency Dr Chimaroke Ogbornia Nnamani. I, therefore, also urge my Colleagues to consider moves to mount the statue of our great leader in the Round About.

There is no doubt Mr Speaker that the purpose of rewarding excellence in many fields of human endeavour including sports is to inspire the performer to greater heights and to motivate or challenge others for similar performances. The statue of His Excellency will immortalize his name and will tell the story to the next generation that at our time such a figure traversed.

Prayers:

Mr Speaker, Sir, in the light of the foregoing exigencies on this very important Motion affecting the attitude of Nigerians in the utilization of public goods and the need for this honourable House to establish indebtedness even in a very exiguous manner to a great leader of our time, may I, therefore, make the following prayers:

1. That this honourable House do urge the State Commissioner for Works hon. (Sir) Festus Ugwu, the Director of the Federal Road Safety Corps (FRSC) and

the Managing Director of the Enugu State Waste Management Authority (ESWMA) to maintain public order along the newly dualized New Haven Road, Enugu by removing all moveable and immoveable objects including vehicles found along the road anytime of the day or night.

2. That this honourable House urges the Commissioner for Works to build more culverts or outlets along the new road to link up more streets and establishments so that people transacting business along the area may find convenient places to park their vehicles.
3. That this honourable House urges the Commissioner for Works to rename the Otigba Junction – “the Ebeano Round About”.
4. That this honourable House urges the State Commissioner for Works to embark on immediate building of a life size statue of His Excellency Dr Chimaroke Ogbornia Nnamani, the Executive Governor of Enugu State to be mounted at the Otigba Junction Round-About to replace the traditional drummer mounted there.

Be it moved, and it is hereby moved.

Mr C. Ugwu (Enugu East): Mr Speaker Sir, if you go through this Motion, it is very direct and specific. And the reason New Haven Road was dualized by His Excellency, Dr Chimaroke Nnamani, was pointed out there. And the aim was to ease off traffic holdups and create a thoroughfare in the heart of the city. But Mr Speaker, unfortunately, the anti-progressives, some uncivilized citizens are trying to abuse it.

On Friday, the Mover of this Motion and myself took out time and drove through the New Haven dualized Road. In fact, we were fed up based on what we saw on both sides of the Road. Cars were parked, and if you wake up early and try that Road in the morning, you will see some people washing their cars and other nonsense things on the road, as if that was the aim of dualizing the road. It is highly unfortunate.

Based on this we are calling on the Federal Road Safety Commission to face out matters. As at now, people are still confused on where to ply and on how to move. Some drivers do not know how to make use of the Road. So the presence of the Road Safety Commission there will actually help out things. We want to use this opportunity to remind the Enugu State Waste Management Authority of their role in the Law we made. Specifically, if you go to Section 2 part 1 of the said Law, it says: *Interpretation: Section 2 'Abandoned Vehicle' means vehicles not in use and parked in inappropriate manner obstructing free flow of traffic or causing nuisance:* If you go further in this Law, specifically at Section 5(1)f as amended: *Functions of the Authority (f) to remove and tow off abandoned vehicles:* We want the ESWAMA to take action. Because once they take action, others will take examples: people shall be limited from parking their vehicles there. And again, for the Commissioner for Works, if more outlets are erected or created, it will help to eradicate the wrongful parking of the vehicles there. So we will inform the Commissioner to expedite action on this.

Furthermore, the much talked about Otigba Junction, if this House will dedicate the place to the Worker holic, the Lion of Enugu, the man who make things happen, His Excellency Dr Chimaroke Nnamani do me a favour by supporting and passing this Motion. It will be a favour to our people if this Traditional Drummer is replaced and the statue of His Excellency is mounted there. We have very simple reason for choosing that place for his statue. That Junction or the proposed Ebeano Junction is the centre of the city. So, from there, you can get to the important places in the city. You can get to the stadium, or you can get to the Government House, or you can get to the 82 Division or to the Secretariat.

In fact, that place is a place that is supposed to be called Enugu. For example, if you are in Sokoto, and you are asked where you come from the answer is Enugu. But if you are in Enugu or in my village or you come from far place like Uduma or Ugwogo, and you are asked where you are going, you will say that you are going to Enugu. In fact, there must be a place that will be marked.

As you know, for example, if you go to Lagos State to, at the capital city there, Ikeja, you will see the statue of the Governor of Lagos State – Chief Bola Ahmed Tinubu showing his work. If you go to Edo State the statue of Lucky Igbinedioh is there. If you travel down to Ogun State, Chief Gbenga Daniel, his statue is there. Please let us do this young man a favour by passing this Motion, so that appropriate action can be taken for the erection of the statue of His Excellency, the Executive

Governor. Dr Chimaroke Nnamani. So Mr Speaker Sir, we don't have much to say. Therefore, I call on my Colleagues to rise and support this all important Motion. It will benefit our people. Thank you and God bless.

Leader (Mr Anichukwu): Thank you Mr Speaker. I would have started by asking a question. One will ask, is it how many times a man kills a Lion before he will be called *Ogbuagu*? And the answer is simple, one or more lions. Mr Speaker I want to take us a little down the memory lane of the history of this country. The late Murtala Muhammed of the blessed memory was able to make a great impact in this country within six months. What the Military could not achieve in more than 12 years. The was able to achieve in six months.

Mr Speaker, we are all living witness to the development of this Enugu State. Some of us are born here while some are born outside the country and must still remain the good people of Enugu State. Before the Executive Governor of Enugu State Dr Chimaroke Nnamani came into power, we knew both the environmental and structural situation and otherwise in Enugu State. But as God will have it, within a short period of time, there was a principled impact both human and material. Mr Speaker Sir, when I got up, I did not tell you that I have just stood up to give support to this Motion. I thank my Colleagues whom I think are faster than some of us to have brought it now. And I know if it has failed to come up now, so many people would have done that sooner or later – hon. Member for Igboeze North I (*Mr Onyeze*) I love you for that.

So Mr Speaker, Sir, this Motion is primarily talking about sustenance. It is one thing to construct, it is another thing to sustain to maintain what has been constructed. Dr Chimaroke Nnamani has legalized New Haven among others. And it is unfortunate that immediately the Road was commissioned, one sees rubbish; because some cars are owned by robbers. Even the movable and immovable ones have been parked on that road. It is very unfortunate. And that is why I am proud to be a Member of this great Assembly at this point in time.

So, this honourable House has contributed in a great measure in making sure that all the structures erected and put down in this State are being maintained, at least for now. I believe, if sanity is started and followed up it is going to be maintained for a long time.

And Mr Speaker, I want to remind you that the present Artisan Market where goats, cows and livestock are sold is now being re-located along Express going towards Mega Station in Enugu Central Local Government. And fortunately, the market has now been re-named Ebeano Ram/Goat Market. For sure, the legacy has gone beyond ordinary and that all the achievements are being recognized even in the livestock market; on the road; on the water; on the air and on the paper. So, if this honourable House should urge the relevant authorities to erect a statue in the image of the Governor of Enugu State, Dr Chimaroke Nnamani, at the Otigba Junction and to re-name the place Ebeano Junction, I do not think there is anything wrong with that. It only means that we are

moving a little bit further to appreciate all the performances of the Governor of Enugu State whose stock-in-trade has always been to leave a legacy of clean environment, poverty eradication, etc.

So, Mr Speaker, as much as I do not have anything to talk against this Motion, I am strongly and completely in support of this Motion. And I wish that all my hon. Colleagues should give this Motion the necessary passage so that we will all continue to enjoy all the good works of the Governor of Enugu State. Thank you, Sir.

Mr E. C. Maduabu (Awgu South): Mr Speaker Sir, I am highly impressed with the Motion that has been presented by my Colleague. This is a timely Motion. Most of us that ply the New Haven Road especially the newly constructed lane now are witnesses to what is being done by some of the road users. The way we dump our vehicles along the road is very bad. This is one of the causes of accidents along the road. It is proper for us to be real human beings. We should be obeying laws, orders and rules but in our own way whatever law or rule that is made is not being observed or obeyed. So, what is worth doing is worth doing well. I am happy that the Motion made mention of outlets for the parking of the vehicles. There are people who own offices and business centers there. There are no channels where they will park their vehicles and that is why, in most cases, they park their vehicles along the road. Therefore, I am urging the company, MARLUM, that is constructing that road to make proper arrangement where the business owners there will be parking their

vehicles so that vehicles should be properly parked and people have the way of where they will drop their vehicles and go into their offices.

On the issue of Otigba Junction being re-named Ebeano Junction that is a proper idea. I thank the people who moved this Motion for that very idea because the Ebeano has gone to every nook and cranny of this State and even to the country in general. It is a name or a word that has been initiated by the Governor of Enugu State and even the communication world make use of Ebeano. Therefore, we should immortalize the Governor with that very name. The place Otigba Junction, I do not know that Enugu is well noted in biting drums, and why that Otigba Junction? I have been thinking why that Statue Otigba with a man that stretched his neck as if he is a python trying to capture something. So, we should replace that Statue with the Statue of the Governor if he would like it. But I think even if he does not like it we can even talk sense into him to believe that his statue should be there and then the Otigba Junction re-named Ebeano Junction. So, I urge my Colleagues to support this very Motion and pass it. Thank you.

Deputy Leader (*Mr Anikwe*): Mr Speaker, I have no problem with the Motion but I want the Motion to reflect the impediment for which it is being made. The Motion calling for public order on the road is well accepted and well timed, that is the Motion. Well, if you watch out all the discussions as contained in the body of the Motion, to my mind, most of them are not needed. You know we are practicing at least three tiers of Government because the

law is no respecter of anybody, be him poor or rich, whether you believe it or not. We have Local Government, State Government and Federal Government. And we are asking for the fourth one that is Community Development Co-ordinating, where possible.

Mr Speaker, if this Motion is well structured on the maintenance of public order, callings on the Commissioner for Works and Transport, the Nigerian Police, the Sector Commander of the Federal Road Safety Commission because we have nothing like the Director of the Federal Road Safety Commission as well as Enugu State Waste Management Authority (ESWAMA) to ensure public order on the newly New Haven dualized road that will be specifically granted. Every other matter that do come after it is on the negation of that particular impediment. You know, it is the duty of Local Government by law to agree on statue or where it can be sited.

I know we have number one famous traditional ruler of Enugu State who is a Royal Majesty, late Edward Nnaji, Odezuluigbo the second. The matter did not come into the House before it was sited. ... *(Interruptions)*.

Mr Ugwu: How do you know?

Mr Anikwe: I am aware it did not come into any House of Assembly.

An hon. Member: It is not true.

Mr Anikwe: It was done by the Local Government and for us now to jump into asking for erection of statue instead of

maintaining public order. ...
(Interruptions).

Mr Ugwu: Information! Mr Speaker, the hon. Deputy Leader is misleading the House. ... *(Interruptions)*

Deputy Leader: I am still talking. ...
(Interruptions).

Mr Ugwu: Information! Mr Speaker, I want to correct him. What does the hon. Deputy Leader mean? He should sit down. The statue of late Igwe Nnaji has nothing to do with the House.

Deputy Leader: So what I am saying is that if you go to the law, it is the local government that will give you authority to site; that particular area belong to a local government. It is not the duty of the House of Assembly to call for a Motion asking for erection of statue of anybody; it is not done. It is not the duty and responsibility of this honourable House to do it.

Mr Speaker: Can I ask you a question? Let us not shy away from the preambles or the ingredients of the Motion. The statue you are talking about is standing somewhere. He did not just say let us construct the statue of a Governor. He started by telling you all the achievements so far. He equally went ahead to mention the dualization of New Haven road. He equally went ahead to talk about Ebeano Housing Estate. You do not single out that statue. It is just encompassing. If you go through the Motion proper, it dwells on the achievements, why such honour should be given.

Deputy Leader: I think I may ask you a question Mr Speaker. You may not have understood me. Is there any doubt today in the minds of people, for instance, you even answered the question yourself. You have Ebeano – that is the family name in Enugu State. You have Ebeano Housing Estate. It did not come as a result of Motion in this House. What I am telling you is that if you go to the law on which we are operating because we are the lawmakers, we cannot make a law that will infringe on the legitimacy...

Mr Ugwu: Question! The question is – this is a Motion and not a law. So you are mixing the thing. In a Motion, nobody is forced to abide by it.

Mr M. Oneyeze (Igbo Eze North I): Very recently, the Airport at Enugu was named Akanu Ibiam Airport by the Head of State. I do not think the order is from any local government. We are here to represent our people. If we can tell ourselves the truth that joint (Oligba Junction) has been changed by somebody and I say – let us give the person the honour. It is not the local government either the man controlling New Haven or the man controlling Ebeano or the man controlling underground tunnel, we are talking about the person representing the entire people of Enugu State. So when Enugu Airport was named after Akanu Ibiam, the local government was not consulted. We are doing a beat and if you say we are not doing our beat, quote a law that says we cannot or somebody who achieved something cannot stand there.

Deputy Leader: What I am saying Mr Speaker, is that if a Motion is specifically on something, the intendment of the Motion can never be allowed to be distracted. There is no person in Enugu State who is having a problem with the Governor. We are in peace with him. It should not come as a Motion, so Mr Speaker, what I am saying here is that the Motion is specifically calling on maintenance of order on the newly dualised road and not any other thing. If you go further, with the exception of prayer one, others should be done away with based on the reasons I am going to give now. The road construction, I believe had a perfect approval and specification before building such a road. As one of us rightly pointed out, you remember it is not Ministry of Works and Transport that built the road. It had a specification and MARLUM conformed with the specification and that is what I am telling you that if the road users can conform with the specification, we do not have problems with the road and that is what the Motion is talking about. The Motion is calling for order for them to conform.

What I am saying is essence Mr Speaker is if you go further, for instance, when we talk about ESWAMA somebody mentioned how people throw rubbish on the road. That is where ESWAMA should come in as operating authority to help to keep order on the road. What this Motion is telling is to maintain order on the newly dualised road. I am talking you it should not come into this House of Assembly – Enugu State passing a Motion calling for building of a statue for His Excellency. It should not come as a Motion in this House. And what

I am just saying here is, let us not allow the substance and continue beating the shadow. The Motion is specific – maintenance of order on the road and no other thing. That is my own contribution. I have no problem with the Motion but the other prayers appear confusing. There is a lot of contradictions than the order the Motion is calling for. Thank you.

Deputy Speaker: Mr Speaker, I am on my feet to contribute to this all important Motion, I am contributing because Ebeano is now our culture. And we say who is behind Ebeano. According to John C. Maxwell, he said, 'no pain no gain'. A man behind Ebeano is Dr Chimaroke Ogbonnaya Nnamani what is more? He is a man who has modeled our lives. We owe him absolute loyalty. A man of action. And we should remember that if we don't do this thing now time shall come when they will name it for another person who is not an indigene of this State. Just like what happened in Akanu Ibiam International Airport. No indigene of Wawa is named for anything in wawa land. This is a road leading to three folds. Why can't people feel free when they get there. Some of you have travelled out. When you go to America you see the great thinker where you take interest of yourself.

Again Mr Speaker, I agree with the Motion about the parking lots. You have also travelled, you saw the strategic areas where people are not allowed to park. If you park, you pay for it. If you are spending 20 minutes or 30 minutes you pay for it. This is part of revenue generation. You have been to London, you have been to America you have seen those areas. If

you park your car the Police is there for you. If you are parking for 30 minutes you will pay for 30 minutes and many of you can bear me witness.

Mr Onyeze: The hon. Deputy Speaker (*Mr Atigwe*) is right.

Deputy Speaker: I don't think any sane man in this State can say that this Motion is not timely. But the problem is understanding. What the last Speaker did not understand well: there was some sort of confusion. There are many helping words. We have noun, we have adjectives, then we have *okpo afa*, and *onochi okpo afa*. All these are there but finally what did you say. We come to say; rename Otigba junction as Ebeano and let the stronger base be there. I have been busy otherwise I would have produced one in my Constituency and I am going to do that. Let me copy from this one we are going to build here.

Mr Speaker, as I have earlier said, no sane man will criticize this Motion. It is a timely Motion, the best Motion ever passed in this honourable House at its right time. When this gentleman came to Office in 1999 he had a dream, he had a vision and that dream is no longer a day dream. So, what I am saying in essence is that we shall all not exclude any constituency to pass the Motion accordingly without failing to cross the 'T's and dot the 'T's there. If I am allowed, may I move that the Question be put but Mr Speaker, we have known our leader and our leader knows us, why then do we delay, delay is dangerous. Before people have another thought I move that Question be put.

Mr A. Chigbo (Uzo-uwani): Mr Speaker, I have risen from my place to contribute my idea towards this all-important Motion, before us. Mr Speaker, first of all, on behalf of my Constituency. I thank the Mover of this Motion for a job well done. I say more on some of the issues in the Motion has not been appreciated.

Mr Speaker, I am only quarreling with the resolution No. 4, and I have the following reasons to argue my points. Mr Speaker, No. 4 says *that this honourable House urges the Commissioner for Works to embark on immediate building of a live statue of His Excellency, Dr Chimaroke Ogbonnaya Nnamani, the Executive Governor of Enugu State to be mounted at Otigba Junction roundabout to replace the Traditional Drummer mounted there.*

Mr Speaker, to the best of my knowledge the dualized road is not in Otigba round-about and I say it will be benefiting as we are to immortalize the name and person of His Excellency that the Statue will be cited in a strategic place exactly that round-about where the road is dualised and not bringing it up to round-about to the Government House. *(Interruptions)*

Mr Speaker: Let me clear that point. The Otigba Junction is the one near Teachers' House.

Mr Chigbo: I am talking of the one at the New Haven Junction.

Mr Speaker: No, the Otigba Junction is very close to DFID Office.

Mr Chigbo: I am talking of Bisalla Road.

Mr Speaker: Listen! No, that Junction is the one leading to Okpara Avenue, then the other one is New Haven Junction. Then the one very close to DFID office is Otigba Junction.

Mr Chigbo: The one close to DFID?

Mr Speaker: Yes. *(Laughter)*.

Mr Chigbo: Then I withdraw my point, Number two point Mr Speaker, for this great Parliament to ask Commissioner for Works to build *afunrom ebe madu ji ego ya agwo onwe ya*. What I am understanding is that Commissioner for Works will now write a memo to His Excellency asking him for approval of ten kobo to enable him build his Statue.

Mr Speaker, that is what I am saying. It is either the House of Assembly builds or erects the Statue of His Excellency to immortalize him or asking the 56 Local Governments in Enugu State to build a Statue of His Excellency within so, so period.

The person we are building statue for is incharge of the Ministry. The Commissioner has no money of his own without going through the person. Is there any way we can get money for the Commissioner and allow him to build the statue of His Excellency?

Mr Speaker and my hon. Colleagues, I am arguing on that issue. There is no ambiguity. If it is so good for you, you can

go ahead and approve it, but I am saying it is either the House or the Local Government System in Enugu State. We want to immortalize, we want to leave a legacy. The Enugu State House of Assembly wants visitors here, people have been here before us, and people will be here after our own tenure. The last hon. Member or second to the last hon. Member that spoke has said all that I wanted to say. My respected Colleagues said that they will ask the Company to build another connecting road. I think there is a design for the road which was approved by the Ministry of Works and even the Minister for works before that road was built.

So I am against any other road being built there whether by the left or right. I am of the opinion that the people incharge should be called upon to maintain sanity and the services which the Motion is asking for.

Mr Speaker: Can I give the hon. Member for Uzo Uwani (*Mr Chigbo*) information from what I understand. We are not talking about building more roads, we are asking for an outlet where people can now instead of parking on that road, between UNIMED Hospital and the Art Work Studio or a man, there should be a connection where you can now drive down and park your car off the road. This is what I think they are talking about not the issue of constructing another road.

Mr Chigbo: So Mr Speaker Sir, with these few amendments, I am asking my hon. Colleagues that one term and Second Term and third term could help this Motion to start off. Take a decision on this Motion

and pass this beautiful Motion. Thank you. I therefore move that the Question be now put.

Chief Whip (*Mr Odo*): Mr Speaker Sir, I want to thank the Mover of this Motion for thinking out positive ideas of these nature. I want to make some observations. The issue of dualization of New Haven Road has been an object of controversy even from the point the road was about being constructed. You could recall that there is a very big mansion across that road which was marked for destruction and by the graciousness and leniency of the Governor, the building was left to stay and as such the building serves a lot of people staying inside it. They have vehicles, motor-cycles, and a lot of moving objects as well. The issue of parking space for the vehicles along that street is highly anticipated. There is an implied presumption that vehicles must be parked especially as it relates to that mansion because if the mansion was pulled down then there would have been more space to park vehicles so long as the mansion is there, there is no way vehicles will not be parked there. This goes a long way to contradict prayers (1) and (2).

Prayer 1, is urging the Security Apparatus, the Road Safety, the ESWAMA to make sure that they maintain public order along the newly dualized New Haven Road by removing all movable and immovable objects including vehicles, found along the road at any time of the day. The essence of what we are doing is that there has to be public peace. The Law does not enforce impossibility. What we should be praying for are thus: and that was why I

am not comfortable with prayer (2) which has proffered a solution by saying that the Commissioner is to construct a new culvert. But for me I believe that what is necessary is to cover or close all the culverts, so that people can now have a parking space. Even if you close all the culverts what will determine as to whether or not in terms of building up more street as said in prayer 2 is within the terms of contract given to the Commissioner for Works vis-à-vis the MARLUM Construction Company. So you now understand that vehicles parked along that street that they are helpless and our hands are tied in the sense that this house cannot push the law enforcement agents to go and remove vehicles when obviously there is no place where they are going to be parked. That will be very unfair of the House; what we should be thinking of is to find a way to modify prayer 2 to accommodate closing up the culverts from New Haven to upper Chime Avenue to Otigba Junction. Presently these culverts have not been closed. This has contributed to vehicles being parked along the road. So we have to really urge the Commissioner to close up the culverts so that people can now park on them.

Mr Speaker: Can the hon. Member for Igbo-Etiti East (*Mr Odo*) allow me to give him some information. Before the commissioning of that road, people normally drive round and park their vehicles inside. As soon as the road was commissioned people do not care again about parking well. Up till this moment we still have locations where you can park your vehicles at the other side of the road not blocking the road. As at now people are

impatient, we always want a short cut. This is one of the major problems.

Chief Whip: Mr Speaker, can you assist me where somebody who has an office in the mansion just adjacent, where is he to park his vehicle? Just assist me with an answer.

Mr Speaker: Can I ask the hon. Chief Whip a question? I will also answer your own question. Now listen somebody who is selling Okirika at Ogbete Main Market where does he park his car? Does he park his car very close to that place where he is selling Okirika? No, he parks it away from his shed (*Interruptions*).

Between JEZCO Filling Station and that mansion we are talking about, there are lots of parking spaces there. Between JEZCO, Mechanic Workshop and the mansion there is parking space (*Interruptions*).

Chief Whip: Mr Speaker, Sir, let me make my contributions. The issue remains that let us not put unnecessary controversies because it does not worth it.

The issue remains, and the fact remains that the people carrying on business in the place can not conveniently park their vehicles because there is no parking space there. Not until you create an avenue where people can now park their vehicles as to give way in that place, you do not expect somebody who is having a business concern maybe adjacent to DFID Office to go down to Inter-Continental Bank at Ebeano Estate to park his car. These are premises belonging to people. So there is no way you can do that. So what I am really

praying is that we do not force impossibilities.

I am sure that the culverts as at present is what we have to work on and urge the hon. Commissioner to close up the culverts and create the space. That is point one, because I am personally not going to be a party to instigating government agencies to go and arrest people. Most of us even go and park there if we go to a business center.

I want to move in line with Order 55 of this House that prayer (1) be entirely expunged and prayer (2) be modified, that this honourable House urges the Commissioner for Works to build more culverts and outlets along the newly dualized New Haven road.

Deputy Leader: I said it initially. I, therefore, move to second the Motion as moved by the Chief Whip to enable him make the necessary amendments.

Chief Whip: Mr Speaker, may I formally move that prayer (1) be expunged entirely and now that prayers 2, 3, 4, be renamed 1, 2, 3.

Mr M. Njeze (Udi North): I rise to second the Motion accordingly.

Question put and agreed to.

Chief Whip: At this point, Mr Speaker, I wish to urge my Colleagues to support the Motion as prayed with a little caveat. Caveat in the sense that each time we are having a sensitive Motion, people should be allowed to speak. It should be a topic of

its own. It should not be an annexure of any kind, because, if you now look at the caption one would have anticipated what it will be in content. Maintenance of Public Order in the newly dualized New-Haven road. That is the caption. If you now go down to talk of building a statue, then that statue must be along that dualized road which forms the cardinal point, why we are here. So for me, the building of a statute is not in line with what the Motion intends. It cannot just come as an annexure, because if you now look at this thing, one would have known what it should be. We need the statue but it cannot be accommodated within the object of the Motion itself.

So I want us to add that it is either we now add the building of the statue along the dualized road or along Ebeano as the caption so as to retain what this Motion intends to do. Otherwise, if we leave it like this, what it will mean is that we have deviated entirely from the object of the Motion, because, Ebeano and the Otigba Junction cannot be categorized under the dualized road. That was what I thought the hon. Member for Uzo Uwani (*Mr Chigbo*) was saying even though he derailed. But what I have observed is that it is the popular view of Members that a statue be built, so why don't we add as a Motion that the caption of the Motion will now read: Maintenance of Public Order in the newly dualized road and the erection of a public statue in the image of His Excellency, the Governor of Enugu State.

May I now move that the caption of the Motion be read as follows: *Maintenance of Public Order in the newly dualized New Haven Road and the Erection of Statue in*

the Image of His Excellency, the *Governor of Enugu State at the Otigba Junction Enugu.*

Mr Speaker: Prayer one is the one we have expunged.

Mr Ugwu: Mr Speaker, who will maintain the order?

Chief Whip: Mr Speaker, the question is perhaps pertinent, he is asking how to maintain an order; one does not need a police man to maintain an order. By the time the culverts are closed up, the order is maintained automatically, one do not need a whip to go and chase somebody out in order to maintain an order. However, Mr Speaker, there is a Motion on the Floor.

Deputy Leader: Mr Speaker, I have risen to second that Motion calling for amendment of the title of the Motion as moved by the Chief Whip.

Question put and agreed to;

Title of the Motion accordingly changed to read, Maintenance of Public Order on the Newly Dualized New Haven Road and Erection of Statue in the Image of His Excellency, the Governor of Enugu State, Dr Chimaroke Nnamani, at Otigba Junction, Enugu.

Mr Njeze: Mr Speaker, I have risen to make my contribution basically in support of these prayers calling for maintenance of public order on the newly dualized new Haven road and erection of a statue of His Excellency Dr Chimaroke Nnamani.

Apart from other reasons adduced by hon. Members to see that the newly dualized New Haven road is free of traffic jam, especially those who park along that road, I am strongly in support of what the hon. Deputy Speaker said as regards to generating of revenue from parking lots and spaces there. But because there are no spaces to park as to generate those funds, I would have preferred a situation where, may be, in the next budget or if it is possible within the Local Government purse, they can build parking lots close to that high rise building, because that is what is obtained in urban centres. If one does not want vehicles to cluster the roads, he builds a parking lot where vehicles will come and go in and park, like we have in the market. In the market, one has a motor park lot where every trader in the market that drives a car comes and park his vehicle and can trek more than a kilometer to his shop and do his business. But in the case of New Haven dualized road, it is not possible for any businessman along that road to park his vehicle more than ten polls away from his site because of what the devil use some people to do some times close to or along that road. If some men of the under world can come to somebody while he is in his car and ask him for the key to that car, how much will they do when he is miles away from that car, except he has a parking lot where security men will be around when he come in and one can generate revenue for the same, he pay for the parking.

As for the issue of maintaining order with prayer two, it is well established that once there are places where vehicles can move into either close to the street or close to the culvert, that the issue of vehicles

parking along the road will no longer exist, in which case order will be properly maintained.

Now, I believe that the issue of statue is a matter of immortalization. One can immortalize a living person or a person who has lived and gone. In the case of the statue of the Governor of Enugu State Dr Chimaroke Nnamani as to whether it will be erected where we presently have 'Otigba' statue, I think that prayer is very, very much in order, and I believe that it will be good if it is achieved. It is my belief that for it to be achieved, somebody has to be given the responsibility for him to carry it out and that person has to be somebody who can afford it. If we give this responsibility to Dr Chimaroke Nnamani to go and carry it out, it will be heavy in his hand, because it will be looked at as if he is calling for his name to be immortalized when he is not doing that, when it is his performance that is calling for such. So, I support what the hon. Member for Uzuwani (*Mr Chigbo*) said that the Commissioner for Works or the Ministry in its entirety should not be brought into the picture.

We all know that the naming of streets and the issuance of permit for statue and things of that nature belong to the Local Government. It is within their jurisdiction, and so for this Motion to have effect, for it to be carried out there is need for us to refer it to the appropriate authority and since Dr Chimaroke Nnamani has not only achieved for Enugu Central Local Government or Enugu north or Enugu South and East, but has achieved for Enugu State, because I know that virtually every

Local Government in Enugu State has one project of Dr Nnamani staring at their face in that very Local Government.

May I, therefore, request that prayer three now that the name of the Commissioner have been expunged out of it and local government system be used to replace it and if it is allowed, it will now read that this Honourable House urges the State Local Government System to embark on an immediate building of a large life statue structure of Dr Chimaroke Ogbornia Nnamani the Executive Governor of Enugu State to be mounted at the 'Otigba' junction round about to replace the existing drummer mounted in that place and that this should be done within a period not exceeding three months, so that they will do it while it is still on in the minds of the people of Enugu State. If it is allowed, Mr Speaker, may I request in line with Order 25 of this House to move a Motion for an amendment in prayer three.

Mr Chigbo: Mr Speaker, I am still insisting, let us hand this project over to the Associations of Local Governments of Nigeria (ALGON) Enugu State. I do not know what the hon. Member for Udi North (*Mr Njeze*) mean by Local Government System, so I am saying that if this project is handed over to ALGON, Enugu State, they have Executive from Chairmen down wards. If this replaces what was suggested by the hon. Member for Udi North it is okay.

Chief Whip: Information. Mr Speaker, may I bring to your notice that ALGON is not a government establishment. It is just an Association.

Mr Speaker: That is very correct, Chief Whip.

Mr Ugwu: Information. Mr Speaker, I believe that in Enugu State there is nothing like Local Government System. What we have is Local Government Service Commission; if we have Local Government System, who is in charge of it? So, Mr Speaker, if we say Local Government Service Commission, it is as good as saying Commissioner for works.

Deputy Speaker: Mr Speaker, Sir, if we say Local Government System their must be problem. Why not say 17 Local Government and 39 Developing Councils. *(Prolonged interruptions)*.

Mr Speaker: Excuse me hon. Members. Please listen to me. What you will do is that, let us follow Local Government system. And when this is done. The Clerk will know how to communicate to them. *(Interruptions)*.

Several hon. Members: Do you mean communicate to local government?

Mr Speaker: Of-course yes. Of-course yes. In fact, it is correct. *(Interruptions)*.

Mr Njeze: Thank you Mr Speaker, may I move that prayer 3 be amended to read: that this honourable House urges the Enugu State Local Government system through the office of the Special Adviser to Governor on Local Government matters, to embark on the immediate building of a large life size statue of His Excellency Dr Chimaroke Ogbornia Nnamani, the

Executive Governor of Enugu State, to be mounted at Otigba Junction at the Round-About to replaced the existing Drummer mounted therein, within a period not exceeding 3 months. Thank you.

Mr Chigbo: Mr Speaker Sir, I rise to second the Motion as moved by hon. Member for Udi North *(Mr Njeze)*.

Question put and agreed to.

Mr Njeze: Thank you Mr Speaker Sir, and thank you my hon. Colleagues. Having concluded this amendment, may I now in the absence of other contributions moved that the Question be put.

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

Main Question put and agreed to

Resolved:

1. That this honourable House urges the Commissioner for Works to build more culverts or outlets along the New Haven Road to link up more streets and establishments, so that people transacting business along the area may find convenient places to park their vehicles.
2. That this honourable House urges the Commissioner for Works to rename Otigba Junction to Ebeano Round-About.
3. That this honourable House urges the Enugu Local Government System through the office of Special Adviser to the

Governor on Local Government matters, to embark on immediate building of a life size statue of His Excellency Dr Chimaroke Ogbornia Nnamani, the Executive Governor of Enugu State, to be mounted at the Otigba Junction/Round About, to replace the Traditional Drummer mounted there within the period not exceeding 3 months.

ANNOUNCEMENT

Report Out Bill

Mr Speaker: Please I want to appeal to the House Committee on Education to hasten action on the Bill before their Committee, that is on Secret Society. So please, I want to appeal again that you should try to report out latest next week because we want to pass that Bill as soon as possible.

Meeting

2. On request of the hon. Member for Igboeze-North 1 (*Mr Onyeze*) please all Members are expected to be in my office on the rising of the House. Thank you.

ADJOURNMENT

Leader: Mr Speaker Sir, hon. Colleagues, I rise to move that this House do now adjourn till Thursday, 24th February, 2005, at 10a.m.

Chief Whip: Mr Speaker Sir, in seconding the Motion for adjournment, I

want to thank the Members and staff of this Assembly for the way they comported themselves throughout the proceedings and articulation of this Bill just passed into law; more especially the Members of the House for the constructive criticisms they issued against the Bill which has in turn assisted the Committee to bring out the Report that is properly accepted by the Members.

I equally want to thank the civil society organizations that have assisted us in the articulation of the Bill and Stakeholders in the Health Industry who have gone through all these stages we have gone before the Bill now came to the House of Assembly. Again I want to say a big thank you to the Speaker for co-ordinating the activities of the Bill up to this moment it is passed into Law. And, once again, I wish to state that the Enugu State House of Assembly has done itself proud in the entire African Continent to bring out the Bill of a special type that has never been assented to or passed into law by any State Legislators, not even the Federal. Once again, I want to thank people for printing their names into the Archives of this very achievements. Once again, I thank you very much.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 24th February, 2005 at 10a.m.

Adjourned accordingly at 2.47 p.m.



**ENUGU STATE OF NIGERIA
PROCEEDINGS**

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 134

**Thursday
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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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Produced by the Publications Department
Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 24th February, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 55, dated Tuesday, 22nd February, 2005 are before us. I have gone through them and found them correct. however, I need your comments. Thank you.

Mr E. Maduabu (Awgu South): Mr Speaker, Sir, I have also gone through the Votes and Proceedings of our last sitting and found them to be correct. I therefore move for their adoption.

Leader (*Mr Anichukwu*): Mr Speaker Sir, I have risen to second the Motion.

Question put and agreed to.

Votes and Proceedings of Tuesday 22nd February, 2005 accordingly adopted.

Mr Speaker: Honourable Colleague, before I go into the next item, may I humbly inform you that we have the Speaker of Borno State House of Assembly in our midst. He came in yesterday en-route to Bayelsa State for the conference of Speakers to be held there. I

wish to inform him that Enugu is home for everybody. If he has the opportunity he will see how democracy is working in Enugu State. What the Governor is doing in Enugu State is better experienced than told. May be when we come back, we may have the opportunity of hosting you in Enugu State.

NOTICE(S) OF MOTION(S)

URGENT REPAIRS OF
COLLAPSING PORTION OF OLD
AWGU/OKIGWE ROAD AT
UGWUNZU

Mr E. Maduabu (Awgu South): Mr Speaker, Sir, permit me to move a Motion standing in my name on the Order Paper: That this honourable House do urge the Federal Road Maintenance Agency (FERMA) and Federal Ministry of Works to please as a matter of urgency repair the collapsing portion of old Awgu/Okigwe road at Ugwunzu near Games Village Awgu.

I beg to move.

Mr C. Enebe (Awgu North): Mr Speaker, Sir, I rise to second the Motion.

Mr Maduabu: Mr Speaker, Sir, the Awgu/Okigwe Road that runs from Enugu to Okigwe down to Port Harcourt in Rivers State, is one of the (Trunk A) Federal Roads in this country. It is along this road that the inhabitants of this great country reside. It is the road that links most local government headquarters with each other. the road opens access to many major agricultural and commercial areas of

Enugu State, South East and South South States. Almost all towns, communities and villages are connected to this all-important but neglected road.

The old Awgu/Okigwe road is almost cut into two by erosion at Ugwunzu, just after *Aki na ukwa* junction, near Games/Cultural Village Awgu.

The erosion has eaten deep into the main road that motorists and other users of the road are in constant fear of sinking in or falling into the wide, large and frightening hollows that have been caused by erosion. What holds the road from being washed away now is the present dry season. There is virtually nothing that would stop the road being cut into two by erosion once rainy season starts in May 2005.

The Federal Ministry of Works has carried out similar rescue work at Ovo stream along the same Old Awgu/Okigwe road in 1999. It was the prompt intervention of this Ministry that saved the road from being cut into two that year. We praise and commend the efforts of this Ministry and say more grease to her elbows.

His Excellency, Dr Chimaroke Nnamani, did a marvelous job by rehabilitating and asphaltting the road in the year 2005; this excellent job should not be allowed to be washed away by erosion, which is imminent now. Millions of Naira will be required to rebuild the road if it cuts into two whereas less amount is now required to arrest the situation.

Prayers:

1. That the Federal Ministry of Works and Federal Road Maintenance Agency (Enugu Office) should please, urgently step in to rescue the road from being cut into two.
2. That the Chairman Awgu Local Government Council, *Dr A.U. Chukwuobasi* should liaise urgently with Federal Ministry of Works and FERMA to effect concrete repairs at the collapsing portion of the road.

Be it moved and it is hereby moved.

Mr C. Enebe (Awgu North): Mr Speaker, I have risen to contribute to the debate on this very important Motion. Ugwunzu road is very important to my people. That road is a Federal road but unfortunately in the South-East here they concentrate mostly on the Express Road which is not proper. The road runs from Abasa all the way down to Port-Harcourt, that is Old Federal Road from the East to South-South and apart from the work done on that road during the last tenure by His Excellency, the Federal Government virtually abandoned that road. I hope that this Motion will re-awaken their seriousness and let them know that that road belongs to them, that they are supposed to repair that road. That very portion that is complained about is so bad now that it is difficult to pass through there. I believe that this House will be doing something good if she lends her weight to this Motion. That Motion does not require much argument because today,

it is in Awgu, it could be in another place tomorrow. So, I am urging my hon. Colleagues to kindly support this Motion.

Secondly, I am of the opinion that we would have called on the State Government too because they are closer to repair that road. The State Ministry of Works can come in there we cannot depend on Federal Government; we can call on State Ministry of Works and see what they can do so that if Federal Road Maintenance Agency (FERMA) delays due to bureaucracy in the Government, because they will come all the way from Abuja, the Commissioner for Works at the Ministry of Works, Enugu, or even the Governor will know that something is wrong with that place. We should not pass this Motion the way it is, without letting the State Government know that something is going bad in that place. Notwithstanding the fact that this is a *Motion on Notice*, may I seek the leave of the house to make amendment.

Mr Speaker: I think it is perfectly O.K. like this. I have my reason. If the Chairman of the Council works directly with the Governor, it is a question of the Chairman letting the Governor know about the Motion passed by the State Assembly in connection with the road and he can be given a go-ahead order to get it repaired. But if it is the wish of the House that we should include the State Government, well, I do not have any problem with that.

Mr Enebe: Mr Speaker, you remember that during the last tenure the road was so bad and it was the State Government that

repaired it all the way from Awgu down to Ndeabor. So, if they could do the road when it was so bad and it is now bad what is wrong in telling them. Why should we refer to the Federal Ministry of Works when we are in the State Assembly. So, my hon. Colleagues, may I seek your leave to read this Amendment. Thank you.

Mr Speaker: I still believe that this Motion is on Notice. It is not a Motion on urgent public importance. In-as-much-as I am aware of the Rules, I am also aware of what the hon. Member for Awgu North (*Mr Enebe*) is canvassing for. I still believe that if there is any proposed amendment to a Motion on Notice I should by now have gotten a copy of such amendment to that Motion. You are all aware of the nature of that particular place and I want to give everybody a fair hearing; so let us do it the other way in line with our Standing Order No. 25. So, the hon. Member for Awgu North (*Mr Enebe*) can now come up with his amendment in line with Order No. 25 of the Standing Order.

Mr Enebe: Mr Speaker, I am in order. What I did was right; for the leave of the House to introduce the amendment but if there is no Secunder that ends my amendment.

Mr Speaker: No, no, you still have to apply Order No. 25 of the Standing Order. In this case you must have a Secunder. Definitely you must have a Secunder. Just do it the way it should be and somebody will second it.

Mr Enebe: Mr Speaker, may I observe Order No. 25 of the Standing Order and

move as third Prayer that this *honourable House do urge State Ministry of Works to urgently take steps to see how they can repair that road if FERMA is not forthcoming.*

Mr Speaker: The hon. Member for Awgu North (*Mr Enebe*) should first of all, request, in line with Order 25, that the House should give him the opportunity.

Mr Enebe: That is what I did earlier.

Mr Speaker: You did not mention any Rule; that is what I am quarreling with. You can now go ahead and propose the amendment.

Mr Speaker: The hon. Member for Awgu South (*Mr Maduabu*) should confirm whether or not it is O.K.

Mr E. Maduabu (Awgu South): It is O.K. like this. I have discussed with the hon. Member for Awgu North (*Mr Enebe*). There is something there, let us do it that way.

Chief Whip (*Mr Odo*): Mr Speaker, I want to get some clarifications on the Motion. Is it proper for a Seconder of a Motion to put up an amendment in a Motion?

Mr Speaker: Yes, there is nothing wrong with that. An hon. Member that sponsors a Motion has the right to come up with suggestions or amendments even if he is a co-sponsor. There is nothing wrong with that.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, I have risen to contribute to the debate on this very important Motion. I have to thank the Mover of the Motion for his initiative because the problem in this country is that we do not have maintenance culture. This is a Federal Road that has been serving the people; but it appears to have been abandoned now. You will find out that it happens to most of the structures in the public sector. People will build something and dump it and start building a new one. You will find out that it is like moving one step forward and two steps of three steps backwards. By the end of the day one will see that we are not moving forward. They say that a stitch in time saves nine.

If the hon. Members can look at the structures in their local government and point out to the people responsible for their maintenance from time to time, I believe that it will promote maintenance culture in the country. So I support this motion because of the intentions. The intention of the Motion is to save public structure. If it is done on time, millions of Naira of the Federal government resources will be saved.

When the road is entirely cut-off it will cost more money to re-build. Also this road is a Trunk 'A' road; it is a Federal road. There is no need bringing in the State Government unless it is under emergency. It is not yet an emergency situation. It is a normal situation. The Federal authorities pass through the place; so they should call on the rightful owners to take care of the maintenance.

Mr Speaker. Sir, I am appealing to my hon. Colleagues to support this all-important Motion. On this note, Mr Speaker, Sir, may I move that the Question be now put. Thank you, Sir.

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

Main Question put and agreed to.

Resolved:

1. That the Federal Ministry of Works and Federal Road Maintenance Agency (Enugu Office) should please urgently step in to rescue the road from being cut into two.
2. That the Chairman Awgu L.G. Council, *Dr A.U. Chukwuobasi* should liaise urgently with the Federal Ministry of Works and FERMA to effect concrete repairs at the collapsing portion of the road.

ANNOUNCEMENT

Chieftaincy Title

Mr Speaker: Honourable Colleagues, the hon. Member for Enugu South I Rural) (*Mr Ani*) will be receiving a Chieftaincy Title at this weekend in his country home. He has asked me to formally invite you all to that occasion on that day.

Date of the Event: Saturday 26th February, 2005.

Time: 12 noon prompt.

Venue: At Akpugo; but the event will take place at his country home Ugwuaji. All of us are warmly and respectfully invited.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, Sir, may I move that this honourable House do now adjourn till Tuesday 1st March, 2005 at 10a.m. Thank you. Sir.

Mr E.C. Maduabu (Awgu South): Mr Speaker, Sir, in seconding the Motion for Adjournment, I want to use this opportunity to thank all the hon. Members of this House for the quick passage of this very Motion. The Motion will save a lot of life when the repairs are done. Thank you very much.

Question put and agreed to.

Resolved: That this House do now adjourn till Tuesday, 1st March, 2005, at 10a.m.

Adjourned accordingly at 11.10a.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 135

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Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 1st March, 2005
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings No. 56, dated Thursday 24th February, 2005. I have gone through them and found them to be correct. however, I need your comments. Thank you.

Mr D.A. Anih (Enugu South I): Mr Speaker, Sir, I have equally, gone through our last Votes and Proceedings and found them correct. I, therefore, move for the adoption. Thank you.

Leader (*Mr Anichukwu*): Mr Speaker, I have risen to second the Motion as moved by the hon. Member for Enugu South I (*Mr Anih*). Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday 24th February, 2005 accordingly adopted.

**MESSAGE FROM THE
GOVERNOR**

Mr Speaker: We have a Message from His Excellency the Governor of Enugu State, I read:

*OFFICE OF THE SECRETARY TO
THE STATE GOVERNMENT*

*Government House,
(Abuja Building)
Enugu.*

February 28, 2005

Mr Speaker: Item four, A Message from His Excellency the Governor of Enugu State, I read:

*OFFICE OF THE SECRETARY TO
THE STATE GOVERNMENT*

*Government House,
(Abu Building)
Enugu.*

February 28, 2005

Our Ref: ENS/SSG/M.260/556

*The Honourable Speaker,
Enugu State House of Assembly,
Enugu.*

Sir,

*RE: NOMINATION OF MR SUNDAY
ONYEBUCHI AS A COMMISSIONER
DESIGNATE IN ENUGU STATE*

May I forward for your consideration and possible confirmation the above who has been nominated by His Excellency, Dr. Chimaroke Nnamani, Governor Enugu State as a Commissioner designate in Enugu State.

While anticipating your usual co-operation, please accept the assurances of His Excellency's regard and respect for the honourable House.

Sgd.

Dan Shere

Secretary to the State Government

Leader: Mr Speaker, may I move that the Message from His Excellency, the Governor of Enugu State, Dr Chimaroke Nnamani be accepted for immediate consideration by this honourable House.

Mr F.E. Amu (Nsukka East): Mr Speaker, Sir, I rise to second that Motion as moved by the Leader.

Question put and agreed to.

The Message from His Excellency Dr Chimaroke Ogbonnia Nnamani accordingly accepted for immediate consideration.

Leader: Mr Speaker, may I also move that this honourable House do resolve itself into a Committee of the Whole House for the consideration of the Message from the Governor, that is to say, for the screening of the Commissioner designate, Mr Sunday Onyebuchi. Thank you.

Mr A. O. Chigbo (Uzo-uwani): Mr Speaker, I have risen to second that Motion as moved by the Leader.

Question put and agreed to.

**INTERVIEW OF THE
COMMISSIONER-DESIGNATE
(CONSIDERED IN THE
COMMITTEE OF THE WHOLE
HOUSE)**

The Chairman: Honourable Colleagues, following the letter that I just read a few minutes ago from His Excellency, the Executive Governor of Enugu State, it is true that this letter came in this morning but I do not want to pre-empt the House. The Commissioner-designate has been a part of this government and it is very important not to delay the screening exercise. On that note, we informally asked him to come this morning for screening and I believe he is around and I am sure as I am talking now most of you must have gotten his C.V. and if it is okay, may we formally request that the Sergeant-at-Arms brings him in for some questions or questioning as the case may be.

Thereupon, the Commissioner-Designate was ushered in

The Chairman: Honourable Colleagues, before you is Mr Sunday Onyebuchi. He is here on your invitation, following his nomination by His Excellency, the Governor of Enugu

State as a Commissioner-Designate in Enugu State. He is here to entertain your questions for possible confirmation as a Commissioner in Enugu State Government. At this juncture, I wish to call on you to ask your questions.

Mr M. Onyeze (Igboeze-North I): Mr Chairman, Sir, I have two questions for him. The first question is from page 2 of his C.V. the second paragraph talked about adhoc duties performed; number 3 there says; Member Enugu State Civil Service Re-organisation Commission. As a Member of that Committee what input did you make to ensure more efficient Civil Service of the State and for enhanced social welfare of the Civil Servants of our State? What is your personal input to that Committee? Then the second question is that if you are confirmed as Commissioner and there is a Motion from this House and prayer for something to be done in the interest of the people of the Enugu State; how will you handle that Motion with the prayers?

Commissioner Designate (*Mr Onyebuchi*): Thank you Mr Chairman Sir, thank you hon. Members. On your first question, the aspect of the job which I was involved was to eliminate Members of the Enugu State Civil Service who forged some documents or those who changed their age or those who over stayed that is those who were supposed to have retired and still remain in the service. What we did was to go through all the files of civil servants, check their certificates both birth certificate and academic certificates. And then found out those who were supposed

to have retired but still remaining in the service, and those who falsified their age declarations. And then we eliminated them from service in order to allow those who were eligible to be in service to remain in service. By doing that, we came up with Core staff who will promote efficiency in the State Civil Service. We eliminated dishonesty in the service. And then created opportunity for those who wanted to come into the service.

On the second aspects, if the House passed a Motion requesting that something be done, I believe, with due respect to the House that I will without waste of time see that the Resolution is implemented for the benefit of the people of Enugu State. Thank you.

Mr E.C. Maduabu (Awgu South): Mr Onyebuchi, welcome to Enugu State House of Assembly. In your C.V. we have here, you have been an administrative officer in the Enugu State Civil Service Commission and now Principal Private Secretary to the Governor. With all these positions you have held in Enugu State, would you please tell me if there has been any interaction you have with Enugu State House of Assembly or Members. Another one here is that in your C.V. here you are a major in Religion. If, for instance, you are given any technical position to handle in Enugu State, do you think you will be able to give expert advice on it?

Again, if you are confirmed now as a Commissioner, how would you be interacting with Members of Enugu State House of Assembly because I know that by the grace of God you will be confirmed?

Commissioner-Designate: Thank you very much for the questions. On your first questions, I started work in the Enugu State Civil Service in 1980. That was during the time of the Military. In 1999 I moved to the office of the Chief of Staff. I have not had any direct dealing with Members of the Enugu state House of Assembly except on correspondence. Then on your second question, I think that is about qualification. You will see I have been in administrative positions and if you look at the C.V. I have also been a Social Mobilisation Officer. I believe in my knowledge because I have served many Commissioners. If you look at that C.V. also you will see that in my ad hoc duties, I was Secretary Junior Staff Committee. I have worked closely with many Commissioners in the past twenty five years as a civil servant and I have learnt enough from them. One job of a Chief Executive, is administrative, that is, to be able to co-ordinate the different aspects of the Ministry where he finds himself. Thanks.

Chief Whip (Mr Odo): My Commissioner, you are most welcomed. I just need a little clarification to the annex to your Curriculum Vitae (C.V) in respect of all the Certificates you have acquired especially in respect to your First School Leaving Certificate. May I know why and

then from what you disclosed here, you said that you read in the Isi-ogbo Nara Community primary School from 1970 to 1973, I do not know whether there was a time when the duration in the Primary School was three years. Could you elaborate and put us clear.

Commissioner-Designate: Okay, if you look at that C.V. you will see that I was born in 1960. I started Primary School in 1966 when the Civil War broke out and then my academic pursuit was stopped. And by 1970 when the civil war ended, I went to school to register in primary one and the Headmaster looked at my age and size and from the interview they conducted they said that I should go to primary two. So, I started primary school from primary two instead of primary one. I remember that by 1973 there were two classes read in one year that was the year the beginning of school year was changed from January to September and that accounts for that issue.

Mr Chigbo: Mr Onyebuchi, I do not know, can you remember the day you visited Enugu State House of Assembly Legislative Quarters?

Commissioner-Designate: Yes.

Mr Chigbo: For how long?

Commissioner-Designate: I did not time the visit. So, I cannot remember the exact time.

Mr Chigbo: Is it this year or last year?

Commissioner-Designate: I have not been to the quarters this year, I think if I can remember correctly, probably it might be last year or the year before last. I do not keep diaries on visits.

Mr Chigbo: Mr Onyebuchi, if you are passed by this great Parliament and eventually you are made a Commissioner for Works, how beautiful is the environment of that legislative Quarters especially the road inside it and what do you think you could do?

Commissioner-Designate: Please, I did not get your question.

Mr Chigbo: If you are passed by this great Parliament and eventually you are made a Commissioner for Works, what do you think will be your contributions towards the environment there?

Commissioner-Designate: Do you mean the environment of the Ministry or the environment of Enugu State?

Mr Chigbo: I am talking about the environment of the Legislative Quarters that is, the road inside our Quarters.

Commissioner-Designate: I am very sorry, I have got the question. I believe what I feel I will do if I am confirmed and made a Commissioner for Works is that I will visit the Complex, that is, the Legislative Quarters and then make a memorandum to His Excellency stating the condition in which I found the place

and then recommending that he should approve that something should be done urgently to give the place a face-lift. Thank you.

Mr Chigbo: Mr Chairman, at this juncture, I move that Mr Sunday Chidi Onyebuchi takes a bow and leave the Chamber. Thank you.

Thereupon Mr Onyebuchi took a bow and left the Chamber.

Mr Speaker resumed the Chair.

Mr Speaker: Honourable Colleagues, we have successfully concluded the screening exercise and at this juncture, may I request your comments with regard to the screening exercise we have just conducted.

Leader: Thank you, Mr Speaker, I have risen to express my gratitude for the exercise which has been successfully concluded. The Commissioner-Designate, we all know him, he is in the system; he is part of the system. I know that virtually every Member knows him and all both administrative and other positions he had held in the State, and the high regard he has for hon. Members for those who were opportuned to interact with him outside ever before now. So, Mr Speaker, having been part of the Government and contributed a great deal to the success of the present administration, I am appealing to my hon. Colleagues to please look at the way Mr Sunday Chidi Onyebuchi has

respectfully answered all the questions from the hon. Members. And I believe because I know him very well, he did not answer them because he was in the system but he answered them because of the respect he has for this honourable House. I also believe that the respect he has that he will still continue to maintain it no matter the position he is given in Enugu State. So, on this note, Mr Speaker, I am pleading with my hon. Colleagues to confirm the appointment of Mr Sunday Chidi Onyebuchi as a Commissioner in Enugu State. Thank you.

Mr C.O. Enebe (Awgu North): Mr Speaker, I have risen to contribute to the discussion on the just concluded interview of Sunday Chidi Onyebuchi. In the first place, I want to use this opportunity to beg the hon. Members of the House to just kindly confirm his appointment as a Commissioner.

I have worked with this gentleman in the Civil Service Commission and at the same time and I can tell you that Mr Onyebuchi was one of the finest civil servants I had ever worked with. He is diligent; he is hard working; he is committed to whatever he is doing. His focus: we were in the same class together and I followed his movement from when we held a position as a Clerk up to where he is today. I am aware and I believe that his wealth of experience in the civil service over these years will eventually contribute immensely if he is appointed a Commissioner.

If you look at his appointment in his Curriculum Vitae (C.V) you will see where he was given a Merit Award for his excellent service in the civil service. It is a real award. It is not given to everybody or given to every Dick and Harry. The gentleman has distinguished himself in all he has wanted to do. He has understanding; educational qualifications; he has first degree, second degree. And if you look at even his West African School Certificate (WASC) everything is in order. He is somebody that could eventually become ambassador from Enugu State. If we encourage him, other young men like him will work hard and know that the fact that you are a Clerk after secondary school does not mean that you will not become a Permanent Secretary or a Commissioner or whatever. I believe that he has all the qualities to deliver in Enugu State. And I am therefore, moving that we kindly confirm him. Thank you very much.

Mr Speaker, may I humbly move that the Question be put.

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

Main Question put and agreed to.

Resolved: That this honourable House today the 1st day of March, 2005 confirm the appointment of Mr Sunday Chidi Onyebuchi as a Commissioner in Enugu State Government.

ANNOUNCEMENT

Public Hearing

Mr Speaker: This announcement is from the Chairman, House Committee on Education (*Mr Onyeze*). He said: *notice and invitation to Public Hearing on a Bill seeking to prohibit the Membership and activities of Secret Cults in the State.*

May I use this opportunity to notify all the hon. Member that there will be a public hearing on Wednesday 2nd March 2005 on a Bill seeking to prohibit membership of Secret Cults in Enugu State. The venue for the public hearing is Conference Hall, House of Assembly, Enugu. Time is 11a.m. All the hon. members and especially members of House Committee on Education are requested to be present and on time.

ADJOURNMENT

Leader: Mr Speaker Sir, may I move that the House do now adjourn till Thursday, 3rd March, 2005 at 10a.m. Thank you.

Mr Ani: Mr Speaker Sir, I rise to second the Motion as moved by the Leader and in seconding the Motion, let me use this opportunity to thank our hon. members and workers who deemed it necessary to accompany me to Akpugo to receive my traditional title and for this Mr Speaker, I say thank you very much and to God be the glory.

Question put and agreed to.

Resolved: That this House do now adjourn till Thursday, 3rd March, 2005 at 10a.m.

Adjourned accordingly at 2.25p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

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ENUGU STATE HOUSE OF ASSEMBLY

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Thursday, 3rd March, 2005
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 57 dated Tuesday 1st March, 2005 are here before the House. I have gone through them and found the contents to be correct. However, I call for comments. Thank you.

Mr D. Ani (Enugu East I): Thank you, Mr Speaker I have equally gone through the Votes and Proceedings of our last meeting and found it very correct. I therefore move for their adoption.

Leader (*Mr Anichukwu*): Thank you, Mr Speaker. I have risen to second the Motion as moved by the hon. Member for Enugu East I (*Mr Ani*).

Question put and agreed to.

Votes and Proceedings of Tuesday 1st March, 2005 accordingly adopted.

ANNOUNCEMENT

Appreciation

Mr Speaker: I humbly wish to express my happiness to the Chairman and Members of House Committee on Education, Science and Technology and Judiciary for the way and manner in which they conducted the Public Hearing which took place yesterday. I think that is the best of its kind in this House of Assembly. I urge everybody to emulate them. When I give hon. Members a job, they must do that job to my satisfaction.

Absence from Committee Meetings

Furthermore, I wish to state that henceforth, if a Committee Chairman called a meeting and announced the meeting and for any reason you know that you cannot attend the meeting, kindly make it official to him that you will not be able to attend the meeting. You must put it in writing that you will not be able to attend the meeting called by the Chairman of the Committee otherwise at the end of the day the Chairman should forward to me the list of those who attended the meeting. If you do not attend I will remove your name as the member of that Committee. That is the only way we can work very hard. Some people just want to belong to about ten Committees and yet they will not do anything, they won't even show up; they won't participate in anything. I will not be a party to it again. It is either you remain two Members in a Committee and work very effectively or

you remain five and work effectively too or never. So, please endeavour to attend meetings called by Chairmen of any Committee which you belong to. I won't take it from anybody again. Like what happened yesterday, some of us came in here and joined the Members of Public Hearing because some of the members of the Committee were not present. It looked very funny when the two Chairmen of the Public Hearing were there and there was no other person. I am sure that the Education Committee has the highest number up to nine or ten members. I mean, it is unfortunate and I am sure that the Judiciary Committee has not less than six or seven members. So, gentlemen, I am saying it and I will not repeat it. The moment I announce a meeting here the Chairman should send the attendance here. Any person that does not attend the meeting I will remove the person's name from that Committee. I am aware that some Committees have not been inaugurated. If any Chairman has not done the inauguration he should please go ahead and do so. If he does not know how to inaugurate it he should ask those who have inaugurated their own how to do it and they will tell him. I cannot assign any function to any Committee that has not been inaugurated.

Calendars for 2005

Honourable Colleague, before I put the Question your Calendars for 2005 are now available. You can come to collect your 2005 Calendar before you leave your offices today.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, Sir. May I move that this honourable House do now adjourn till Tuesday, 8th March, 2005 at 10a.m. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have risen to second the Motion for adjournment as moved by the hon. Leader of the House.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Tuesday 8th March, 2005 at 10a.m.

Adjourned accordingly at 12.12p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
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Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 8th March, 2005
The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings No. 58, dated Thursday 3rd March, 2005. I have gone through them and found them to be correct. However, I call for your comments. Thank you.

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, in the Votes and Proceedings, we are trying to warn Members about absenteeism on the Committee days. You said that if somebody is to be absent, he should write to the Committee Chairman. But in the Votes and Proceedings they wrote that he should write to you. That is my observation. Apart from that, I move that the Votes and Proceedings be adopted. Thank you.

Mr D. Agbo (Enugu East I): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our sitting and found them to be the true reflection of what we discussed. I, therefore second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 3rd March, 2005, accordingly adopted.

ANNOUNCEMENT

**Notice of the Meeting of Joint
Committees on Education, Science and
Technology; and Judiciary, Public
Petitions, Ethics and Privileges**

Mr Speaker: Honourable Colleagues, may I use this forum to notify all hon. Members in the Joint Committee for Education Science and Technology, Judiciary, Public Petitions, Ethics and Privileges; that there will be a meeting of Joint Committee scheduled as follows: The date of the meeting will be 9th March, 2005. The venue of the meeting is room 216 at 10a.m. prompt. The Agenda of the meeting is the final deliberation on the report of the Committee on a Bill currently before the House.

I wish to appeal that those of you in that Committee should endeavour to attend that meeting. This is because that Bill cannot stay beyond Thursday, all things being equal.

In as much as I said on the other day that if a Committee Member is not going to be present in a meeting, that Member should inform the Chairman of the Committee in writing so that he will be aware of those who will attend the meeting and those who will not come for the meeting, likewise, if any Member thinks that he has not got the time to attend the sitting, he should equally notify the Speaker in writing.

I am sure that most of our women are at Okpara Square, because of the programme going on their today. I believe that our primary function is to observe our sittings. In fact I am aware that I was invited to that function but I can not leave here and go to

that place without completing my own assignment here. So, for those of us who think that they can always pick an invitation and attend the function without first of all complying with the Rules of the House by attending the House sitting it is unfortunate, very, very unfortunate. No matter the function you have anywhere, this House functions supersede any other function. There is no two ways about it, unless we grant you permission to attend such function. So please take note. If you are not going to be around, just drop two lines, it shows the commitments, zeal and interest you have for the House. If people think that this place is where they can always come anytime they want to, I will never accept it.

I said on the other day that some people were assigned to Committees and up till today they have not done the inauguration of their Committees; I will dissolve those Committees. I know the Committees involved. They are about four. I will dissolve the Committees straight away.

An hon. Member: Name the Committees.

...

Deputy Leader: Information! Mr Speaker, Sir, my information is that the people concerned are not around. There is no need talking about it. (*Interruptions*).

Mr Speaker: By the time they get their Votes and Proceedings and the Hansard Report, they will read through and they will understand what I said that day.

An hon. Member: Mr Speaker, Sir, they might not find it proper to read the Votes and Proceedings or the Hansard Report.

Mr Speaker: You said that some hon. Members will not read the Verbatim Report

and Votes and Proceedings. It is very unfortunate.

Personal Information Form

Honourable Colleagues, I am sure that most of you have gotten this form (File Jacket). I am appealing to you not take it the way we usually take our things. Please get the information required as soon as possible. Try to take it very seriously, put the information down and return it.

Mr C.O. Enebe (Awgu North): Mr Speaker, Sir, what is the jacket all about.

Mr Speaker: It is just a kind of Reference Book for the archives. By the time we must have gone, if anybody wants to know about you, he will just pick the form and have a flash. Please after our sitting we should meet at the office of the hon. Member for Udi North (*Mr Njeze*) for proper briefing about this form. Thank you.

ADJOURNMENT

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I move that this House do now adjourn till Thursday 10th March, 2005 at 10 a.m. Thank you, Sir.

Mr D.A. Anih (Enugu South 1(Rural): Thank you, Mr Speaker, Sir. I have risen to second the Motion for adjournment as moved by the leader.

Question put and agreed to.

Resolved: That this House do now adjourn till Thursday, 10th March, 2005, at 10 a.m.

Adjourned accordingly at 12.35 p.m.



ENUGU STATE OF NIGERIA
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ENUGU STATE OF NIGERIA

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Mr D. Agbo (Enugu East I): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our sitting and found them to be the true reflection of what we discussed. I, therefore second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceedings of Thursday, 3rd March, 2005, accordingly adopted.

ANNOUNCEMENT

**Notice of the Meeting of Joint
Committees on Education, Science and
Technology; and Judiciary, Public
Petitions, Ethics and Privileges**

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ADJOURNMENT

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I move that this House do now adjourn till Thursday 10th March, 2005 at 10 a.m. Thank you, Sir.

Mr D.A. Anih (Enugu South 1(Rural)): Thank you, Mr Speaker, Sir. I have risen to second the Motion for adjournment as moved by the leader.

Question put and agreed to.

Resolved: That this House do now adjourn till Thursday, 10th March, 2005, at 10 a.m.

Adjourned accordingly at 12.35 p.m.



ENUGU STATE OF NIGERIA
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Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 10th March, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 59 dated Tuesday 8th March, 2005 are before the House. I have gone through them and found them to be correct. However, I wish to call for your comments. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have also gone through our Votes and Proceedings and to the best of my knowledge, they are correct. I therefore move for their adoption.

Mr J. Obidinma (Oji-River): Mr Speaker, Sir, I rise to second the Motion.

Question put and agreed to.

Votes and Proceedings of Tuesday 8th March, 2005 accordingly adopted.

PRESENTATION OF BILL(S)

**THE ENUGU STATE HEALTH
SERVICES DELIVERY SYSTEM BILL,
NO. 1, 2005**

A Bill for a law to provide for health services delivery, Establishment and Management of Enugu State District health

System, the Registration and Inspection of Health Institutions and other matters connected therewith presented by the Leader (*Mr Anichukwu*); read the First time, referred to the Joint Committees on Health, Judiciary, Public petitions, Ethics and Privileges; and given two weeks to report out.

ORDER OF THE DAY

**REPORT FROM JOINT
COMMITTEES ON EDUCATION,
SCIENCE AND TECHNOLOGY: AND
JUDICIARY, PUBLIC PETITIONS,
ETHICS AND PRIVILEGES**

**On the Enugu State Public Order
(Prohibition of Membership of Secret
Cults) Bill, No. 14, 2004**

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, may I formally present the Report from the Joint Committees on Education, and Judiciary as directed by you.

The Honourable Speaker had about a month ago, constituted a joint committee on Education and Judiciary to treat in detail a Bill seeking for a law to prohibit membership of secret cults in Enugu State, their activities and other matters relating thereto. The Joint Committee has completed the onerous assignment and reports as follows:

Joint Committee Sitzings:

The Joint Committee met several times to deliberate on the several sections of the Bill. Most members were in attendance in the meetings and made very useful contributions.

Public Hearing:

Adequate publicity and personal contacts were made to the major stakeholders especially those in Education sector. All the tertiary institutions within the state as well as the Ministry of Education and the major parastatals received copies of the Bill before the public hearing to enable them make inputs or suggest amendments.

The public hearing was conducted on 2nd March, 2005 in the main Chamber of the House of Assembly instead of the conference hall as earlier planned because of the large turnout of people from all walks of life who are deeply interested in the Bill.

The following institutions were adequately represented in the public hearing: University of Nigeria Nsukka, Enugu State University of Science and Technology, CARITAS University Amoji Nike, African Thinkers University, Institute of Management and Technology Enugu, Federal College of Education Eha-Amufu, Our Saviour's Institute of Science and Technology (OSISATECH) Enugu, Government Technical College (GTC) Enugu, Queens School Enugu, Post primary Education Board (SPEB), and the Ministry of Education.

The following personalities were also physically present in the Public Hearing: The Commissioner for Education Dr M. Chukwunwike, the Vice Chancellor of the University of Nigeria Nsukka – Prof. Chinedu Nebo, the Vice Chancellor of the Enugu State University of Science and Technology – Prof I. J. Chidubem, the Registrar CARITAS University Sir, T.N. Ochang, the Registrar of the Enugu State University of Science and Technology Mr B.N. Uzoigwe, the Provost College of Medicine ESUT Prof. N.E.N. Obianyo, the Dean College of Medicine ESUT

– Dr. A.I. Ugochukwu, the Registrar OSISATECH Mr. C.I. Asogwa, the Registrar African Thinkers University Mrs M.O. Igboeli, the Director of Students Affairs IMT – Pastor Henry Ugo Anigbo, Dean Students Affairs, Federal College of Education Eha-Amufu Chief L.O. Eya, the Dean, School of Post Graduate Studies ESUT, Prof. R.C. Okafor and the President of the Student's Union Government ESUT Comrade Chukwuemeka Edeh.

The Public Hearing afforded the members of the Joint Committee the opportunity to appreciate public views and criticisms of the Bill. It is important to note that all the stakeholders in attendance appreciated the importance of the envisaged law as it would provide for the law enforcement agents a legal instrument for prosecuting cultists. They regretted that the absence of such instrument in the past had rather promoted the activities of cultists especially in Tertiary Institutions. All the people who spoke condemned cultism because of the evil effects and thanked the government for initiating the Bill.

The Public Hearing also gave the stakeholders the opportunity to suggest amendments in some sections of the Bill. Some of the amendments suggested include:

1. **In section 4 relating to jail term:** Many of the stakeholders were of the opinion that fifteen years was too long for a youth to spend in prison since such a person is expected to come out and still live a useful life after serving the jail term.

2. **In Section 5 on Harboursing of offenders:**

The public were of the view that care must be taken so that innocent persons including parents should not be sent to jail without committing any offence.

3. **In section 16 relating to Jurisdiction and procedure:**

The Public were also of the opinion that High Courts should be the appropriate courts to dispose of cult matters. It is their view that the offence and the law will be better appreciated if High Courts and not Magistrate Courts are responsible for final trial of offenders.

Amendments:

Mr Speaker, the following amendments are therefore proposed by the joint committee so that the views of the Honourable Members of the House expressed during the debate and the general public during the Public hearing could be accommodated in the final law. I do not need to go through them now.

Appreciation:

Mr Speaker, Sir, permit me also to use this opportunity to thank the hon. Speaker, the Leader of the House and the other Principal Officers of the House who assisted the Joint Committee in hosting the very important personalities that attended the Public Hearing. It is obvious that without such assistance it would have been very difficult to manage the occasion. The Secretary of our Committee Mr Dennis Dunu is also highly commended for his tireless efforts and dedication in carrying out committee assignments.

Finally, we remain grateful to our hon. Colleagues for their enthusiasms and solidarity in processing this very high impact Bill which

though emanated from the Executive but very popular indeed. Thank you.

Leader (Mr Anichukwu): Mr Speaker, may I move that the Committee's Report be accepted by this honourable House for immediate consideration. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, I have risen to second that Motion for the immediate consideration of the Committee's Report alongside with the Original Bill as moved by the Leader.

Question put and agreed to:

Report from the Joint Committee accordingly accepted for immediate consideration alongside with the original Bill.

Leader: Mr Speaker, may I move that this honourable House do now resolve itself into a Committee of the Whole House for the consideration of the Committee's Report alongside with the original Bill.

Deputy Leader: Mr Speaker, I second that Motion accordingly.

Question put and agreed to:

House accordingly resolved itself into a Committee of the Whole House.

Report of the Joint Committee on Education and Judiciary on the Bill seeking for a Law to Prohibit Membership of Secret Cults in Enugu State, their Activities and other Matters Relation Thereto – Considered in the Committee of the Whole House.

The Chairman: Honourable Colleague, let us suspend Enactment, Citation and Commencement. Let us start from Interpretation.

Clause 2: (INTERPRETATIONS) – *Ordered to stand part of the Bill.*

Mr Speaker: Honourable Colleagues, there is amendment in clause 3(1):

Clause 3.1: - *In line one expunge one of the two words who, who the subsection now read thus: any person who, not being a member of any security agencies and who, in any place or gathering: - As amended, ordered to stand part of the Bill.*

Clause 3(1(a-e): - *Ordered to stand part of the Bill.*

Clause 3(2)(a-b) – (PENALTY FOR UNLAWFUL POSSESSION) - *Ordered to stand part of the Bill.*

Clause 4(1): - (PROHIBITION OF SECRET CULT AND PENALTY) – In line one delete or is deemed and insert proved, and in line three delete fifteen years and insert ten years, the subsection now reads thus: *any person who is proved to be a member of a secret cult, is guilty of an offence, and on conviction is liable to imprisonment for ten years, without option of fine.*

Clause 4.1 – (PROHIBITION SECRET CULT AND PENALTY) – *As amended, ordered to stand part of the Bill.*

Clause 4(2): - (MEMBERSHIP OF SECRET CULT) - *Ordered to stand part of the Bill.*

CLAUSE 5(1): - (HABOURING OFFENDERS) – In line one insert the word *knowingly* after *who*, the subsection now reads

thus: any person who knowingly harbours an offender under this law or who allows his residence or other place over which he has control, to be used as a venue for secret cult activities is guilty of an offence.

Clause 5(1) – (HABOURING OFFENDERS)

Clause 5(2): - (HABOURING OFFENDERS) - *Ordered to stand part of the Bill.*

Clause 6-12: - *Ordered to stand part of the Bill.*

Clause 13: - (RENEWAL OF REGISTRATION) – In line five delete *accompanies* and insert *accompanied*, the section now reads thus: *all registrations and recognitions as provided in section 12 shall expire on the 31st day of December every year and may be renewed by the respective authorities for the following year on the application of the association affected; provided that no such application shall be granted unless it is accompanied with an up-to-date list and particulars of members of the association – As amended, ordered to stand part of the Bill.*

Clause 13 (RENEWAL OF REGISTRATION) – *As amended, ordered to stand part of the Bill.*

Clause 14 & 15: Swoop their marginal notes; thus, *PENALTY FOR NON-RECOGNITION* is for Clause 14 while *POWER OF DETENTION* is for clause 15.

- *As amended ordered to stand part of the Bill.*

Clause 16: (JURISDICTION AND PROCEDURE) – In line one expunge the word *and dispose of* and in line two delete the word *office* and insert the word *Offence*. The section now reads thus: *All offences created under this Law shall be heard by the Magistrate's Court in the area where the offence is committed.*

Clause 16 (JURISDICTION AND PROCEDURE) – *As amended, ordered to stand part of the Bill.*

(ENACTMENT/DATE OF COMMENCEMENT) – *Agreed to.* (10th MARCH, 2005).

Leader (Mr Anichukwu): Mr Speaker, may I move that the Bill be now read the Third time. Thank you.

Bill accordingly read the Third time and passed.

Mr Speaker: Honourable Colleagues, the Bill on Enugu State Public Order Prohibition of Membership of secret cults Bill No. 14 2004 has now been passed. I wish to thank you for your contributions efforts especially the Joint Committees. Like I said the other day that Public Hearing appears to be the best we have ever had in this House of Assembly and I wish that every Committee Chairmen or Joint Committee Chairmen will emulate the Joint Committee that handles this job.

More importantly, if you look at the report presented this morning it was very nice, self explanatory; you do not need to consult a dictionary before you know what it is talking about. I say more grease to your elbows.

I also thank the Clerks at Table and other officials in this Assembly for their contributions towards the passage of this Bill. I can tell you that this Bill is the best among the Bills we are witnessing today. Looking at the importance of this Bill, one can agree with me that the Government of Enugu State is actually determined to protect the lives and properties of its citizens. I thank even the Executive who brought this kind of Bill to this Assembly. I am so much impressed. I thank you. May God continue to bless you.

Deputy Leader (Mr Anikwe): Mr Speaker, I move for the application of our Order No. 25 to enable me come up with a matter of urgent Public Importance. Thank you.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, I have risen to second the Motion as moved by the hon. Deputy Leader (Mr Anikwe).

Question put and agreed to.

Order No. 25 accordingly applied.

A MOTION OF URGENT PUBLIC IMPORTANCE

Deputy Leader: May I move that Motion standing in my name: That this honourable House do pass a Resolution calling on State Commissioner for Education, hon. Martin Chukwunweike to ensure immediate stop of all encroachments on school lands in the State.

Mr Onyeze: Mr Speaker, I have risen to second the Motion as moved by the hon. Deputy Leader of the House.

Deputy Leader: Mr Speaker, honourable Colleagues, the incessant encroachments on school lands in both our primary/secondary schools is taking another dimension. Just yesterday, Mr Speaker, a near physical show-down occurred in one of our local government whereby a religious organisation and the primary school management had it hot.

It is a well known fact that all government schools have legitimate and clear-cut boundaries with these churches or religious organisation. It is also clear that the State government has well-spelt-out policies and programmes of healthy working relationship with these churches or religious bodies.

Mr Speaker, hon. Colleagues, this encroachment is not limited to religious organisations only, some individuals or group of individuals are equally involved; you may call them land speculators.

I am sure that if this ugly development is not checked now, the cankerworm will definitely affect the quality of education in these schools. The bad blood to be generated will be an ill wind that will blow no good to any of the parties and the society at large.

It is on the basis of the above statement to facts that I urge this honourable House to resolved as follows:

- (a) That this honourable House do call on the Commissioner for Education Enugu State government hon. Dr Martin Chukwunwike to ensure immediate stoppage of all encroachments on School Lands in Enugu State.
- (b) That the State Ministry of Education, Post Primary Schools

Management Board (PPSMB) and State Primary Education Board (SPEB) should ensure a comprehensive fencing of all school lands forthwith.

- (c) That the House Committee on Education be mandated to monitor the implementation of this Motion as her oversight function. Be it moved and it is hereby moved.

Mr M. Onyeze (Igboeze North I): Mr Speaker, Sir, I rise to support this very important Motion which is affecting our schools. The activities of some Missionaries and Land speculators in our public schools is very very appalling. I am happy that this Motion has come, so that all of us will take it as a challenge. It is not proper that in our own time we lose some school lands to private organisation or individual. As a matter of fact, those who are engaged in this exercise know very well that it is not their land. They are only trying to find fault with people in Government. And if this honourable House condemns it and try to monitor the exercise, that is the way to stop encroachment, that is, to create boundaries. Let us support the Commissioner for Education, the Post-Primary Schools Management Board (PPSMB), and State Primary Education Board (SPEB). To create Boundaries, the Supervising Principals at the Zonal Levels can be used. Also, the Local Education Authority Secretaries can be used at the Local Government level for Primary Schools. Let them go and make sure that Heads of schools make boundaries with the outsiders so that these problems can be solved once and for all.

Few years ago somebody in Nsukka came out and started building Filling Station in a school compound. Up till today that Filling Station is still there. These people know what they are doing, but when they start it they will go and mount pressure on Government, using some personalities here and there. But if we go out and ensure that boundaries are created, it will stop further encroachment. This exercise should not be left for the Executive Arm of the government alone, because they are looking for escape goat. For instance, if a Commissioner does it alone they will baptize it one thing or the other. If the Chairman of the SPEB does it alone they will baptize the person one thing or the other. We are the true Representatives of people. Let us go and protect public school lands in our State. Let us help them to protect it, first of all by passing this Motion. And if this Motion is not implemented, we can go ahead to make Laws to enforce it. You heard what is happening in the National Assembly. Just last Tuesday the National Assembly said that they will not be paying external debt again. Because once you represent the people you should know their interest and protect it. So protection of public land is our common interest. And I urge this House to support this Motion so that it could be passed and we monitor the implementation. Thank you.

Mr J. Obidinma (Oji River): Mr Speaker, sir, the Motion is timely and I want to commend the Mover and the co-sponsor for their good job. Mr Speaker, in the case of public lands especially schools and other public lands, I remembered few years ago when I was the Chairman of Oji River Local Government, family trespassed into school lands and erected a building there. I believe the building is still there up till now.

Few months ago, Mr Speaker, the Governor was on a tour to Ogui, near the Council Primary School, Ogui. People encroached on the land, it is not good at all. So I support the Motion and I want the House to follow it up as well. But I have additional prayer. Mr Speaker, may I move the Motion that the parcels of land already being acquired illegally be retrieved immediately by the hon. Commissioner.

Mr Speaker: I do not want to go into technicalities of asking where the amendment came from, or whether or not it is the normal way it should come? All the same, let me have the amendment or additional prayers. Now, I can see two hon. Members standing up. Are they standing up to second the amendment?

Mr Emma Maduabu (Awgu South): Mr Speaker, Sir, in the absence of due process, the amendment is hereby seconded. *(Laughter)*.

Mr Speaker: What is due process? Has any hon. Member seconded the amendment?

Several hon. Members: Yes, Yes!

Mr Speaker: Having seconded the amendment, I will now read out what the hon. Member for Oji River (*Mr Obidinma*) wrote to be included. Thereafter, I will call for hon. Members votes and if it is acceptable we can then include it. If it is unacceptable the House will drop the amendment.

Chief Whip (*Mr Odo*): Mr Speaker, Sir, the normal procedure has been what you have just said. But ordinarily, it was just that we have been going about it the

wrong way, once a Motion is before the Floor of the House, it is put to Question. If a Member wants to debate on a Motion no matter the category of the Motion it is in order. But it is just that in our own case, we are used to putting the Question, so long as it is not a substantive Motion. It is on that basis that I want to comment on these issues. The mere fact that we have been doing it in a particular way does not mean it is right. People can still talk on a Motion at any point in time when it is seconded. That is my own contention. So if you agree let me make my comments.

What I am saying is that this is a Motion. A Motion was made to put an amendment in an existing Motion. What we have been ordinarily doing is that we are used to putting the Question the moment it has been seconded. What I am saying is that once a Motion comes before the Floor of the House and if the Motion is accordingly seconded, people who want to comment both in favour or against can say something about that very Motion. I know it might be a bit strange because we are used to the old system; unless you can tell us here that there are categories of Motions that are not debatable.

Mr Speaker: I want to know from the Chief Whip, what the Rule the House says about this.

Chief Whip: Mr Speaker, Sir, the Rule of the House says that once a Motion is moved and seconded people who will speak for or against such a Motion can do so. I mean that people speaking in favour will come first, followed by people who will speak against.

Mr J. C. Obidinma (Oji River): Mr Speaker, Sir, I am not with the Rules of the

House here but this is an amendment or additional Prayers.

Chief Whip: Mr Speaker Sir, we are about to straighten issues. It does not concern the hon. Member for Oji River (*Mr Obidinma*). This is a technical issue. I am not against whatever you are saying. (*Interruptions*).

Mr Speaker: The Rule of the House does not give room for debate when a Motion is on the Floor of the House. The Rules says you have to put the Question. The only way you can interpret if the Motion is acceptable or not is by Division. When it is time for Division, you have the right to accept or not to accept. The amendment which the hon. Member for Oji River is suggesting is okay.

Chief Whip: Mr Speaker, Sir, can I comment on the amendment or am I not qualified to make comment on it? That is my own Question?

Mr Speaker: If it is on this Motion for amendment, you are free to comment.

Chief Whip: Mr Speaker, Sir, what I am saying is that if I do not contribute on this issue, I will bring a substantive Motion to clear the matter. So we better sort it out through our Standing Order to find out what it looks like. Otherwise the mere fact that you do some thing for one hundred years does not invalidate the truth especially when somebody points out that it is wrong.

Mr Speaker: Like I said earlier, I know that the Rule of the House is very clear about that. Once the amendment is

effected, one can continue with other issues.

Chief Whip: Mr Speaker, Sir, it is the debate that will make members to determine if the amendment could be carried.

Mr Speaker: What did the Rule of the House say?

Chief Whip: Which Section of the Rules?

Mr Speaker: I mean on the move for debate on amendments.

Chief Whip: The Rules on Debate of our Standing Order which is at page 17.

Mr Speaker: Henceforth, on no account should any member say point of Order without quoting the relevant Standing Orders. Such a Point of Order will not be upheld.

An hon. Member: Is Mr Speaker, talking to the Chief Whip (*Mr Odo*)?

Mr Speaker: I am talking to all the hon. members.

Chief Whip: Mr Speaker, Sir, just look at Order No. 22 of the Standing Order of the House and it reads:

Debate on any Motion or amendment shall not be entertained unless the Motion or amendment shall have been seconded, but in Committee a Secunder shall not be required.

This means that once somebody seconds any Motion, debate can ensure. But in our own case, what we used to do is that when somebody's seconds the Motion, you just put the Question, which was not provided for anywhere in this Order, hence I stand to be proved wrong. There is no place in this Standing Order that says that if a Motion is

seconded you put a Question without debating on it. Is it not because we ignored it and it now becomes our pattern. This is what the Rules say: *debate on any Motion or amendment shall not be entertained unless the Motion or amendment shall have been seconded.* That is what the Rule says and once it is seconded you can engage in a debate. This is what I wanted to engage now but you said *no.* so can I go ahead?

Mr Speaker: O.K. Go ahead.

Chief Whip: Thank you, Mr Speaker, Sir. What I am saying in respect of the Motion and amendment is that the amendment is in order. But what I want to comment in respect of the amendment is that if a land belonging to an institution has been acquired and the management or the authority of the Institution and even the Board that oversee the land appears to neglect it, then at the end of the day, he tries to go and retrieve the land, it will occasion some conflict. I am aware that just last week the Anglican Bishop took almost all the church followers to police station when they had an encounter with the Chairman of SPEB. The Chairman SPEB went to the Police Station and reported the Anglican Bishop and he then summoned all the congregations. As they were going the authorities pleaded with them to make sure that there is a cease fire. If you add this very amendment I anticipate a situation where it will rather lead to crises rather than resolving the issues amicably.

Secondly, if in law somebody is in possession of a premises and the owner does not behave as if the premises belongs to him for a certain number of years, then

that owner is deemed to have lost his right. You can imagine somebody who has built a Filling Station and one day you just tell him that he has encroached on a school land when perhaps he must have made some arrangements even with the authorities, to make sure that the boundaries of the premises is excluded where he has invested on. I see a situation where this might lead to further crises as we never anticipated. So that is my point.

Mr E. Maduabu (Awgu South): Mr Speaker, Sir, if we are to go by the argument as presented by my learned Colleagues here, then it means that prayer of No. (b) *that each school compound should be fenced* should now be scraped because in the process of fencing the school land, the school authority must first of all determine the boundary of the school and in the determination of the boundary of the school the land acquired by people or religious bodies must be fenced. The school authority must go for what belongs to them. What I am saying here is that you must first of all lay claim to the land you have before you fence it. The third prayer is in order because you must have possession of what you want to fence before you fence it.

Leader (Mr Anichukwu): Mr Speaker, Sir, what bothers me on this is that the hon. Member for Awgu South (Mr Maduabu) supports the fencing of the school. This leads us to the amendment. It is correct, I am aligning myself with the opinion of the Chief Whip (Mr Odo). It is correct the hon. Member for Oji-River was a Chairman at the time a building was erected on the school land. So it may be well for him to tell us the extent he went as the Chairman of a local government whether he was watching people erecting a building on school land and he kept quiet and he wants a Motion now to retrieve the land. If

that is the case, it is not supposed to come in now. The thing has to have legal backing like a Bill to retrieve all the land including that of filling stations because many school lands have been used to build filling stations. Mr Speaker I think that passing the Motion might be disastrous because somebody who has occupied a building erected for a long time, you try to eject him using a bulldozer, or if somebody who has sold fuel for a long period of time refuses to go away, what means will you use to recover the land – is it by pulling it down or setting the place ablaze, and somebody was there when the person was doing it. Mr Speaker, we have to understand the implication of our decision. Thank you.

Deputy Leader (Mr Anikwe): Thank you, Mr Speaker. You will recall that we are trying to see the possibility of passing a Resolution to ensure a stop to further encroachment on school land. That is a Motion and not a Bill. And then if the third prayer comes in, I am sure it will no more be a Motion. There is an intendment. I do not think that retrieving is possible by mere prayer. It is only practicable by a law. That is the consideration I want to put.

Question That additional prayer be included put and the House divided.

Ayes: 3 Noes: 10 Abstention: 1

Ayes:

Mr E. Maduabu

Mr F. Onah

Mr J. Obidinma

Noes

Mr D. Agbo

Mr C. Ugwu

Mr D. Ani

Mr F. Anikwe
Mr E. Odo
Mr A. Nnadi
Mr M. Onyeze
Mr D. Atigwe
Mr J. Anichukwu
Mr F. Amu

Question accordingly negated.

Deputy Speaker (Mr Atigwe): Mr Speaker, I am on my feet to also defined this very important and timely Motion. This Motion is timely because it discusses the carve outs some people have done and then will stop further carve-outs on school lands.

Again, Mr Speaker, I am of the opinion, that as what we are discussing is about the boundary that the boundaries are there and that they should be maintained. Before the school authorities got their areas, the boundaries are there and what we are saying is that they should maintain the boundaries. Wherever they are unable to maintain the boundaries, then we should be there.

As some hon. Members were saying the Committee concerned should also help because they are the watchdog. So they should help to retrieve those areas and make recommendations accordingly. Again, Mr Speaker, I put that the Question be put.

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

Main Question put and agreed to.

Resolved:

1. That this honourable House do call on the Commissioner for Education in the Enugu State Government, Dr Martins

Chukwunwike to ensure immediate stop to all encroachments on school lands in Enugu State.

2. That the State Ministry of Education, Post Primary Schools Management Board (PPSMB) and the State Primary Education Board (SPEB) should ensure a comprehensive fencing of all school lands forthwith.
3. That the House Committee on Education be mandated to monitor its implementation of this Motion as her oversight function.

ADJOURNMENT

Leader: Mr Speaker, may I move that this honourable House do now adjourn till Tuesday the 15th day of March, 2005 at 10a.m.

Mr A.C. Nnadi (Igbo-Efiri West): Mr Speaker, I have risen to second the Motion as moved by the Leader. Thank you.

Question put and agreed to.

Resolved: That the honourable House do now adjourn till Tuesday 15th March, 2005 at 10a.m.

Adjourned accordingly at 2.25p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 139

Tuesday
15th March, 2005

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after receipt of the Printed Report

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 15th March, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings No. 60, dated 10th March, 2005. I have gone through them and to the best of knowledge; they are true reflection of what took place on that day. However, in keeping with the system here, I call for your comments. Thank you.

Deputy Leader (Mr Anikwe): Thank you, Mr Speaker I observe some little omission at the end of, either at page six or seven that is, *Debate resumed whereupon Hon. Atigwe D.O. rose in his place.* I think that the sentence should be completed by saying *rose in his place and moved that the Question be now put.*

Mr Speaker: the Deputy Leader should look at page seven.

Deputy Leader: So it did not tarry now. At page six it is *rose in his place.* So he has to 'move', so that is what I am saying.

So, he moved that the Question be now put but the words *and moved* were not included here.

Several Members: The words *and moved* are in our own.

Mr Speaker: Well, the words *and moved* appeared in some Votes and Proceedings here but in my own they did not appear but I just saw *that the Question be now put.*

Deputy Leader: That was what I saw.

Mr Speaker: It is a typographical error. It appeared in some Votes and Proceedings but omitted in some Votes and Proceedings. Please, do the correction.

Deputy Leader: Mr Speaker, in the absence of any other observation, may I move that the Votes and Proceedings of our last sitting be adopted.

Mr D.A. Ani (Enugu South I (Rural): Mr Speaker, Sir, I rise to second the Motion as moved by the Deputy Leader. Thanks.

Question put and agreed to.

Votes and Proceedings of Thursday, 10th March, 2005 accordingly adopted.

**ORDER OF THE DAY
THE ENUGU STATE HEALTH
SERVICES DELIVERY SYSTEM
BILL NO. 1, 2005**

A Bill for a Law to Provide for Health Services Delivery, Establishment and Management of Enugu State District Health System, the Registration and Inspection of the Health Institutions and Other Matters Connected Therewith

Leader (Mr Anichukwu): I move that the Bill be read a Second time.

Mr M.N. Onyeze (Igbo-Eze North): Mr Speaker, I want to draw your attention to Clause 50 of this Bill. ... *(Interruptions)*.

Mr Speaker: Excuse me. There is a Motion on the Floor. The hon. Member should second that Motion before he comes up with any observations he wants to make.

Mr Onyeze: Mr Speaker, may I second the Motion as moved by the hon. Leader.

The observation I want to make is at Clause 50 that is at the last page. *The Repeal of Edict and Laws at section 50.*

The following enactments are hereby repealed:

- (a) *The Anambra State Hospitals Management Board Edict 1985;*

(b) *The Hospital Fees Law (Capt 63) Laws of Eastern Nigeria 1963; and*

(c) *The Health Institutions Edict 1988 shall cease to have effect in Enugu State!*

What I mean is that we should have these laws before we make new ones so that we can compare them with the existing laws and know whether these laws are better than the existing laws or not. We should not make new laws without considering what were in existence.

Leader (Mr Anichukwu): Mr Speaker the hon. Member for Igbo-Eze North I (*Mr M.N. Onyeze*) made a correct observation. As if I knew he was going to raise it, this morning I was able to get some of the laws being sought to be repealed but unfortunately there was no time for me to make copies this morning. I promise that, may be, before the day runs out, or tomorrow, every Member will have a copy of the Bill, please.

Deputy Leader: Further observation! Mr Speaker, you will recall that this is an Executive Bill, and such a Bill has to be comprehensive. At least, to abolish three existing Edicts and Laws in the Health Departments or Institutions in the State, I believe that taking the laws or the Edicts from the hon. Leader haphazardly or partly is not enough.

Deputy Leader (Mr Anikwe): Before any debate can be initiated on a Bill, it is expected of all of us to have copies of these Bills being sought to be repealed

before we can know how and where appropriately or otherwise one can come in a debate. So, I believe it may be better that I move for stepping down of further debate or initiating debate on this Bill pending the time we have copies of these Bills being recommended to be repealed by the Law. Thank you.

Leader (Mr Anichukwu): Mr Speaker, I am surprised that this request is coming from the hon. Deputy Leader despite my explanations. I did say that if a debate is commenced, it is not compulsory that everybody has to say something on the same day on the same Bill. I will request the hon. Deputy Leader not to generalize it, it is just his opinion. *(Interruptions)*.

Mr Speaker: Honourable Colleagues, this is the Leader of the House; we have to hear him out. Let us give him that immunity, he is the Leader of the House.

Deputy Leader: This is a Law! The Law is not a respecter of anybody. There is a matter before the House.

Mr Speaker: Gentlemen, let us mean business. There is a Motion on the Floor of the House; let the Motion be duly seconded, then the Leader can still make some contributions.

However, I do not even see why the Leader should be talking again because he has moved a Motion that further debate be stepped down pending when all these existing laws must have been tendered before this honourable House.

Mr J. Obidinma (Oji River): Mr Speaker, I stand to second the Motion accordingly moved by the hon. Deputy Leader.

Question put and agreed to.

Further debate on this Bill accordingly stepped down to a later to be determined by the House Committee on Rules and Business pending on availability of existing Laws and Edicts which we are trying to repeal.

Mr Speaker: Like I said, there is no need going into the explanation again. I humbly appeal to the Leader to try as much as possible to furnish us with relevant information on the Laws we are trying to repeal.

ANNOUNCEMENT

Meeting

We will meet in my Office on the rising of the House for a brief discussion.

ADJOURNMENT

Leader: Mr Speaker, may I move that this honourable House do now adjourn till Thursday 17th March, 2005. Thank you.

Deputy Speaker: Thank you, Mr Speaker I rise to second the Motion accordingly.

Resolved: That this honourable House do now adjourn till Thursday 17th March, 2005 at 10a.m.

Adjourned accordingly at 12.12 noon.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 140

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17th March, 2005

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Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 17th March, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 61, dated Tuesday 15th March, 2005 are here before the House. I have gone through them and found them to be correct. However, I call for comments. Thank you.

Mr E. Maduabu (Awgu South): Mr Speaker, Sir, I have as well gone through the Votes and Proceedings No. 61, dated Tuesday 12th March, 2005 and found them to be correct. Therefore I move for their adoption. Thank you.

Mr D. Ani (Enugu South I Rural): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our last sitting and found them correct. Therefore, I second the Motion for their adoption. Thank you.

Question put and agreed to.

Votes and Proceeding of Tuesday, 15th March, 2005, accordingly adopted.

PRESENTATION OF BILL

**THE ENUGU STATE FEMALE
VIOLATION AND
DISCRIMINATION PROHIBITION
AND ABOLITION, BILL NO. 2, 2005**

A Bill for a Law to prohibit and abolish the Tradition, Custom and Culture that Support Female Circumcision, Oppression and Suppression through Violence or any other means and other matters connected there with, presented by the Deputy Leader (*Mr Anikwe*) and read the First time.

Mr Speaker: Honourable Colleagues, the Enugu State Female Violation and Discrimination Prohibition and Abolition Bill No. 2, 2005, has now been read for the First time. In keeping with the Rules of the House, the Bill is referred to the House of the Joint Committees on Health, Judiciary, Public petitions, Ethics and Privileges, Women Affairs and Special Duties. They are given just one week because it is a very small Bill, though it has to go through the normal process; possibly it needs to call Public Hearing. Therefore, you are required to report out within one week. Thank you.

ANNOUNCEMENT

Valedictory Session

Mr Speaker: Honourable Colleagues, tomorrow we are going to have a valedictory session in honour of Late Elder Dr S.E. Imoke CFR, LSM,

FMCOP. The corpse will lie in state in this main Chamber tomorrow. Other speakers from the South-South Zone will be coming here tomorrow for the assignment. I am appealing to our Colleagues to try as much as possible to be punctual. The programme will start by 9a.m. So while we are adjourning the House today we are adjourning till 9 a.m. I am once again, appealing that those of us who are always engaging in one thing or the other should try as much as possible to be punctual. If we are not there on time they will not start. All the programmes are going to be run by the Assembly here. The Order Paper is being prepared by us. So there is no point for some of us coming late. We must be here on time. When we start our normal proceedings, along the line we call for the corpse. Therefore I am appealing that all of us should be punctual. We know very well that we are going to have lots and lots of visitors tomorrow. I equally appeal to the staff to appear on their usual beautiful attire, because we are going to have visitors from outside Enugu, and South East. I also wish to make an appeal to any of our Colleagues who knows the Late Elder Dr S.I. Imoke and wants to make a speech tomorrow, to please, let me know so that I can include his name among those who are going to talk.

ADJOURNMENT

Leader: Mr Speaker, Sir, hon. Colleagues, I rise to move that the House do now adjourn till Friday, 18th March, 2005 at 9a.m. Thank you.

Mr E. Maduabu (Awgu South): Thank you, Mr Speaker. While seconding the Motion for adjournment, I want to use this opportunity to appeal to you to please contact the people concerned to ensure that 9a.m. will be 9a.m. In fact, there was a time such a programme was held here, most of us were here before 9 am., but before the corpse arrived it was almost 1 a.m. So I beg you to contact them. Thank you.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Friday, 18th March, 2005 at 9 a.m.

Adjourned accordingly at 2.25 p.m.



**ENUGU STATE OF NIGERIA
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Votes and Proceeding of Tuesday, 15th March, 2005, accordingly adopted.

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ADJOURNMENT

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Mr E. Maduabu (Awgu South): Thank you, Mr Speaker. While seconding the Motion for adjournment, I want to use this opportunity to appeal to you to please contact the people concerned to ensure that 9a.m. will be 9a.m. In fact, there was a time such a programme was held here, most of us were here before 9 am., but before the corpse arrived it was almost 1 a.m. So I beg you to contact them. Thank you.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Friday, 18th March, 2005 at 9 a.m.

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ENUGU STATE OF NIGERIA
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ENUGU STATE HOUSE OF ASSEMBLY

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Friday, 18th March, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, before this honourable House is our Votes and Proceedings No. 62 dated Thursday 17th March, 2005. I have gone through them and found them to be correct. however, I call for your comments. Thank you.

Mr C. Ugwu (Enugu East I): Mr Speaker, I have equally gone through the Votes and Proceedings of Thursday 17th March, 2005 and found them correct. I therefore move for the adoption.

Mr E.C. Maduabu (Awgu South): Mr Speaker, I have risen to second that Motion. Thank you.

Question put and agreed to.

Votes and Proceedings No. 62 of Thursday 17th March, 2005 accordingly adopted.

OBITUARY ANNOUNCEMENT
AND ARRIVAL OF THE CORPSE
OF LATE HON. ELDER, DR S.E.
IMOKE CFR, LSM, FMCGP

Leader (*Mr Anichukwu*): Mr Speaker, may I move that the mace be lowered to enable this honourable House receive the corpse of late hon. Dr S.E. Imoke. Thank you.

Deputy Leader (*Mr Anikwe*): Mr Speaker, I have risen to second that Motion as moved by the Leader of the House. Thank you.

Question put and agreed to.

Mace accordingly lowered.

Mr Speaker: Honourable Colleagues, while we are waiting for the corpse, I have the honour and privilege to recognize our Colleagues, and other distinguished Nigerians who are here today. I first of all welcome all of you to Enugu State, the former Capital of Eastern region. I welcome you to the coal city State, the gate way to the East. I sincerely welcome you also to the home of His Excellency, Dr Chimaroke Ogbonna Nnamani and also His Excellency Chief C.C. Onoh, the Oka Ome I of Ngwo. Your Excellency, you are welcome. I also wish to welcome you all to the home of His Excellency, the Deputy Governor of Enugu State, Chief Ezenwata Okechukwu Itanyi.

At this juncture I note that we have lots and lots of dignitaries. By my immediate right is the Right hon.

Speaker, Cross River State House of Assembly. Honourable you are welcome. I welcome also the Deputy Speaker, Cross River State House of Assembly and other hon. Members of the Cross River State House of Assembly. Welcome to Enugu State.

I welcome also the distinguished Senators here present and our brother hon. Ozombachi. He is the man representing Udi-Ezeagu Federal constituency in the House of Representatives. I also welcome Chief Nnoli Nnaji. However, I am not seeing very far away from here, but it is my sincere wish to get everybody recognized. I recognize the presence of the Clerk, Cross River State House of Assembly, you are welcome, Mr Clerk. I welcome also my friend Chief Emeka Nwandu; I saw him when I was coming in.

I also wish to recognize the presence of the Chief mourner, the hon. Minister of Power and Steel; hon. Minister, you are welcome. We also have the Vice Chancellor, University of Calabar; you are welcome. I also saw the former Deputy Speaker, old Anambra State House of Assembly, Chief Utazi, hon. are you here?

Chief Utazi: Mr Speaker, I am here stead.

Mr Speaker: You are welcome, and I am sorry for the delay in recognizing you. We also have in our midst our distinguished Senator, Senator Victor Udoma Egba; you are welcome, Sir.

Please, if there is any other person as we have lots of dignitaries here, as time progresses, we will try to recognize their presence.

On behalf of my Colleagues, the hon. Members of Enugu State House of Assembly; the Clerk of the House and the Staff of this Great Parliament, we welcome everybody. We have also in our mist the Senator F.S. Okpozo, you are welcomed most respectfully. We also have in our mist Senator Oshedu B. Danju; you are welcome. We have also the Permanent Secretary, Federal Ministry of Power and Steel, Engr. Sadi Mohammed, you are welcomed; we have also the Managing Director, NEPA, Engr Joseph Makoji, you are welcome.

At this juncture, Ladies and Gentlemen, I sincerely, on behalf of my Colleagues, once more wish to welcome you to Enugu State; I welcome you to the Main Chambers of Enugu State House of Assembly the former Eastern Parliament.

At this juncture, may I have the honour and privilege to ask the Sergeant-at-Arms and two Leaders of these two State Houses of Assembly: the Leader of the Enugu State House of Assembly; the Leader of the Cross River State House of Assembly, to match out to usher-in the corpse. God bless you as you do that.

We also have here in our mist Prof. B. Ebigbo, D.V.C. UNEC, you are welcome Sir; we also have hon. Minister of State, Power and Steel Prof. Boshade, you are welcome Sir.

Ladies and Gentleman, as a custom, it says you should rise!

CORPSE COMES INSIDE THE CHAMBERS

Thank you very much. Do we have a clergy here either Catholic or any Clergy so that can lead us in an opening prayer.

A Clergy: Yes, Sir.

Mr Speaker: Okay, go on.

Prayers

Mr Speaker: I once more say welcome to Enugu State. I have about two or three persons that have indicated their interest to speak today. If you think you want to talk to us on this occasion, you are free to indicate your interest and I will call on you to talk at the appropriate time.

A Tribute to Late hon. Elder Dr S.E. Imoke CFR, LSM, FGCMP by the Hon. Speaker, Enugu State House of Assembly, Right hon. Abel Church – today the 18th day of March, 2005

Your Excellencies here present; the Right hon. Speaker, Cross River State House of Assembly; the Distinguished Senators here present; the Members of the House of Representative here present; the Hon. Ministers here present; the Principal Officers of the both Houses; the Hon. Members of the two Houses of Assembly here present; the Clerks of the two Houses of Assembly here present; the Distinguished

Audience; Gentlemen of the Press; Ladies and Gentlemen.

The demise of our beloved father, Leader and Elder Statesman, Elder Dr S.E. Imoke CFR, LSM, FGCMP, was received with shock and deep sense of regret. His exit in this world no doubt has created a vacuum in the political, economic, educational and indeed religious lives of not only the people of Cross River State but the entire South East and Nigeria as a Nation.

My consolation however, stems from the fact that Elder Dr S.E. Imoke led a good Christian life. as a great politician, he left a mark that stands the test of time. I am particularly further consoled by the fact that he exceeded the 70 years boarder line as stipulated by the Holy Bible as the Blessed years of human existence. He also enjoyed the promise of God for a good man as stated in psalm 128 verse three (3) thus:

Your wife will be like a fruitful vine within your House; your children will be like olive shoots around your table; and you should see your Children's Children.

Late Elder Dr Samuel Efem Imoke married and was blessed with 8 children.

Elder Dr S.E. Imoke was born in 1912 at Itigidi, Cross River State. He started his career as a pupil Teacher at Afiko Government Primary School and later attended Higher Institution and qualified as a Medical doctor in 1941.

As a medical doctor, he distinguished himself in the public service both in Nigeria and Cameroon and later established Eja Memorial Hospital, his dream project.

As a result of his enthusiasm for public service and in response to the clarion call of his people, Itigidi, he joined politics and was elected as the Chairman of the Afikpo county Council in 1952. The following year, he was elected into the Eastern Region House of Assembly. Between 1956, he served as a Minister of Finance and from 1961 until the coup in January of 1966 he was Minister of Education and leader of the House of Assembly.

During the period of Nigeria Civil War, in Nigeria, he took a firm decision and was made Commissioner for Rehabilitation in Biafra.

Permit me at this juncture to state that as a great politician, Elder Dr S.E. Imoke was a leader of this great parliament during Old Eastern Region House of Assembly. We are here today in this edifice, enjoying the fruit of their hard work. He fought for independence; he played politics and was in fact apostle of politics without bitterness.

Here lies the remains of a selfless leader and a man of peace. He made numerous contributions in our economic and political development that he was awarded the prestigious CFR – Commander Federal Republic. Certainly, it is now obvious that we will miss his wise counsel and judgement,

and we will miss his esteem leadership qualities but we will always cherish his legacies and ideals.

My Honourable Colleagues, Your Excellencies, Ladies and Gentlemen, we have actually assembled here to give honour to whom honour is due and pay our last respect to this illustrious and selfless leader, so patient and courageous and an uncompromising fighter against injustice. I lack words to qualify this great man. He came to this world and he conquered. In view of all these numerous contributions to human development, we will all pray that the Almighty God will reward him and give his soul eternal rest. May his soul rest in perfect peace, Amen.

Honourable Colleagues, it is on record that in a situation like this we lack words. How I wish that in one's life-time as a legislator or past legislator one would have the opportunity to be in the Assembly. We have only two times to be in Assembly: As a Member or probably if you are invited when you are alive and the last is when you are dead. These are the only periods you enter this Chambers. I wish that once in a while we have the opportunity to celebrate not to celebrate deaths. We have opportunity to celebrate success; to celebrate achievements; to celebrate hard work. So, on behalf of my Colleagues I sincerely welcome you once more and in Enugu State we always say; *To God be the Glory*. Thank you, and may God bless you.

The following will pay tribute. The hon. Speaker, Cross River House of Assembly, Senator Domar Egba, His Excellency, the former Governor of Old Anambra State, Chief C.C. Onoh (*Ani nefu Ngwu*). Professor E. Ebigbo on behalf of Professor Nebo, Mr Anyamene (SAN), Chief Ayogu Eze, Chief B.C. Utazi, the former hon. Speaker, Old Enugu State House of Assembly. We will start with Mr Speaker.

Mr Speaker (*Cross Rivers State*): Mr Speaker, Enugu State House of Assembly, all other protocols duly observed. Tribute to a departed hero, Elder Samuel Imoke former Cabinet minister in the Government of the defunct Eastern Region by the Speaker of Eastern Region House of Assembly. No person was ever honoured for what he received. We are gathered to honour the end of an accomplished and worthy Statesman, Speaker, Medical, Traditional, politician, principal advocates, and a democrat excellence. Elder Dr Samuel Imoke was born in 1912 into a family in the small community of Itigidi. Dr Samuel Etim Imoke served with and was nurtured in a Christian doctrine of self-discipline, responsible behaviour and commitment to serve which assisted him to carry out enormous leadership role and responsible leader entrusted on him in the service of his fatherland. He became a pupil teacher at the age of 14 at the United Church of Christ Mission, Itigidi before proceeding to Umuohai Government College in 1929 as one of the pioneer students. He was also one of the pioneer students of the school of

Medicine, Yaba high College, from 1932 to 1938. In both two sessions, he excelled in academic and sports. From 1939, Dr Imoke served as Medical Assistant and then as Medical officer in various parts of the country including the General Hospital at Markurdi, Zaria, Lagos, Kano, and moved to Cameroon before retiring voluntarily. As a Civil Servant, in 1951, he started to build a star project, Eja Memorial Hospital Itigidi.

The choice of Itigidi is a clear example of great personal sacrifice. For Dr Imoke, his people were his most beloved asset. One can acknowledge this fact while justifying the building of the hospital at Itigidi where he stated and I quote:

Being able to provide for the medical care that was actually needed by my people at the time was all that mattered to me.

It is on record that the hospital remains up till now the first and the only hospital established by private medical practitioner in the rural area in the States in Nigeria. In 1963 Dr Imoke started the humble but impressive political career when he represented Abo County Council. He became the Chairman of the Council by displacing Dr Francis Akanu Ibiam who had held the post in 1946.

Dr Imoke's patriotism, honest, intelligence, hard work, and ingenuity earned him election later in the same year into the Eastern Region House of Assembly. He sponsored the Motion that effectively checked devices of bribery

and Corruption in governance at a time. He was an advocate who engaged clerks at top management position in the public service, and organized private sectors. He also attended the 1957 Constitutional Conference at the Lancaster House London. He held portfolios as Cabinet Minister at different time; the Labour, Finance and Education. Late Dr Imoke delivered Democracy Dividend in many areas. As finance Minister, he piloted the 1959 Bill on Finance Law, which was a Landmark and a fiscal measure to any government at that time. The Law introduced among other innovations the pay-as-you-earn system of Taxation instead of flat rate system which actually was in use.

The Region witnessed tremendous industrialization which includes the establishment of Nkalagu Cement Factory; the Calabar Cement Factory; Zonal Asbestos Factory; the Niger Steel Factory; the Public Company Onitsha and the Gas Factory, etc. In the Educational Sector; the school curriculum was completely over-hauled with definite bias on moral, cultural, scientific and Technical Education Agriculture was made compulsorily for the first two years in the Secondary Schools. Now shall we not mention that the Advance Teachers Training College now Alvan Ikuku College of Education, Owerri was established during his tenure as a Minister of Education. In his private life, the society continues to tap from Dr S. Imoke's immense wealth of experience, integrity and goodwill.

He rose to become the ruling elder of the Presbyterian Church. He was a member and at some point the Chairman of governing Council of a number of academic institutions, and variously was decorated with many national and Professional honours. Here then was the man Dr Samuel Imoke. The former Premier of the defunct Eastern Region Dr M.I. Okpara ably captioned his personality Thus: *Dr Imoke was also one of the sincere and honest man I have had the privilege to work with I said this with a deep sense of responsibility. He is an assests to the Region and in fact the whole country.* The Challenge of Elder Dr Imoke's legacy of excellence in service to humanity is the challenge before other statesmen; politicians and administrators. It is a legacy that teaches us that politics is a game that is played by the people for the common good and happiness of the greatest number, that good leadership lies on the power to transform the future of our people from doom to prosperity.

By his life, late Elder Dr S. Imoke has taught us like our Lord Jesus Christ let his life shine before all men that they see your good works and glorify the Lord. may his humble soul rest in perfect peace. Amen.

Mr Speaker: I thank the Speaker of Cross river House of Assembly may I now call on our former Colleague who is here with us, Chief G.C. Utazi, to just say a few words about late Dr Imoke. I wish to appeal to those of us who may wish to talk to be very very brief.

Chief G.C. Utazi (*Former Deputy Speaker*): Mr Speaker, Sir, His Excellency the Executive Governor of Enugu State ably represented by Chief Dr Okechukwu Itanyi; Ex-Governor of Old Anambra State Chief C.C. Onoh; Members of the Enugu State House of Assembly; all protocol dully observed. First of all I have to say welcome to the honourable Minister of Power and Steel Dr Imoke for a wonderful example he has shown today by recognizing where his father started his politics and that is going back to Enugu State House of Assembly the former Eastern Regional House of assembly. We have had in the past so many hon. Members of the then Eastern Regional House of Assembly dying without their children recognizing to come back to this place. For this singular example you have shown, the Members of this Assembly, living and dead, are happy with you. And I commend you and I leave this legacy you have shown today that other children whom their fathers had served in this parliament should do the same when their fathers eventually leave this place.

Mr Speaker, Late Elder Dr. Imoke, like all of you have said before me, had been a shining example of the Eastern Region. If you look at the crop of people who led the Eastern Region then, you will discover that they were the crop of professionals: Dr M.I. Okpara; Dr Akanu Ibiam; Dr Imoke, and the rest. No wonder the Eastern Region has been the hope of the development of this country. And if you go back down the memory lane, we in this part of the world have

been known for our educational prowess. I know that late Elder Dr Imoke served in other areas but that of Education was need so much, and that is why some people from this part of the world have been doing well academically and in other human endeavours because of the solid background which they laid here. You can remember the University of Nigeria Nsukka the College of Agriculture, and other institutions. The judicious way of sitting industries and other economic ventures in different areas that they actually belong. For instance, if you go to Cross Rivers, the Obudu Cattle ranch was sited there. Come to my Local Government area, Uzo-Uwani, they sited the Agricultural base there. If you go to Abia Farm and Umuahia, they sited things to areas that actually, deserved such project, some of us who are very close to this family, who know what they have done, know that we have lost a gem, of you who know about Itigidi; Abomege and all these wars there, those war that has claimed a lot of lives, because of boundary dispute; late Dr Imoke was instrumental today that we have a Mobile Training Camp at Abomege to make sure that there is enduring peace between his people and their neighbours. And we thank him. He has been able to redress the problems of boundary demarcation in this country. Not using Rivers, or physical things to show what a people belong here or did not belong there. And for us in Enugu here it is something that all of us are looking forward to, that one day because you know that some of our people are living across River Anambra; and people are telling us that River Anambra is the

boundary between Enugu State and Anambra State. It is not true, because my people – the Igala speaking areas – are over there and nobody can separate them just like you cannot separate Itigidi from Cross Rivers State. For all these numerous achievements we remain thankful to him, but more importantly to his son for bringing him back to the House of Assembly because parliamentarians are the greatest. They are the greatest in the sense that as a Commissioner or a Minister, hardly will you be remembered but here if you served in this parliament, we have extracts of our speeches in this House of Assembly. If not because of time constraint, I would have gone right down to the archives to retrieve all the contributions that late Elder Dr hon. Imoke made on the Floor of this Parliament. But that is for posterity. Having said that, Mr Speaker, I am done.

Mr Speaker: May I now call on Senator Victor Udoma Egba (S.A.N) to speak on behalf of the Senators here present.

Senator V.U. Egba (S.A.N): Mr Speaker, Enugu State House of Assembly, Mr Speaker, Cross River State House of Assembly, my names are Victor Udoma Egba, Senior Advocate of Nigeria (S.A.N), and by a stroke of providence, I represent Dr. S.E. Imoke who ordinarily I would have been unfit to untie the laces of his shoes and I speak today as his representative, and also speak for my Colleagues, both former and serving Senators.

Mr Speaker, let me start right away by adopting completely everything every previous speaker in this Chambers has said about Dr S.E. Imoke, one of the greatest Nigerians of this time. Dr Imoke graced the importance of this hallowed Chambers, and his contributions in this Chamber are written in gold. I do not need to repeat them because my Speaker, Speaker of the Cross River State House of Assembly, has already enumerated the contributions he made but I dare say and I dare add, Mr Speaker, that the contributions of Dr S.E. Imoke will remain for eternity. Dr Imoke's greatest service has proved to Nigerians and the world at large that service is possible, that honesty is possible, that good governance is possible, and this was a man in his time who contributed to bring the then Eastern Region from one of the poorest regions into the fastest growing economy in the world by 1965.

I stand here, Mr Speaker, today to thank you on behalf of the people of the Central Senatorial district of Cross River State and indeed the entire people of Cross River State for the opportunity the Eastern region gave to our son, our father, and our husband, Dr S.E. Imoke to prove to Nigerians that we can reach the highest heights. We thank you for the opportunity and thank the entire people of the then Eastern region. We thank you for this great honour of this valedictory ceremony, and assure you that we shall ever remember this honour. We thank God for His gift to his people of Dr S.E. Imoke. We thank Him for his life and indeed celebrate a life of humility, a life of service, and a life of dedication.

Mr Speaker, Dr. Imoke will for ever live in the hearts of those who knew him, and I dare say that our consolation on this occasion is on the fact that he is a known age of the history of Nigeria. Mr Speaker, I am done. (*Applause*).

Mr Speaker: May I call on His Excellency the Governor of old Anambra State, Chief C.C. Onoh, Ahinefu Ngwu, to pay his own tribute.

Chief C.C. Onoh: Mr Speaker, Sir, on the 5th of December, 1956, in this Chamber when we were seeking nomination to the House of Representatives, I did not then know the man Imoke, but after our speech, they turned to Zik and said, *this is the man, we are sponsoring him to the House of Representatives* (*Applause*).

Here in this House, Dr Azikiwe is gone, Dr M.I. Okpara is gone, Dr Ibiam is gone, now Imoke. These are the people that made Eastern Nigeria what it is today. At that particular time we were all united, competing between East, West and North and nobody thought about Ibo, Efik, Calabar or any of those things. There was complete unity. Yes, we fade away like the stars of the morning. We are like labourers in the Lord's Vine-yard, we till the field, many may be laughing at us. These people laughing might be the people that reap the seeds and are happy. We do not regret what we have done. We remember him (*Dr Imoke*) today not because of any other thing, but because of the service he rendered to the whole of Eastern Nigeria

and particularly in the field of Education.

Mr Speaker, in our struggle in those days, here lies a man consistent, he stood with us, we fought the battle until the great intruders, the army came, and may God never allow them come back. (*Amen*).

Mr Speaker, Sir, there is nothing to extol the virtues of this man (*Dr Imoke*) most incorruptible, consistent and if he says *go*, follow him, he will not stab you at the back; this is the man! Indeed to remember one issue: as the Minister for Education, I requested for approval for my Girl's Secondary School, and he refused to give me permission and then I stopped until *Dr M.I. Okpara* came and opened the door and said, (*di anyi sainiara ya akwukwo*). *Fellow, sign the papers for him*. Then I got the approval. Sir, I will end by just reminding you and the new generation, these youths leading us today; *the lives of great men all remind us, we can make our own subline, the parking name behind us who prints on the sands of time, who prints that another perhaps a falling kin and shipwrecked brother, sailing through life*.

May the children of *Dr Imoke* follow his foot-prints, detest the ills of Nigeria today so that they can rise to the height which their father has risen. With that, Mr Speaker, I bid my friend fare-well (*Applause*).

Mr Speaker: May I call on the Senior Advocate of Nigeria, A.N. Anyamene.

Mr A. N. Anyamene: Mr Speaker, may I rise to mourn a great friend; a close friend; a man of integrity, an a man whose life is transparent in all he did. I doubt whether I shall have another close friend like *Dr Imoke* in the short period left for me on this world.

The Speaker of the Cross River State House of Assembly has said everything about his contributions in politics, religion, and I need not to repeat them. People did not know the origin of this Eja Memorial Joint Hospital, Itigidi being talked about. *Dr Imoke* through his nature got his inspiration to be a doctor as a boy on the day he saw a woman in labour with terrible pains being conveyed in a dug-out along the Cross River to the nearest clinic, that fired his spirit; is it what my people is seeing? He thought that he would serve the people and the humanity by being a doctor and that was where he got the ambition. And he succeeded and concretized that desire and that love of humanity by investing the last penny he had in the Eja Memorial Joint Hospital. He never asked for compensation from the Government.

The Speaker has said about his contributions in the House of Assembly. We will leave that to historians because unless the records are lost, at the time we was in the House of Assembly, I was also a staff of the House in the Hanzard Section and we were recording the Proceedings and I know we made accurate recordings. We leave it to posterity or to the historians to go and dig them out, so that the present

generation will know what the elders did and their idea about governance.

Time is against us but I just take an instance of what the House of Assembly looked like in those days. Prof. Ayoha was making a speech and then he said: I was in car traveling from Calabar to Enugu when I heard about a policy being enunciated by the Government for the first time. And then Alvan Ikoku retorted *ah! Is Government by radio; that is what we had been complaining.* The whole House rose in laughter but that was the spirit. You would not know that those on this side and on the other side were at daggers' drawn – no! They were legislators working for the common good of the people they were governing irrespective of the camp in which they were. And for the benefit of historians; during their time in the Cabinet, one of the qualifications before you were appointed as a Minister in the Eastern Region was your contribution to agriculture, because the theme the Government of Dr Okpara set for himself was that the people in the Eastern Region should be well-fed first. He made sure that there was abundant food for people to eat. And so before one was appointed as a Minister it used to be Minister then, they had to inspect your contributions to agriculture.

In the case of *Dr Imoke*, it was a poultry farm both in his village at Itigidi and even in his quarters here in Enugu. There was a little poultry farm here, and a bigger one in his village and and so with other Commissioners. They were people governing practically, who

believe in what they were doing and practise it.

Emotion will not allow me to go longer. Not only governance Dr Imoke lived a very happy life with his wife. You need to come close to see what a happy home looks like, it is such thing you would not imagine. You thought that Dr Imoke and his wife were elder brother and sister and he bequeathed that quality to his children. So, I conclude by reading a poem by Stewart Chiong when he was paying tribute to somebody who struggled because when you remember his days 1912, you could picture what Nigeria was like in 1912, you will know that Dr Imoke and his contemporaries really, as Igbo men said, climbed Iroko trees with empty hands. So they achieved what now would be impossible with the present generation. So the Stewart Chiong said:

Let me not die in a curtained room, on a ascended cough on a mixed scented room bear me out where the stars shine clear and tall trees whisper as they draw near; there I would murmur my ultimate breath as I run to meet honest brother there. Glad to have lived, gladder to die, the days task ended and slumber night. And if I should dream in that endless sleep let me recall unfathom deep; the brown leaflet, its trees its grass and the one true comrade of unforgettable hours; no marbled monument tomb in love where that mud of earth with stars

above, neither name nor date when born when died. This simplest of tributes to one old tried.

Dr Imoke more than tried. And may the good Lord give him eternal repose in his bosom. Amen. (*Applause*).

Mr Speaker (Enugu State): I thank the Senior Advocate of Nigeria (SAN). For want of time a lot of people who want to talk may not be allowed to do so. I will just call, may be, two other persons, and of course, His Excellency, the Governor of Enugu State, ably represented by His able Deputy, Chief Okechukwu Itanyi will speak on behalf of the State Government. May I call on Professor P.O. Ebigbo to speak on behalf of the Vice Chancellor.

Mr Ebigbo: The hon. Speaker, Enugu State House of Assembly, hon. Speaker Cross River State House of Assembly. All other protocols duly observed. On behalf of Professor Chinedu Nebo, Vice Chancellor of the University of Nigeria and indeed the University of Nigeria, I stand to identify the University of Nigeria with this auspicious occasion and to express immense gratitude to our fallen hero and mentor, right hon. Dr S.E. Imoke who is honorary graduate of the University of Nigeria. It is a degree conferred in the confirmed the early 60's when right hon. Dr Akanu Ibiam was the Chairman of governing Council and Pro Chancellor. He then as a Member the Eastern Region House of Assembly and Minister of Education helped to conceive the University of Nigeria, helped to found it and to nurture it. For these we

are very grateful. Dr S.E. Imoke was also Chairman of University of Nigeria Teaching Hospital Management Board and he performed so excellently well that one of the Hostels housing the final year Medical Student was named after him, the hostel called *Imoke Hostel*. We say: *thank you our fallen hero*. We pledge to publish a summary of the life history of Dr Imoke and distribute to our youths and our students as a legacy for all times and as a role model for our youths to emulate. We say in the University of Nigeria: *May the soul of Dr S.E. Imoke and the souls of all the faithful departed through the mercy of God rest in peace, Amen. (Applause)*.

Deputy Governor (Mr O. Itanyi): Honourable Speakers, distinguished ladies and gentlemen. I am here on behalf of His Excellency, the Governor, the Government, and good people of Enugu State, to welcome you all especially the Imoke family. We are here to pay our last respect to a great man of no mean respute; a man working with Dr Okpara, Nnamdi Azikiwe, Ayo Ita, Akanu Ibiam, laid the foundation and legacies that we are building on today. These great men transformed the Eastern Region to one of the fastest-growing economies in the world at that time. They left indelible footprints not just on the soil of South East and the former Eastern Region but the entire country. I give God all the Glory that they came, they saw and left a wonderful success story. We will not be standing here if not for a great man like Dr Imoke. We will not be building on the foundation and legacies that they left behind if they did

not do so. We give God all the glory for the selfless service: his wonderful contributions, his transparency, his philanthropitism, his dedication to people of Itigidi, the Eastern Region and Nigeria. As he journeyed back home for the last time, we pray that Almighty God will accept his soul in heaven and give his children Dr Efem Imoke Dr Liyel Imoke and others the fortitude to bear his loss. Let me say that we have every cause to celebrate his life and times on this earth. And his shining examples are examples that we need to follow so that at the end of the day also, we will also leave our footprints on the signs of time and leave our names written in gold.

Once more, on behalf of His Excellency, Governor Chimaroke Nnamani the Government, and people of Enugu State, it is my great pleasure to bid the right hon. Dr Elder S.E. Imoke farewell. Thank you.

Mr Speaker (Enugu State): As his Excellency, was speaking, His Excellency, the Governor of Borno State Senator Dr Ali Munsherif walked in. Your Excellency, you are welcome Sir. *(Applause)*.

I can also see my Colleague from Anambra State, hon. Speaker Belonwu, you are welcome. *(Applause)*

I have to rewind a little bit to find out whether or not His Excellency wants to add something to what we have said. It will be out of protocol for me not to allow him say farewell but if he believes

that those who have spoken have done well, we can go on.

His Excellency: You can go on.

Mr Speaker (Enugu State): The last respect to the remains of late Dr Imoke will be done in this order: Governors and Deputy Governors, Speakers and Deputy Speakers Principal officers and hon. members of State Houses of Assembly and Senators, Members of House of Representatives, Ministers, Ex-legislators, Members of Exco past and present, Traditional Rulers, Women Leaders, Members of the deceased family, and of course, some other people that are here present. So, Your Excellency, you take the lead to pay your last respect and the Speakers and Governors will follow.

Last respect was accordingly paid to the remains of Late Dr Imoke.

Mr Speaker: May I have the honour and privilege to call on the hon. Minister of Power and Steel, Liyel Imoke to give a Votes of Thanks on behalf of the family.

Liyel Imoke (Minister of Power & Steel): Mr Speaker, Enugu State House of Assembly; Mr Speaker, Anambra State House of Assembly; Mr Speaker, Cross River State House of Assembly; His Excellency the Governor of Borno State; His Excellency, the Governor of Enugu State represented by His Deputy Governor, Chief Dr Okechukwu Itanyi; the hon. Minister of State for Power and Steel; hon. Member of Cross River

State; Enugu State, and Anambra State here present; Distinguished Ladies and Gentlemen. This morning I have been mandated by the family to say a Vote of Thanks by expressing our appreciation and gratitude, first to the Right hon. Speaker of the Enugu state house of Assembly for granting that this Session be held in this Assembly. We would also like to extend our deep appreciation to the leadership of the Cross River State House of Assembly for supporting us throughout the period of arrangement. We express our gratitude and appreciation to all those who have taken time from their tight schedules to grace this occasion and to pay respect to our Late father, Elder Dr Hon. Samuel Imoke, a Member of this House of Assembly from 1952 to 1966. It is indeed great honour that has been done to him both by the leadership of the various Houses of Assembly here present, and those who have spoken and paid respect to our late father.

On behalf of the entire family, I again wish to thank you very much for coming out to honour him in this manner. Thank you.

Mr Speaker: I thank the hon. Minister of Power and Steel.

We are going to observe a minute silence in honour of our departed hero. That should be done in form of a Motion. I am therefore calling on the Leader of the Enugu State House of Assembly (*Mr Anichukwu*) to lead us. Thank you.

Leader: Mr Speaker, Sir, may I move that his honourable House do respectfully observe a minute silence in honour of late hon. D. Imoke. Thank you.

Deputy Speaker (Mr Atigwe): Thank you, Mr Speaker. I rise to second the Motion moved by the Leader of the House.

Question put and agreed to.

A minute silence accordingly observed.

Mr Speaker: Thank you very much. That is the end of the programme. May I humbly request the two Leaders of Enugu and Cross Rivers State Houses of Assembly and Sergeant-at-Arms to lead the coffin out of the Chambers.

Honourable Colleagues, before we go on there are lots of people who came in here un-recognised. They should please accept my apology. We have the Majority Leader, Anambra State House of Assembly in our midst. We have our retired Justice, I saw him when I was going to pay the respect. *Oga*, you are welcome, Sir.

Coffin was accordingly carried out of the Chamber.

Leader: Mr Speaker, may I move that the House do resume sitting to continue on the *Order of the Day*. Thank you.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, I rise to second that Motion.

Question put and agreed to.

Sitting accordingly resumed at 11.30a.m.

ANNOUNCEMENT

Mr Speaker: Honourable Colleagues, like I earlier said, I am not taking too much. Just like it is said of Oliver Twist, and somebody also did mention here that if one climbs an iroko tree, he should try to get enough firewood. Now that I have His Excellency, the Governor of Borno State, some Senators, and Members of the House of Representatives here, I would rather gather as much fire-woods as I need. So, I would like all of you to accompany the hon. Speaker to his office on the rising of the House to appreciate where we stay, Your Excellency, Sir.

ADJOURNMENT

Leader: Mr Speaker, may I move that this honourable House do now adjourn till Tuesday, the 22nd day of March, 2005 at 10a.m. Thank you.

Mr A.O. Chigbo (Uzo-uwani): Mr Speaker, I have risen to second that Motion. Thank you.

Question put and agreed to.

Resolved: That this honourable House do now adjourn till Tuesday 22nd day of March, 2005 at 10a.m.

Adjourned accordingly at 11.35a.m



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 142

**Tuesday
22nd March, 2005**

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 22nd March, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Deputy Speaker: The Votes and Proceedings No. 63 are now before you. I have gone through them and in my own opinion they are correct. However, I need your comments.

Mr D. Ani (Enugu South I): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our last sitting and I found them to be correct. I, therefore, move for adoption.

Princess E. Ogbu (Udenu): Mr Speaker, Sir, I have risen to second the Motion.

Question put and agreed to.

Votes and Proceedings of 18th March, 2005 accordingly adopted.

ORDER OF THE DAY

**THE ENUGU STATE FEMALE
VIOLATION AND DISCRIMINATION
(PROHIBITION AND ABOLITION)
BILL, NO. 2, 2005**

Deputy Speaker: Honourable Colleagues, you will recall that we have gone through the first reading of the Bill. We have to commence debate on it today.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I move that the Bill be now read a second time. Thank you.

Mr Ani: Mr Speaker, Sir, I rise to second the Motion.

Deputy Leader: Mr Speaker, Sir, this morning, we are going to commence debate on the Bill, Enugu State Female Violation and Discrimination (Prohibition and Abolition) Bill, No. 2, 2005. Mr Speaker, Sir, I would like us to look at the points of all-important Bill in this way. This Bill is primarily intended to address most legally and legitimately some of the traditions, customs and culture that do discriminate against the female folks and in considering this, we would like to examine actually these customs, traditions and or culture that jeopardize liberty of women and infringe violently on the right of women to exist as fellow human beings. Culture is generally accepted as the totality of the people's way of life. and what I mean by totality of people's ways of life is equally sub-divided into two major dimensions. What we call the material and non-material culture. The material culture include how we build or houses, how we

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child of below the ages of 15 years. I am aware that this honourable House will be enacting a Bill that will be called Universal Basic Education Bill. I am sure that by the time the Bill comes into existence that Bill will not only encourage free education from primary School to JSS III but it will be compulsory. A child of that age cannot be said to have finished primary and secondary education.

You will recall that today the nemesis of what our fore-fathers were facing was the inability to give their off-springs befitting education because for me education is the highest investment you can have for an individual or personality. If you have educated that person and more especially when you have educated a woman you have educated a nation. If you educate a man you have educated a person. But when you give qualitative education to a woman you have also educated a nation.

Mr Speaker, Sir, you will also recall that in the present circumstances, available statistics show that women today constitute up to sixty percent of Nigerian population. Again you will equally recall that women are the actual movers in terms of politics and politicking in the country. For us now to turn round and then to give out this girl-child of 15 years into marriage, we will be doing a dis-service to the nation. If we will wait for that girl child to be trained, to have basic education, have investment, have personality and decide on her own, how and why and who to marry, not for us to dictate for them. Such a marriage will be a very life long and wonderful marriage.

Mr Speaker Sir, for us to go further, this Bill equally intends to address the issue of a situation whereby a woman is denied of her liberty to even have her own property or that of the husband. The Bill intends to address this issue because they are legitimate human beings like us. If you come to our educational institutions today, in the primary schools, in the secondary schools, and even in tertiary institutions, you will find that women are about to take over. So for us now to have the issue of tradition or culture that will deny them the liberty to own their own personal property and that of their husband will be wrong to the essence of creation. You will remember that in actual fact there is no life that you consider or define as being superior life to the other life. Life is life.

The very moment we know that life is life is from conception, that very moment that conception has taken place by the fertilization of the egg and sperm. We know that life has started. We cannot say that this is a meager life or a better life; we cannot be in position of taking this life by whichever means or by any other means because we cannot produce life. For the fact that we cannot on our own generate life, why do we now blame God if He decides to protect this life or take this life.

Mr Speaker, Sir, I know that my Colleagues will talk on other ways and other items. I believe primarily that there is also the need for us to appreciate the fact that this Bill is intended to address primarily and principally the issues of female genital mutilation and circumcision. Today, if we should allow

the female genital mutilation, what I mean by that is the removal of the Labia Maijora and as well as the Labia Maijora physically and violently. Then you will find out the physical effect of this as well as the psychological effect of which it can never be digested at that time.

So, I believe that all my Colleagues must have taken up other areas. I recall that in 2001, this honourable House passed a Bill that was very very reminiscent to the hon. Members and the government of the day. This was the Bill on Widow and Widowers. I believe that the Bill is going to be the most sensitive Bill that will address the issue of human beings as a sub-standard and otherwise sub-human beings for you are challenging the creator. I believe equally that when this honourable House must have considered this Bill and given it the due required passage, we will all accept that the government of the day in Enugu State is women friendly. They are women friendly in the threshold of the fact that at least among our Colleagues here in the Assembly, up to four of them are women. I am sure that there is no House of Assembly in the States of the federation that has up to four women as hon. Members in that Assembly. This is an indication of woman friendly of the present administration. So I believe that my Colleagues will go all out to give this Bill the required and due passage. As they do that I beg to take my Seat for others to follow. Thank you, Mr Speaker, Sir.

Deputy Speaker (Mr Atigwe): Thank you the Deputy Leader of the House (Mr Anikwe). We have heard the opinion of the

Deputy Leader. Let me quickly remind you of the provisions of a statement in the Widows and Widowers Fundamental Right Law of 2001, Section 2 clearly stated thus:

Subject to the Marriage Act, Wills Law Administration of Estates Law or indeed any customary law (not repugnant to natural justice, equity and good conscience) a widow/widower shall not be dispossessed upon the death of the husband/wife of any property acquired by the deceased husband/wife (during the deceased husband's/wife's life time) without his/her consent.

That shows you that this is a law protecting widows. I refer you also to the Bill of the Widows and the Widowers, I remember vividly that there is a place where you said that nobody will deny any woman or any widow of the possession of her property in Enugu State.

Let us now hear the opinion of the hon. Member for Enugu South I (Rural) (Mr Anih) on what is happening in his Rural Constituency.

Mr D. Anih: Thank you Mr Speaker Sir, the last speaker has said it all. This Bill does not require much combination of statements or much arguments because it is very clear. All the intentions in this very Bill and its effect are within our society something like giving out our young girls under fifteen years of age into marriage, the forceful removal of a woman from her marital home, as well as dispossessing a woman of the ownership of property or her assets and that of her husband for reasons of not bearing a child and the denial of a woman not to saw seed of yams in her farm.

Mr Speaker, Sir, with all these and all other inputs, I believe that during the period of public hearing of this very Bill, the Human Rights Activists will come up with more facts and more ideas to enrich this very Bill and enhance the governance of the State. The passage of this Bill into law will be an anchor base to the women of Enugu State for the protection of the socio-cultural development and economic rights of our womenfolk and even the protection of other women from ill-treatment as condemned by this very Bill.

However, Mr Speaker, Sir, it is also in the belief that the passage of this Bill into law will be in the good spirit of the country's Constitution more especially if the said Bill is passed into law, it will support Section 17 sub-section 2b of the 1999 Constitution of the Federal Republic of Nigeria which states inter-alia:

In furtherance of the Social Order, the servitude of human persons shall be encouraged and maintained.

In addition, Mr Speaker Sir, in Chapter 4 Section 34 Sub-section 1a of the 1999 Constitution of the Federal Republic of Nigeria with regard to the Fundamental Human Rights states that:

No person shall be subjected to torture or to inhuman or degrading treatment.

Finally, Mr Speaker, Sir, I urge my hon. Colleagues to see the passage of this Bill into Law as a fundamental socio-cultural step forward for the prevention of women discrimination in Enugu State and

Nigeria in general. Thank you Mr Speaker Sir.

Mrs C. Eneh (Udi South): Thank, you Mr Speaker. We have the duty to protect the lives of the people that we represent. Female circumcision has been a major problem especially in the rural areas. I wish to throw more light on the issue of rural women circumcision. Our forefathers in their primitive way thought they will control the sex habit of their daughters through female circumcision. But today it has become a problem and medical experts have proved that that circumcision has affected women badly. And there is no medial reason female circumcision.

And even in the Bible, Genesis Chapter 17 verse 10 state that it is only male children and not females that should be circumcised. I quote:

"This is my covenant with you and your descendants after you. The covenant is to circumcise every male among you. You shall undergo circumcision and it will be part of my covenant".

They said every male and not female. And there was no place in the Bible where females were circumcised.

Mr Speaker, this circumcision has left women with great pains, and also one can lose a lot of blood during the process of circumcision. Mr Speaker, this is the time we should change all these bad traditional practices against women. Mr Speaker, and hon. Colleagues, there is an old saying which says that changing times means changing ways. Why should we continue this female circumcision? Mr Speaker, I

think if the circumcision is done after the age of adolescence many girls would have broken their relationship with their parents and run away. Mr Speaker, by passing this Bill, I believe we are leaving a very good legacy to our children. I think if we are passing this Bill we are not going to stop our tradition but we are going to remove those bad ones. Mr Speaker, if we are waging war against crime why should we continue female circumcision that has caused the death of many girls.

Mr Speaker, we women that wear the shoe know where it pinches us, and what we have been feeling, seeing, bearing, experiencing are too much; let us say no to what is bad. Please, I urge my hon. Colleagues to join me and support this Bill because the female circumcision is doing us more harm than good. Thank you, Mr Speaker.

Leader: Mr Speaker, thank you for giving me the opportunity to identify completely in this very important Bill. As the hon. Member for Udi South (*Mrs Eneh*) observed, I think, although she is not entirely correct because as it pertains to wearing shoe everybody is wearing the shoe including myself. Mr Speaker, I said this because as at now the disease that is trying to engulf this world is HIV/AIDS. And there has been erroneous impression about AIDS that women are wholly responsible and that without women; and that without sexual interaction between men and women there is no way the HIV/AIDS should be around. Although, it is still subject to verification, I am just saying my own opinion, Mr Speaker.

So, to this end, every reasonable human being should try to fight inhumanity to human. So, everybody should conclude that one should have to understand the precarious situation of our female counterparts where it is not of their own making. It is out of ignorance and man's inhumanity to man that that punishment should be inflicted on women. Thank God, the hon. Member for Udi South (*Mr Eneh*) has pointed it out where it was written in the Bible and from the human existence the Bible is the word of God and for us to be men of God we have to go by the content of the Bible, no minus, no plus.

So, Mr Speaker, my happiness when this type of Bill comes up is that it goes further to prove that the hon. Members of this Assembly have sworn to protect the interest of the people who gave us mandate. So, Mr Speaker, I think this Bill should be all encompassing and I am pleading with hon. Members to give this Bill total support because it is going to enhance life that God has already given to us by making sure that the dignity is protected.

However, Mr Speaker, a Bill that is sensitive like this must have an intent and purpose. Why I said an intend and purpose is that as you rightly observed when you were making a comment Mr Speaker, the purpose of this Bill primarily is to protect women that is, female violation and discrimination (Prohibition and Abolition) Bill. Mr Speaker, why I just mention this, if you go to Section 14(b) of this Bill which says and I quote:

“To give out a girl under fifteen years in marriage” and the major sponsor of this Bill has touched on that Section and I am not convinced that that Section should come in here so that it will not be as if the hon. Members are muddling up issues. So, it did mention that although this is supposed to be under separate Bill, that is, U.P.E., the Bill that is yet to be debated. And following the order, Mr Speaker, Section ‘E’, ‘F’ and ‘D’ are talking of widows and widowers Bill. And so, I did remember it vividly that this House had earlier passed a Bill to that effect. For us not to muddle up issues on a Bill that is already in existence, I believe this Section should be treated in a separate cover or if the Bill under reference which you the Speaker had earlier mentioned, I believe that if it had earlier taken care of these Sections I do not actually see the reason why these three sections should come into this Bill.

I think that for this Bill to be very, very meaningful and effective it has to be direct to one useful purpose for which we are trying to address. ... (*Interruptions*).

An hon. Member: It is for general purpose.

Leader: Even if it is for general purposes if there is a law already on the ground on any issue you want to talk, you must have to make references. Because we do not just come here and debate on a Bill and pass it without making references where necessary. So, Mr Speaker, I believe that this could be an error because in section 16 of this Bill, it did say ‘offenders under Section 15(F) and (D)

and I believe it should be 14 and not 15 because we do not have 15(F) and (D) here.

So, on page 4, Mr Speaker, Section 10 I want to talk on a Bill of this sensitive nature as a procedure and the procedure is what we are now deliberating on. When passed by this House and duly assented to it will become a law. In Section 10(2): Appointment Secretary and other staff. In my own opinion I believe that the Committee is free to select the position of the Secretary but in between the line the individual concerned might stain the purpose.

So, I am of the opinion that if the Commissioner in consultation with the Governor they can solely give the Commissioner the opportunity to make the appointment so that this issue of debate and fights of selfish interest will not affect any provision of this Section. It is said: The Secretary shall be appointed by the Commissioner subject to the approval of the Members of the Committee. I think if the Bill wins the approval of the Governor of Enugu State so that whatever comes up in the process of administering, somebody could be held responsible. It is commonly believed that a goat owned by everybody always die of hunger. So, if there is any need for appointment or re-appointment we can see who to hold responsible because everybody is nobody. This is what I mean Mr Speaker.

I am not very comfortable with this provision from Section 12 in Section 12 and I read: *the Commissioner may make regulations for the purpose of carrying out*

or giving effect to its provisions of this law. I believe that this provision as I clearly understand it will not mean amendment to this law. If that is what it means, then it is okay. But if this regulation as is contained there means amendment, I believe that whatever amendment has to go through the Members of this honourable House (*Interruptions*).

Leader: Mr Speaker, the same thing is repeated in Section 8(h): *To make regulations from time to time concerning the issue of violence on female gender and the implementation this law.* So, Mr Speaker, I think that there is no hon. Member who will speak against this Bill because it will go a long way to enhance the life of our youths and the people in general. For those who do not know what the world is all about, just like oil, if you don't keep it well it will all pour away. Like the saying that women are the mothers of the Nation. I think it is right.

So, since the youths are the future leaders they are supposed to be given every support, every protection, every hope, every encouragement so that the society will be sanitized morally, spiritually and otherwise. So, we must give them every protection, every encouragement to have the right to live, to have the right to exist in the society and have the opportunity to contribute to the advancement of mankind and humanity at large. So, Mr Speaker, I thank you for giving me the opportunity to contribute positively to this high impact Bill initiated by my Colleagues. I say Bravo to the hon.

Member who brought up this Bill. Thank you, Mr Speaker.

Mr Speaker: I thank the hon. Leader of the House (*Mr Anichukwu*). You see, we did not interrupt you, we wanted you to exercise your right fully. What we are discussing is merits and demerits of this Bill. We are not going into the body. So, if you want to discuss go into the merits and demerits. During the public hearing the Court will come to help us.

Mr A.C. Nnadi (Igbo-Etiti West): Thank you, Mr Speaker, my hon. Colleagues. I have risen to do a favour to this Bill before this House. I don't intend in my usual manner to recall or repeat what my Colleagues have beautifully presented but I want to introduce a new subject into the discussion which will still favour the same Bill. I want to let us know that we have two constitutions now here on earth. One is in some other place outside the earth and both constitutions did not approve female circumcision. The first is that of nature and that is the Bible as rightly pointed out by the hon. Member for Udi South (*Mrs Eneh*). I would have told her to leave off because she narrowly picked one of the things I would have talked about but all the same I still have to talk about that.

Let me now look at the constitution of nature, that is, the Bible. If you go to Genesis Chapter 1, verse 26, the origin of man. God made man in God's image and God gave man the dominion over the creatures of the sea, the creatures of the earth and the creatures of air but not over man.

And if you still go down in the book of Genesis, Chapter 17 vs 12 like the hon. Member for Udi South (*Mrs Eneh*) pointed out. When God now saw the need for man to make a difference, what God did was to direct Abraham as a legal agreement with God, that all males or every male born into your House, for those of us that are very friendly with Bible, I am giving an assignment when you go home you go through it. And every male born into your House or any of a foreigner that is not your offspring shall be circumcised.

And if you still go down in the book of Genesis, Chapter 17 vs 12 like the hon. Member for Udi South (*Mrs Eneh*) pointed out. When God now saw the need for man to make a difference, what God did was to direct Abraham as a legal agreement with God, that all males or every male born into your house, for those of us that are very friendly with Bible, I am giving an assignment when you go home you go through it. *And every male born into your house or any of a foreigner that is not your offspring shall be circumcised.* The emphasis was not on the female.

I am going to tell you story at the end of my submission. Then, if you still move down, you go to Joshua. When the people of Israel crossed River Jordan through the dried land, their hearts melted. And their was no longer spirit in them. What God did was to direct Joshua to make the flint knives, and circumcise all the males that came out of Egypt. So emphasis was still on males and never on females. And there

is no where in the National Constitution that can be found where they said that females should be circumcised. It is not written anywhere.

So, what I am trying to say, in effect, is that God gave sufficient protection to females; remember that I said before that, I would tell you a story at the end of my submission. So let me just give the summary of my story. Man is not perfect. And that was why to make man perfect, God introduced the idea of circumcision on man. But woman was made out of man. And women is very perfect she does not need any other mutilation or any other thing. This is from the Bible.

So, let me now go to the Constitution of man, the Nigerian Constitution 1999; Section 34(1)(a). In fact, I don't quarrel with the contents of the Bill now before us because the contents of the Bill are very comprehensive. Nothing should be removed, and nothing should be added. But there is a place where I can say one or two things. Go to Section 34(1)(a) Right to Dignity of Human person: *no person shall be subjected to torture or to inhuman or degrading treatment.* It is not talking of either male or female or this. Let us go to Section 42 sub-Section 2: Right to Freedom from Discrimination: *No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.* You can now see that both Laws protected women. Like I said that God gave man the dominion over other creatures. Why should we now take Laws into our hands, to cause a great problem on our opposite sex.

Let me now look at the health implications, which the Leader of this House narrowly touched. We are all aware that one of the causes of this problem is the use of crude instrument and unsterilized instrument. And most of these local practitioners that carried out circumcision process lack the knowledge of sterilizing instruments. They just use it as they like. They may even try to cause more trouble by trying to sharpen their instrument with another crude instrument and thereby creating more problems. Apart from that, we still have some other problems that can be got from that.

I still want to tell you that I was a victim of what this honourable House is looking at now. In 1982 I lost a dear sister in circumcision. The girl died two days after the circumcision. And because I was not in a position to look at that matter then, I was so small and too tender. I just allowed it to go that way. But now, God has given me the opportunity, that is why I say that this Bill came at the time it is most appropriate. And I thank the Almighty God for giving me this opportunity to be a Member of this Legislative House, that had been looking at this Bill. And I therefore say, Mr Speaker Sir, that this Bill does not require long argument or long debate, because of the fact that the whole thing have been embedded in both the natural and the artificial Constitutions. With this Mr Speaker, I beg to rest my case. Thank you.

Deputy Speaker: I thank very much, the hon. Member for Igboetiti West (*Mr Nnadi*). You see, in this law we are talking

of whether you are perfect or not, if you are the best surgeon, do not take part in female circumcision. Do you know what the law says? If you have the best material to perform it the law says don't. This is what we are saying.

Princess E. Ogbu (Udenu): Mr Speaker Sir, today is a very wonderful day for the people of Enugu State because of this very important Bill before us. Though, God said that males should be circumcised, in the other way round because it beautified their own. On the other hand God circumcised the woman because he made the whole thing to be shapely. I advise the women not only in Enugu State, but I think for the entire world, to try to make a research on this very particular issue. I discovered that this very particular female circumcision here came as a result of selfish interest of a particular man, who some times felt that by doing this to a woman the woman will never have interest to look at another man, without even going back through his brain that sometimes in life this woman will get married, and need to love a man.

So, in this very case, I am very grateful to God for being part of this very important Bill. And I would appreciate the whole thing in this Bill being passed all together, because we women we have been discriminated against, oppressed and so dominated. If we listened to what my Colleague began with; he commented on the domineering issue, that was at the beginning of creation, and I think of this, when we started being under in such a way that we have come to this extent, that we are maltreated.

I also want to point out where this Bill is going with a very good plan with the work of the Government of Enugu State. I am only trying to give example of how the Governor of this very State is supporting the women. If we watch, most women of this State are very much interested in supporting the Government just because we know that this Government is taking good care of us.

Finally, I want to tell you Mr Speaker and my fellow hon. Colleagues that supporting the passage of this very Bill is very, very necessary for the women folk. Thank you Mr Speaker.

Mrs E. Ezeugwu (Igbo-Eze South): Mr Speaker, Sir, I have risen from my seat to support this Bill, because a lot of women have been suffering from the hazards of circumcision. It causes bleeding which results to death during child birth, it causes other complications which also can result to the affected woman passing faeces through the vaginal instead of the anus.

I am fully in support of this Bill believing that the passage will bring to an end these ugly hazards and violence against women folk. I therefore plead with my fellow Colleagues to support its passage. Thank you.

Mr Speaker: I thank the hon. Member for Igbo-Eze South (*Mrs Ezeugwu*). We have heard from Udi South Constituency (*Mrs Eneh*) and Udeni (*Mrs Ogbu*), all going towards the eradication of women circumcision.

Mrs E.I. Nnamani (Isi-Uzo): Mr Speaker, Sir, fellow hon. Members, I thank you all very much. I thank the Sponsors of this Bill, especially my Colleague the hon. Member for Udi South (*Mrs Eneh*). I thank all the hon. Members that have contributed because all of them contributed very well. I thank God specially for my very self because I did not know that I will one day be here.

I have been waging war against this women circumcision for a very long time in the rural areas. and by the help of the Executive Governor of this State Dr Chimaroke Ogbornia Nnamani, I have followed to conduct workshops and seminars on this very issue in various local governments and also with WACOL. I did not have that opportunity to stand to speak for its passage into law except today; so I thank God for that.

As we know, women have been suffering under this problem for a long time because of old and ancient methods through our fore-fathers. We have seen that the modern world do not even recognize this method because it is harmful to we women and especially the young girls. This female circumcision is causing a very big problem and we are now begging that we should go by a major cleansing to preach to our immediate ones who do not even know what is happening. They do not know that this causes a very big problem to them in the future. Some women have died during childbirth as a result of this women circumcision. However, the hon. Member for Udi South (*Mrs Eneh*) has said it all both in the

scripture and we all heard what our other Colleagues said, so there is no need to start repeating ourselves, but we all know that this practice is not good for us. If we can stop this, it will help the younger ones and the future generations. Mr Speaker, fellow hon. Colleagues, I thank you very much for supporting this Bill.

Leader: Mr Speaker, I can see that all the women hon. Members have spoken; in spite of that, may I now move that further debate on this Bill be deferred to a later date to be determined by the Rules and Business Committee of this honourable House. Thank you.

Mr E.C. Maduabu (Awgu South): Mr Speaker, I am very glad for the stepping down further debate on this very important Bill so that when next we meet, we shall give it a step. On that note, I second the Motion as moved by the Leader. Thank you.

Question put and agreed to.

Further debate on Bill No. 2 2005 accordingly deferred.

ANNOUNCEMENT

Meeting

Mr Speaker: There will be meeting of Joint Committee on Health, Judiciary, Public Petition, Ethics and Privileges today. The venue is Chairman's office, Room 14, on the rising of the House.

ADJOURNMENT

Leader: Mr Speaker Sir, may I move that the House do now adjourn till Thursday, 24th March, 2005 at 10a.m.

Mrs C. Eneh: Mr Speaker Sir, I rise to second the Motion.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday 24th March, 2005, at 10a.m.

Adjourned accordingly at 11.25a.m.



**ENUGU STATE OF NIGERIA
PROCEEDINGS**

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 143

**Thursday
24th March, 2005**

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the correction must be received at the Editor's Room, House of Assembly

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 24th March, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, our Votes and Proceedings of Tuesday, 22nd March, 2005 is before the House. I have gone through them and found them to be correct. However, I call for your comments. Thank you.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have observed that our Votes and Proceedings of Tuesday 22nd March, 2005, as in your absence, is accurate and correct.

Mr Speaker: I thank the Deputy Leader. The Deputy Speaker (*Mr Anikwe*) had the mandate of the hon. Speaker to preside. I believe that all he did was correct as far as I am concerned.

Deputy Leader: Mr Speaker, Sir, when somebody is physically absent, he cannot say that something that took place in his absence is not correct.

Mr Speaker: There is a difference between a Member being absent and the hon. Speaker being absent. The moment the hon. Speaker is absent, somebody must preside and the person must have the mandate of the hon. Speaker. That person

presiding must be acting on the full capacity of the hon Speaker and based on that the person has the full authority to preside.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I know that the Deputy Speaker that took over, did not get your mandate. He is not supposed to get your mandate. It is constitutionally legal for him to preside in the absence of Mr Speaker.

Mr Speaker: No! No! Before ever I traveled out, I told the Deputy Speaker that he is going to preside at the days sitting.

Deputy Leader: Mr Speaker, Sir, I have gone through our Votes and Proceedings of Tuesday, 22nd March, 2005 and found them to be correct. I therefore move for the adoption. Thank you, Sir.

Mr C. Ene (Udi South): Mr Speaker, Sir, I have risen to second the Motion for the adoption of our Votes and Proceedings of Tuesday 22nd March, 2005. Thank you, Sir.

Question put and agreed to.

Votes and Proceedings of Tuesday 22nd March, 2005 accordingly adopted.

ORDER OF THE DAY**THE ANNUAL ACCOUNTS OF THE
GOVERNMENT OF ENUGU STATE
FOR THE YEAR ENDED 31ST
DECEMBER, 1996, TOGETHER
WITH THE FINANCIAL
STATEMENTS OF THE AUDITOR-
GENERAL THEREON**

Mr Speaker: Honourable Colleagues, I received this document from the Auditor-General of Enugu State and it reads:

The submission of the Auditor-General's Report on the Enugu State Annual Account for 1996 and Financial Statement as at 31st December, 1996 to the Enugu State House of Assembly. In accordance with Section 125 sub-section (v) of the Constitution of the Federal Republic of Nigeria, I hereby submit my Report on the Annual Accounts of Enugu State 1996 and the Financial Statement as at 31st December, 1996 for the consideration of this honourable House.

Mr J.C. Obidinma (Oji River): Mr Speaker, Sir, we do not have copies of this Annual Account from the Auditor-General.

Mr Speaker: Honourable Colleagues, I sincerely believe that the Annual Report is not supposed to go round the 24 hon. Members. If you look at the Constitution of the Federal Republic of Nigeria 1999, Section 125 sub-section (v), it is very very clear.

Several hon. Members: What does that Section of the Constitution say?

Mr Speaker: For thorough job and to ensure full participation of every hon.

Member of this honourable House, what the hon. Member for Oji River (*Mr Obidinma*) said is correct. We have to look into it. Let us not talk about that again. Based on the above, we refer this Annual Accounts to the House Committee on Public Accounts. This is very simple. For the purpose of carrying everybody along, we are going to make copies for distribution to every hon. Member.

Deputy Leader (Mr Anikwe): Observation; Mr Speaker, Sir.

Mr Speaker: What is your observation?

Deputy Leader: Mr Speaker, Sir, you have just pointed out correctly because the Rule of the House states that before a Report is said to be adopted by the House, Members of the House must have gotten a copy of such Report. It is only after the adoption by the House that the hon Speaker now has the powers to refer it to the appropriate Committee. Apart from these facts, you know also that this is a very important financial document. I believe that the best thing that is appropriate for us now is to first accept the Annual Accounts. We will like to be briefed correctly on the Annual Accounts because by 1996 there was no House of Assembly. If we are appropriately briefed, we will not be making mistakes. I believe that the most appropriate thing is for us to adopt the Annual Account pending further clarifications on our legislative powers to adopt the Annual Accounts as audited by the Auditor-General.

Mr Speaker: Okay! Can I say something? I am aware that most often when the message from His Excellency, the Governor of Enugu State comes it is not

distributed to the hon. Members before we begin its consideration. *(Interruptions)*. Order! I think that what we will do is to first of all accept the document before the House. I think that the best thing we can do at this point in time is to receive the document because this is a working document. We also have to refer to the Rules and Constitution of the Federal Republic of Nigeria 1999 Section 125 sub-section (v) and I read:

The Auditor-General for a State shall within ninety days of receipt of the Accountant-General's financial statement and annual accounts of the State, submit his report to the House of Assembly of the State and the House shall cause the report to be considered by a Committee of the House responsible for public accounts.

Deputy Leader: Mr Speaker, see the implication there, I am happy you read the Section of the Constitution which says *within ninety days and shall submit annual accounts*. You cannot say that 31st December, 1996 is an annual account to be adopted by 2005. What we are saying is that there is contradiction. We need to have more clarification. We do not receive government document like that; it does not amount to that. I am saying that we should seek for more clarification.

Mr Speaker: O.K! The Leader of the House wants to explain more.

Leader (Mr Anichukwu): Mr Speaker, I think that there is a formal procedure by which Messages come here and are treated. I believe that whenever a Message comes here it has to be accepted first. It is an acceptance, unless the Deputy Leader (Mr

Anikwe) is suggesting that the Message should be thrown away. It is an acceptance and after the acceptance, then debate will continue on it.

Deputy Leader: I do not know whether the hon. Leader appreciated what I am saying. What we are asking is: has this House the legitimate right to accept a document of 1996?

Mr Speaker: Yes, of course we have. *(Interruptions)*.

Deputy Leader: As annual accounts?

Mr Speaker: The Deputy Leader should please sit down. As far as I am concerned, this House of Assembly has the right to look into documents as far back as it concerns Enugu State whether it was 1994, 1884, as far as Enugu State is concerned and as far as it is a working document.

Deputy Leader: Question! Mr Speaker, please that Section 5 of 125 says *within ninety days an annual account*. In your own consideration, do you think that this is an annual account within ninety days?

Mr Speaker: O.K. Let me tell the Deputy Leader something, if he read that document very well, the Section says that *the Auditor-General should submit to the House within ninety days of receipt of the Accountant-General's financial statement and annual account of the State*. So, I am sure that the Auditor-General is trying to comply with that Section of the Constitution; that is why he is bringing it now.

Mr M.N. Onyeze (Igbo-Eze North I): Mr Speaker, I feel that this is a very vital document. It is about financial accounts; all the Members should have the full knowledge of the content so as to make their contributions, the observation is not left for the House Committee alone. *(Interruptions)*.

Mr Speaker: Information! Just information! You see, you people are just trying to jump the gun; you are jumping the gun. We are not adopting this for Christ sake; we are not adopting the document, the idea of reading this document is just for us to look into it. And this is why we have to bring it into the Order Paper so that I will read it before the House. ... *(Interruptions)*.

Please excuse me. The Deputy Leader should let us not confuse ourselves. The mere fact that we accept the document for consideration does not necessary mean that we have adopted the Report of the Auditor-General of the State. *(Interruptions)*.

Mr J. Obidinma (Oji River): Mr Speaker, it has to be committed to the House Committee on Public Accounts. We must accept it before committing it to the House Committee on Public Accounts. ... *(Interruptions)*

Mr Speaker: The hon. Member for Oji River (*Mr Obidinma*) should understand that we have to comply with the Constitutional Provision. I did not prepare this document, I saw it and they quoted the Section. What I am saying is that we ought to agree that this is going to be our working document. It is the duty of the House Committee on Public Accounts because

they are going to report back to the House their findings. ... *(Interruptions)*

Mr Obidinma: No! No!

Mr Speaker: The hon. Member for Oji River (*Mr Obidinma*) can say *no* or *yes* but by the time they might have reported back he will be fully armed.

Mr Obidinma: How are we going to be fully armed?

Mr Speaker: I said, you are going to have the copies of the documents.

Chief Whip (*Mr Odo*): Mr Speaker, I want to agree with the fact that it is possible that we can accept the document even without statement and make our contributions thereafter when it would have been circulated. But what I will like to seek clarification is what is spectacular about 1996 being a constitutional provision on something that ordinarily have to be done annually? How come about 1996? ... *(Interruptions)*

Mr Speaker: Please, just wait. I think I agree with the Chief Whip because if somebody said that we should not discuss this matter until it is distributed, I will say it is all correct. but the point he is trying to make now is that *how I wish that this document says 1996 to date*. ... *(Interruptions)*

Order! Order! Honourable Colleagues, let us not over-flog this issue. As I believe that they said annual account, the Constitution as far as I am concerned did not say that it must be that year. They said annual accounts, and I still believe that what we do is that we should treat these

things as they come. If by the end of today they say that they are bringing annual account for 1999, 2001, 2002, 2003 we can still treat them and go ahead. I believe that that was the reason because I know that during the military era these things were not in place. They were not doing it because they have no cause to report to anybody. It is because of democracy that we now try to observe Constitutional provision.

Deputy Leader: Further observation! If you can understand me clearly, I am pretty sure that by 1996 the present administration was never in government; it was under military era and for us now to adopt annual accounts of the military era without further clarification is an aberration of the hon. Members. ... *(Interruptions)*.

Mr Speaker: I do not know why the Deputy Leader is confusing himself. We are not adopting the report ... *(Interruptions)*

Deputy Leader: No! No! We are not even accepting it without further clarification. The military era has its accounts audited and given to us and we are hon. Members elected and we are going to accept military accounts of 1996.

Mr Speaker: I wonder! I wonder! I think it is very funny to hear this kind of a thing, because we have been working on the Edict prepared by the military and nobody has said *no* and the Deputy Leader never raised any argument that these Edicts were made by the Military Government and that there was no way we should observe it and we have been observing Edicts made by the Military Government.

Mr C. Ugwu (Enugu East II): Mr Speaker, this is a very simple matter. It is a document before the House. What we are going to do is first of all accept it as a working document and commit it to the Public Accounts-Committee. It is the duty of the Committee to circulate it to its Members and the Members of the House and other things will follow, may be debate or discussion will be later. Mr Speaker, I move for the acceptance of the document as working document for the House.

Mr Speaker: So, let the document first of all go to the Table.

Mr F. Amu (Nsukka East): Mr Speaker, I have risen to second the Motion that the document be accepted for consideration. Thank you.

Question put and agreed to:

The Report accordingly accepted for consideration.

Mr Speaker: The Report from the Auditor-General subject to Section 125 sub-section 5 of 1999 Constitution of this country is now referred to the House Committee of Public Accounts for detailed auditing. I would like the Chairman to liaise with the Clerk of the House to make copies of this Report available to every Member so that any doubt can be forwarded to the Committee to enable it do a good job. Because of the nature and financial involvement, we can allow the Committee, may be, six weeks to report back.

ANNOUNCEMENT**Appreciation**

Mr Speaker: Honourable Colleagues, I wish to express my happiness to this honourable House, especially to the Deputy Speaker for the able way and manner the previous proceedings took place. I was briefed and I saw it on the television. I am elevated and I am very happy and I say: *more grease to your elbows*. I thank you for such co-operation. When I was watching the television I saw everybody that was present and the way and manner they spoke. Let us hope that we continue to increase from strength to strength. Thank you very much and may God continue to bless all of us.

Meeting

We will meet in my office on the rising of the House. This might be our last sitting before the Easter celebration. I wish to express my happiness first of all to Almighty God for keeping us alive till today. And also I thank every one of you for the way and manner we have been working like brothers and sisters up till today and I do hope that Almighty God will keep us and provide all the logistics that is needed to make everybody happy. At this juncture I wish you a very wonderful Easter celebration.

Wedding

You are aware that one of our Colleagues will be wedding on Easter Monday, 28th March, 2005, that is this month. Please, let us regard this wedding as our wedding; let us play our role to ensure the success of this wedding.

More importantly, we are expecting our Colleagues from other States and we have to make sure that we give them the best we can to make them feel happy. I am aware that there is a Committee of Friends, but we will go beyond the level of Committee of Friends. We have to be more committed to ensure the success of this wedding.

Thank you and God bless you.

ADJOURNMENT

Leader: Mr Speaker, may I now move that this House do now adjourn till Thursday the 7th day of April, 2005 at 10a.m.

Deputy Leader (Mr Anikwe): Mr Speaker, I have risen to second the Motion as moved by the hon. Leader of the House.

Question put and agreed to.

Resolved: That this House do now adjourn till Thursday 7th April, 2005 at 10a.m.

Adjourned accordingly at 12.27p.m



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 144

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Finnish State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 7th April, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, our Votes and Proceedings No. 65 of 24th March, 2005 are before us. I have gone through them and found them to be correct. However, I call for your comments.

Deputy Leader (Mr Anikwe): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our last sitting and to the best of my knowledge they are actually correct recordings of the proceedings of our last sitting. I, therefore, move for the adoption. Thank you.

Mr D. A. Anih (Enugu South I): Mr Speaker, Sir, I have risen to second that Motion.

Question put and agreed to.

Votes and Proceedings No. 65 of 24th March, 2005 accordingly adopted.

ORDERS OF THE DAY

Report from the Rules and Business Committee on the Review of the Anambra State Standing Orders 1980, Adopted by the Enugu State House of Assembly.

Leader: Mr Speaker, Report from Rules and Business Committee on the Review of the Standing Orders of old Anambra State House of Assembly, 1980, adopted by the Enugu State House of Assembly.

The Rules and Business Committee was mandated by the House on Thursday 9th October, 2003 to review the Standing Orders of the old Anambra State House of Assembly, 1980, adopted by the House.

The Committee brainstormed and made some additions and deleted some Rules, after critically going through the work.

Mr Speaker, Sir, please find attached, our detailed Report on the subject matter.

We must say however, that the work was very rewarding and challenging. Also the Committee wants to use this medium to express our unalloyed gratitude to the House for this wonderful opportunity to render services to our State. We are equally grateful to the Speaker for providing us this opportunity to do this very important work and the entire staff of this House including the Clerk and his colleagues, and all those who contributed in many ways in making sure that this Report is now before this honourable House for consideration. Thank you.

Deputy Leader: Mr Speaker, I have risen to move that the Report from the House Committee on Rules and Business on the Standing Orders of this honourable House just presented to the House by the Leader be accepted for study and possible passage on a later date to be determined by the Rules and Business Committee of the House. Thank you.

Mr C.O. Enebe (Awgu North): Mr Speaker, I have risen to second that Motion as moved by the Deputy leader.

Question put and agreed to.

Report from Committee on Rules and Business on the Review of the old Anambra State Standing Orders 1980, adopted by the House accordingly accepted for consideration on a later date.

THE ENUGU STATE HEALTH DELIVERY SYSTEM BILL NO. 1, 2005

A Bill to provide for Health Services Delivery, Establishment and Management of Enugu State District Health System, the Registration and Inspection of Health Institutions and other matters connected therewith.

ORDER FOR SECOND READING READ

Leader (Mr Anichukwu): Mr Speaker Sir, I have risen to open debate on this Bill. The Bill was earlier stepped down on the ground that the documents quoted must be attached and I am happy members had enough time to compare and contrast. Just

as chapter sixty three of the Bill under reference for the filling because it talked about pounds, shillings and pence. That was 1963 immediately after Independence. And the second and third Bill just talking about edict which under democratic set up should not be. So, Mr Speaker, this Bill seeks to extend for us to establish because the state government has already carried out effective programmes on health care delivery to the door step of everyone in Enugu State. And this Bill principally seeks to establish a district health system which simply means a health system established to provide for health care services in the state and at the same time, the establishment of health system authority. It is one thing to make a policy and another to ensure it is executed.

So, Mr Speaker, Sir, the prospects attached to it cannot be over-emphasised because when you talk of health district, it means that anywhere in the part of the state is entitled to health care delivery and health care services. Not only that the health system is being established, it will also be evenly distributed at all the three political zones of the state. It is not centralized at the urban areas because great majority of the populace live in the rural areas. So it will be established in the old seventeen local governments and area of coverage has been well designed that you can only go to the next available health centre in your locality and obtain services.

Mr Speaker, Sir, also one good thing about this Bill is that the initial management of the health system is actually drawn from those who are already in the system because the established units

is not the issue but the cost implications of running it. So, at the initial stage, all the health personnel in Enugu State Health Management System (Ministry of Health) will initially man this district because when there is a newly established something, it needs experienced hands to ensure that the aims and objectives are being followed.

Mr Speaker, when you talk of the financial implication of how it is going to be run, you see that it is almost cost free and government that is already loaded with developmental activities in the State because if you check Section 22(4)(c) you will see that there is going to be set up plans and programmes, a kind of self-sustaining system where there is supervision laid already. You know health system is very expensive anywhere in the world and in this State for the programme to be very effective this section has just outlined the avenues through which the system will be sustained.

You know that there are many people who love health who can on their own in addition to the attractions or other donor agencies who will be willing to facilitate health services. There are individuals who are still willing to do whatever they can to make sure that the lives of the people through the programmes of the state is carried forward. Mr Speaker, if you see page 14(2)(c), because when a system is established and it is going to be very effective we have to itemise the rules because this time around, the users will have their right and the practitioners will have their right because I remember that this House sometime ago did pass the Bill on HIV/AIDS infected and affected. The

primary aim of that Bill was to make sure that nobody should be denied treatment on health status.

I do not know whether everybody in the State understands that this thing was not mainly made for U.N.T.H., Park Lane hospital or other government hospitals. Even under this district health system it is stated so that if you are in the village and you are sick, you are entitled to take health care delivery, free from discrimination at any level. So, Mr Speaker, although any programme being implemented must have a lot of advantages, I like when we talk of employment like I did say, the initial manpower in the State is drawn from the already existing Ministry but that notwithstanding, there is an opportunity created in this Bill so that some of our people who have gotten the health care training at various levels will be accommodated because invariably the initial manpower cannot cover all these.

So, there is a provision that at least three persons will be drawn from each community which the Health Centre Services covers. In which case some of our men and women in the state who have acquired special professional training in health care will be given the opportunity to serve the nation at a reasonable capacity. If you get to Section 14, you will see the function of the authority, I mean the aims and objectives. At page 8, Section 14 this is where you have the objectives of the authority. This Bill has actually taken care of the basic needs of not only our rural communities but also those of the people resident in the urban cities.

Mr Speaker: Excuse me, did the Leader say Section 14?

Leader: Mr Speaker, Sir, I mean Section 15 as reflected in my own copy. Excuse me, Mr Speaker kindly allow me to take a better look. Sorry Mr Speaker Sir, this Bill is a little bit voluminous. I am sorry if I have given wrong information that has misled the House. So, Mr Speaker, that is where you will get the aims and objectives. I do not think that there is time for us to go through them one after the other except when we have need to make reference. The most important thing is to make sure that no policy of this nature can take place without having the aims and objectives, although I am convinced that by now my hon. Colleagues have gone through the Bill and also have seen the prospects attached to the Bill. What is left for the House is to make our contributions towards making sure that Enugu State enjoys effective health care delivery through this well articulated programmes of Enugu State government.

This is why I am urging my hon. Colleagues to please give this Bill a positive attention and accelerated consideration, so that sooner or later this House will once again have their names written in gold through the lips of the people we represent for giving this Bill a favourable passage. So that, once again, we normally say in Enugu State to God be the Glory. Thank you, Mr Speaker.

Deputy Leader (Mr Anikwe): Thank you, Mr Speaker Sir, I have risen to make my own contributions to the Bill just before the House. Mr Speaker Sir, you will

underscore the over riding essence of this Bill when one appreciates the fact that there is nothing to compare with life. There is nothing to compare with health. The over riding general belief is that health is wealth. When we say that health is wealth we mean a collective aspect of health system, a functional health system in place, a practical health system in place, a health system that will originate from the grass root to the local government areas and from there up to the States. This is the intendment of this Bill.

This Bill is primarily intended to decentralize the management and otherwise of our health institutions, from what it used to be originally. We had three Bills that this current Bill is seeking to repeal. We appreciate the fact that most of these Bills have become obsolete, anachronistic and austere, in the sense that one man will be at the State managing a health institution. For instance, I can mention of a place, if you allow me, Mr Speaker to mention it. Some places like Okpanku or some places like Ogulogu Olo in Ezeagu Local Government Area.

You can underscore how a health system that is haphazardly done or that is hijacked at the State level can be in a better position to appreciate the need and facts of the people. So Mr Speaker, Sir, this Bill is intended to make it possible: if for instance there is the possibility of establishing a District Health Institution and Services at the grass root level. It simply means if drugs are to be shifted to this Enugu State there will be somebody that should be accountable, and there will be somebody

that will be in position of managing those drugs.

The era of leaving most of our doctors that are now diverting most of the health facilities to their private clinics will come to an end with the establishment of this Bill. There are members of the communities who are automatically members of this Health District centers who will now be accountable for all these health facilities and amenities that have been coming to them. We should understand also the need for our Cottage Hospitals that today we have some of them very epileptic in terms of services and what-so-ever. You could be seeing these drugs already existing on paper at the State levels but not shifted to these areas. When you come to practical aspect, you will not see any of these drugs. What must have happened to them, if you go further you will underscore that most of the people that we call the state officers or this and that have actually diverted the drugs to their own personal use.

Also Mr Speaker, if you go down to the general merits and demerits of the Bill, and we now go down also to the actual of this Bill, you will have a kind of managerial system and an advent of financial system management. There you can now talk of if forty million naira is voted for any Health Institution or for any District Health Establishment there will not be close monitoring of both the release, the implementation, and otherwise of such funds. So the issue will not be that the government has budgeted several millions and released such things without them

coming down to the areas they were meant to serve.

Mr Speaker, Sir, by the time we go into the details of the various Sections of the Bill and other things, one may have the opportunity to talk on the areas of Local Government and Community participation in these Health Establishments.

So, Mr Speaker, also by the time we go into the details of the Sections and other things where you have the area of Local Governments and Communities' participations in this establishment, it is only talking primarily that there should be a co-operative; a consolidative; a collaborative relationship; action and management among the communities, the local governments and the State. And that it is also implied that if our health institutions have connived or are being affected in one reason or the other the same co-operative, collaborative and consolidative arrangement will equally handle such dilapidation or something like that.

Mr Speaker, I think this Bill intends to close-up the lacuna in our health institutions and hazards and what I called the 'Jumbo Limbo' of our health system before and that is what this Bill is trying to close-up and block. so that we have a centralized system that will be self-accounting; that will be self-determined; that will be co-operative so that we should have such kind of joining force, that is, the joining force among the communities, local governments and State so that they will be seeing themselves as partners in progress in our health institutions. It is on the strength of this, Mr Speaker, that I call on my hon.

Colleagues to give this Bill the desired passage and consideration at the appropriate time. Thank you, Mr Speaker.

Leader (Mr Anichukwu): Mr Speaker, hon. Colleagues, may I move at this juncture that further debate on this very important Bill be deferred to a later date to be determined by the House Committee on Rules and Business. Thank you.

Deputy Leader: Mr Speaker, I stand to second the Motion as moved by the hon. Leader of this House.

Question put and agreed to.

ANNOUNCEMENT

Visit

Mr Speaker: The House Committee on Youths and Sports will visit Rangers Management Corporation on Wednesday, 13th April, 2005 by 10a.m. and also the Committee will visit Ministry of Youths and Sports on the same day at 2p.m. Take-off venue is at the Enugu State House of Assembly, Independence Layout, Enugu, this was signed by the Chairman of the Committee on Youths and Sports.

Meeting

We meet on the rising of the House in my office.

Welcome

I wish to welcome you back from your Easter Break. I do hope that all of us will take the business of the House very

seriously. I welcome you back and I wish you very beautiful and successfully deliberations since we have resumed today. We have a lot of assignments which are lying in the House and without your co-operation we may find it difficult to get all those assignments sorted out. So, I once more appeal for your co-operation. Thank you.

ADJOURNMENT

Leader: Mr Speaker, my hon. Members, may I move that this House do now adjourn till Tuesday, 12th April, 2005 at 10a.m.

Chief Whip (Mr Odo): Mr Speaker, I have risen to second the Motion for Adjournment as moved by the Leader of this House and in doing same, I wish to sincerely thank the Speaker, the Members of the Enugu State House of Assembly, the Clerk of the House, the Clerks-at-Table and the entire staff of the Assembly more especially the Protocol Unit of this House for the way and manner they have supported, honoured and graced my wedding that was conducted on Monday, 28th March, 2005. I want to thank everyone of you for the way you really assisted and not just to attend but the support and co-operation you have given me and the people that have come from outside and within Enugu State. Thank you, very much.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 12th April, 2005 at 10a.m. prompt.

Adjourned accordingly at 1.43p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 150

**Thursday
28th April, 2005**

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No proofs of Daily Reports can be supplied. Corrections, which Members suggest for the next Session and Volume, should be clearly marked in the Daily Report, but not telephoned to the Editor. The copy containing the corrections must be received at the Editor's Room, House of Assembly

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 28th April, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

APPROVAL OF VOTES AND
PROCEEDINGS

Mr Speaker: Honourable Colleagues, we have before us, our Votes and Proceedings No. 71, dated Tuesday 26th April, 2005. I have gone through them and found them to be correct. However, I call for your comments.

Leader (Mr Anichukwu): Mr Speaker, I have gone through the Votes and Proceedings of Tuesday, 26th April, 2005. I wish to draw the attention of Mr Speaker to the Votes and Proceedings and want some corrections to be made.

Mr Speaker, when the House had resolved itself into a Committee of the Whole House to consider a Report of a Committee which had the mandate of Mr Speaker to review a Bill or something of that nature, I think that if any amendment is made, I do not believe that it is proper that any individual should be credited to the amendment because the Committee work is a collective responsibility.

If you check through page 2 of the amendments proposed, it was credited to an individual. If you go to page 5, the amendment bears the name of my good friend and the hon. Member for Igboetiti West (*Mr Nnadi*). I will not be surprised if he gets up and says that he did not make that comment. So, I think that this is a vital issue that has to be treated once and for all so that if there is any consideration in a Committee, no individual should be credited as having done that.

Mr Speaker: Does the hon. Member for Igboetiti West (*Mr Nnadi*) know what the Leader is talking about?

Mr A.Nnadi (Igbo Etiti West): I do not know, Sir.

Mr Speaker: Just get back to page 5 of the votes and proceedings, the long Title, where it says: *amendment proposed after the word and to delete the word other matters connected therewith and word insert the words for the matters connected with the foregoing.*

Then, it was credited to the hon. member for, Igbo Etiti West (*Mr Nnadi*) as somebody who made the amendment. Did the Chief Whip (*Mr Odo*) see what I am talking about? Have you all seen what I am talking about and what are your views about it? His contention is that if a bill is sent to a Committee, the Committee will be reporting out, not an individual. There is no way one can spread the amendments across the members of the Committee. It is

acceptable. That is what the leader (*Mr Anichukwu*) is saying and it is correct by me. Probably the person in question does not know that such a thing was credited to him. You do not do it just because you want to spread it across the board. What we do in a situation like that, is that whatever amendment that was made by the Committee should be credited to the Committee.

Chief Whip (*Mr Odo*): Let me observe something. I think that your observation is in order, but what I am saying is that there is nothing wrong, if somebody proposed and his name appears, it does not follow.

Mr Speaker: How do you determine who said something and who did not say something? Like the hon. Member for Udi South (*Mrs Eneh*) said: that even the name of the Member for Udi North (*Mr Njeze*) that appeared here, never showed up in what they did. Now how come that his name appeared as having proposed an amendment?

Chief Whip: I think the whole thing is lopsided in a way. They are reporting it as if is a Report from the Committee. This is Votes and Proceedings of the House, so even if the Committee had made some amendments while sitting, that thing should come as a proceeding of the meeting of that Committee and should not even be reflected in the Votes and Proceedings.

So, what is reflecting here is the amendment as it is formed as at the time the House was in a General Session. What I am saying is that if the House is in a Committee of the Whole House, and in the course of examining the Bill, somebody puts up an amendment, that is when it should now come up in the Votes and Proceedings.

Mr Speaker: That is what I am saying! But in this case, from what I discovered, they just shared the amendments proposed at the Committee level across all the Members of the Committee.

Chief Whip: Even if that is true, the amendments made should not appear in the Committee of the Whole House. The Committee will then present it as a Report duly signed and distributed, after which it is assumed that the Committee had handed over the Report to the entire House. So, in examining it, the Report that should come under the Votes and Proceedings should be the Report made as at the time of considering the Bill.

Mr Speaker: What the Member for Igbo Etiti East (*Mr Odo*) is saying is correct and what personally I am saying is that at the time the Committee's report was sent to the House, it is still the Committee's report. The moment it is accepted by the House, it is now the document at the House. It is no longer the Committee's document. If there is a contrary view of anybody proposing an amendment, at that point in time, his

name should appear as the person who proposed that amendment. Not when the Committee sends in their recommendations to the House, then the amendments made by the committee their own level will now be distributed among the Members of the Committee on the Floor of the House.

Deputy Leader (Mr Anikwe): Mr Speaker, I believe what you observed, to a great extent, is in order and if you look at the other side, the person that made the Votes and Proceedings was trying to say for instance ... The House of Assembly of Enugu State could not appear, as a name that amend it. May be they are trying to suggest here that somebody must have suggested for an amendment. So what they are saying here is that since a Committee was assigned to that job and after a thorough job, a report was made unanimously, and then when the Bill was being treated, it was being treated along side with the Report and then in that Report, no individual was singled out as having suggested an amendment in any of the Sections. That is the contention that is confronting us.

At this point in time, my contribution is that since the writer is now trying to assign these observable amendments in the original Bill as contained in the Committee's Report to somebody, to find out whether it is correct or not. I believe that these amendments are observed as carried out by the House and then it is trying to say now that

somebody can be initialed as having suggested that idea.

Mr Speaker: Please, for Christ sake, I do not agree on the issue of taking amendment across the board. Let me tell you why: tomorrow somebody could go to court and somebody at that point in time who is quoted to have made contributions could be called upon to defend that particular statement; when the person is called upon and he does not know what to do, I do not know how we are going to follow it.

Deputy Leader (Mr Anikwe): Mr Speaker Sir, I suggest at this point in time that we delete the names attached in all these Sections and we have it as amendments carried out by the House. I am moving that in the Votes and Proceedings all the names attached, as having suggested for these amendments, be deleted and then let it appear as having been explicitly and unanimously done by the Committee of the House.

Mr Speaker: Honourable Colleagues, again, at that Committee there was no place were the Committee reported that an hon. Member said this or that. So we cannot associate ourselves to what we do not know. A day or two days ago the Chairman of the Committee presented the Report and that was what we are working on.

Mr M. Onyeze (Igbo Eze North I): Mr Speaker, Sir, I beg to Second the Motion.

Question that all those names that appeared as those that proposed the Amendments be expunged, put and agreed to.

Leader: Mr Speaker, Sir, with these amendments, duly reflected, may I move for the adoption of the Votes and Proceedings as amended. Thank you, Sir.

Mrs C. Ene (Udi South): Mr Speaker, Sir, I beg to second the Motion as moved by the Leader.

Question put and agreed to.

Votes and Proceedings No. 71 of Tuesday 26th April, 2005 accordingly adopted as amended.

ORDER OF THE DAY

Consideration of the Report from the House Committee on Rules and Business on the Standing Orders of the Enugu State House of Assembly of Nigeria

Leader (*Mr Anichukwu*): Mr Speaker, Sir, the Standing Orders have sufficiently been distributed to Members may I therefore move that this honourable House do now resolve itself into a Committee of the Whole House for the consideration of the Report on the Standing Orders of this House along-

side the adopted Draft Standing Orders. Thank you, Sir.

Deputy Speaker: Mr Speaker, Sir, I stand to second the Motion.

Question put and negatived. (Prolonged Interruptions).

Mr Speaker: Honourable Colleagues the Standing Orders of this House can never and will never be done in a hurry. I am aware that majority of the House are not having the documents here, and there is no point rushing because this Standing Order is not going to be changed tomorrow. Therefore, we may at this point in time, leave discussions to a later date to enable hon. Members come to the Chambers with all documents that will enable them contribute effectively whenever the discussion comes up.

I therefore request that somebody should now move a Motion for the stepping down of item No. 4 slated for discussion.

Mr C. Ugwu (Enugu East II): Mr Speaker Sir, there is a Motion on the Floor already and it is better for the Leader to withdraw his earlier Motion.

Mr Speaker: Does the hon. Member for Enugu East II (*Mr Ugwu*) know that that Motion was seconded by the Deputy Speaker (*Mr Atigwe*) (*Interruptions*).

Mr Speaker: O.K. Honourable Colleagues, now that a Motion has been moved and it negatived I suggest that an

hon. Member should move a counter Motion. *(Interruptions)*.

Mr Speaker: If that is not okayed by the House we go into Division.

An hon. Member: Mr Speaker, Sir, that will be very dangerous for us. *(Prolonged Laughter)*.

Mr Speaker: Honourable Colleagues, you said that it is going to be dangerous, okay, gentlemen the *Noes* have it.

ANNOUNCEMENT

Inauguration

Mr Speaker: Honourable Colleagues, the House Committee on Special Duties will be having their inaugural meeting on the rising of the House today, 28th April, 2005 at the Chairman's office, Room 13. It was signed by hon. (Mrs) Nnamani Edit, Chairman, House Committee on Special Duties.

ADJOURNMENT

Leader (Mr Anichukwu): Mr Speaker, may I move that this House do now adjourn till Thursday, 5th May, 2005.

Mr C. Ugwu (Enugu East II): Mr Speaker, I felt that we should not be adjourning till 10a.m. since we do not resume by 10a.m. because we are not time conscious, it is better we make it well ... *(Interruptions)*.

Mr Speaker: Order! Please just second the Motion until we finish our Standing Order.

Mr Ugwu: No! No!

Mr Speaker: Just second the Motion, you are my Colleague; you are my Friend.

Mr Ugwu: No! I do not like it. ... *(Interruptions)*.

Mr Speaker: Okay; what time do you want us to adjourn?

Mr Ugwu: 11 a.m. or 12 noon.

Mr Speaker: Do not worry! Do not worry! We can look into that. Okay, can you now be coming by 10a.m.

Mr Ugwu: Do you come by 10a.m.?

Mr Speaker: Yes, I am always here. If I come here by 9.30a.m. you will discover that we will stay here without having enough Members until after sometime. After all, I am not doing anything every morning; I do not have anything doing. If you want us to adjourn by 9a.m. I am sure that I can be here by 9a.m.

Mr Ugwu: Adjourn by 9a.m; we can make it.

Mr Speaker: Okay; when we amend the Standing Order we can be adjourning at 9a.m. or we can choose to adjourn at 10 o'clock.

Mr Ugwu: On this, Mr Speaker, I second the Motion.

An hon. Member: On what?

Mr Ugwu: I second the Motion on adjournment of this House till 10a.m.

Deputy Speaker (Mr Atigwe): Mr Speaker, while supporting the Motion for adjournment, I am of the opinion that the hon. Leader should equip us with the Calendar of the House so that we may know the time and date some Bills are coming up. Some people might have forgotten some of these things but this is my prayer. I mean it, that is why I am speaking on Motion on adjournment. And when we are saying by 10a.m. it can be any time but when we say at 10a.m. the sitting is at exactly 10a.m.

Mr Speaker: Honourable Colleagues, before I put the Question, the Deputy Speaker raised up an important issue. Let us have an idea because the moment the people are aware of the item that is coming up in the Order Paper, they are always prepared. I am surprised this morning that somebody like the hon. Member for Igbo-Eze North I (*Mr Onyeze*) who is one of the power houses we have here, opposed the debate on the discussion of this matter. I am sure that many of us were not aware that this item is coming up until this morning. So, please, the Clerks-at-Table or whoever has that schedule should let us have the Time-Table of the items outstanding and those

that are going to appear before the House, to enable hon. Members come with the necessary documents. It is not the best practice when we have ten Bills and the ten Bills are for various sittings and everyday one carries the ten Bills to the Chambers because one does not know the one that is going to come up. Honourable Colleagues, ...
(Interruptions).

Deputy Speaker: No! Is this thing you said going to appear in our incoming Votes and Proceedings? You should reverse it to Announcement so that it will appear in our Votes and Proceedings.

Mr Speaker: Okay, do not worry.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday, 5th May, 2005 at 10a.m.

Adjourned accordingly at 12.15p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 149

Tuesday
26th April, 2005

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 26th April, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us are our Votes and Proceedings No. 70 of Friday 22nd April, 2005. I have gone through them and found them to be very correct. however, I call your comments. Thank you.

Mr F. Amu (Nsukka East): Mr Speaker, Sir, I have equally gone through our Votes and Proceedings. I therefore move for their adoption.

Mr F. Onah (Nsukka West): I have risen to second, the Motion.

Question put and agreed to.

Votes and Proceedings of Friday 22nd April, 2005 accordingly adopted.

ORDER OF THE DAY

Report from House Joint Committees on Health, Women Affairs, Special Duties, Judiciary, Public Petitions, Ethics and privileges on the Bill for a Law to Prohibit and Abolish the Tradition, Custom and Culture that Support Female Circumcision, Discrimination, Oppression and Suppression through Violence or any other means and for other Matters Connected with the Foregoing Bill No. 2, 2005

Mr Speaker, Sir, it may interest you to note that the Committee sat severally pursuant to the assignment given to the Joint Committee otherwise known as Three-in-one. The above mentioned Bill was committed to the Joint Committee on Judiciary, Health, Women Affairs and Special duties by the hon. Speaker sometime ago for the purposes of giving it the most desired legislative rare touch. In line with the foregoing, the joint Committee spurred into action and decided to leave no stone unturned. The Committee had several sittings, public hearing, interviews and visitations.

During the public hearing, participants from all walks of life including the Ministry of Women Affairs and Social Development, Women AID Collective (WACOL), non-Government Organisations, (NGO's), Traditional Rulers, Nurses, Doctors and other stake-holders made their contributions, both for and against the Bill on some certain Sections and

that has actually informed the present stage of this Report after making some amendments by the Joint Committee. Kindly see the attached proposed amendments.

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I move that the Report as submitted by the relevant Committees on the Bill be accepted for immediate consideration by this honourable House.

Mrs C. Ench (Udi South): I beg to second the Motion.

Question put and agreed to.

Report accordingly accepted for immediate consideration in the Committee of the Whole House.

The Chairman: Let us suspend log title, citation and date of commencement.

Section 2: (INTERPRETATION:) In line 15 after the word *off* to delete the words *the female organs* and to insert the words: *in part or whole of the female genital organs forcefully*. Then to delete the word *or* line 16: To delete the words *forcefully inflicting a mark on any other part of the body*.

Section 2: INTERPRETATION – *as amended, ordered to stand part of the Bill.*

Section 3 (ESTABLISHMENT OF STATE COMMITTEE ON FEMALE GENDER) – *ordered to stand part of the Bill.*

Section 4 (MEMBERSHIP OF THE STATE COMMITTEE) (1)(a-c) – *ordered to stand part of the Bill.*

Section 4(1)(d): to delete 4(1)(d)

Section 4(1)(d) – *as amended ordered to stand part of the Bill.*

Section 4(e) becomes 4(d) and 4(f) becomes 4(e).

Section 4 (2) – *ordered to stand part of the Bill.*

Section 5 to 13 – *ordered to stand part of the Bill.*

Clause 14: (OFFENCES) -

The Chairman: Delete 14 (a) and (b), thus: (c) becomes (a) and (a) becomes (d) now becomes (b) and (e) now becomes (f) and (f) now becomes (d) and (g) now becomes (e) under the (a) now in line two delete *tribal* and insert *cultural* thus: *To mutilate the genital organ of a woman or a girl in form of circumcision or related cultural marks.*

Clause 14 – (OFFENCES) – *ordered to stand part of the Bill.*

Clause 15(a): PUNISHMENT

The Chairman: In line one after *the delete offices* and insert *offences*, then in line two delete *15(a)* and insert *14(a) – (e)*. Thus: *Any person who commits any of the offences mentioned in Section 14(a) to (e) above shall be liable on conviction to imprisonment for 2 years or N50,000.00 fine or both.*

Clause 15(b) (PUNISHMENT) –
ordered to stand part of the Bill.

Clause 17 – (PROCEDURE) –

The Chairman: In line one delete *on the trial* and in line two after *the insert arrest* and after *trial* insert *conviction and sentence*, thus: *The law on general procedure of criminal cases in the State shall be applicable on the arrest, trial, conviction and sentence of offenders under this law.*

Clause 17 – (PROCEDURE) – *as amended, ordered to stand part of the Bill.*

Long title:

The Chairman: In line three after *and delete other matters connected there with* and insert *for other matters connected with the foregoing*, thus: *A law to prohibit and abolish the tradition, custom, and culture that support female circumcision, discrimination, oppression and suppression through oppression and suppression through violence or any other means and for other matters*

connected with the foregoing. – as amended ordered to stand part of the Bill.

Long title: – *as amended, ordered to stand part of the Bill.*

Preamble: – *ordered to stand part of the Bill.*

Enactment:

Citation and date of Commencement:

The Chairman: In line one after *as insert the* thus: *The female violation and discriminations (Prohibition and Abolition) Bill land shall come into force on the 26th day of April, 2005.*

ENACTMENT – *as amended, ordered to stand part of the Bill.*

(Mr Speaker resumed the Chair)

Leader: Mr Speaker, may I move that the Bill, as amended, be now read the Third time.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Mr Speaker: Honourable Colleagues, the Enugu State Female Violation and Discrimination (Prohibition and Abolition) Bill No. 2, 2005, has now been passed.

I wish to express my happiness to everyone of us, more especially to the Sponsor and co-Sponsors of the Bill. We all know that this is a private member Bill. I am very grateful and delighted. In fact, I do not know how to express my happiness, because this is another private member Bill that is coming up after few weeks we passed the first one. That shows that all of us are committed to the progress of this House, to the progress of the State, and to the progress of Nigeria at large. It shows that we are very much interested and determined to work towards actualizing the aims and objectives of our being here to represent our people.

Thanks you very much. I also wish to express my happiness to those who brought this document in the first place to this Assembly. Like I keep on saying we do not need to manufacture any Bill to be passed; the public, the community, and the Government have a roll to play. If there is any thing one thinks that it is worth passing into law one can prepare the document and bring it to the House so that we will look at it. If it is something that is worth passing into law we will not hesitate in doing that.

I also wish to thank the Committee that handled this Bill, both during the public hearing and the presentation of this Report. This is another welcome Report. I believe we are all men of integrity and I do not doubt the capability of anybody or Member of this House when assignment is given, more especially when it involves the

Chief Whip to whom I have my respect and regards. I thank him immensely for co-coordinating this Bill. I also thank the Chairman of the Joint Committee, hon. Member for Nsukka West (*Mr Onoh*) for his co-operation.

I also wish to express my happiness to the Clerk of the House and Table Clerks, the Secretaries who are the engine of our various Committees. Their effort to the progress of this House cannot be over-emphasised, I appreciate it and I say thanks very much. To the Verbatim Reporters, I say accept my greetings, and of course, to the Gentlemen of the press who have in various ways and manners given publicity to the activities of this House, I say may God bless them.

Finally, hon. Colleagues, I thank all of us very much for our co-operation, and of course in Enugu, we say to God be the glory.

Interview of Hon. (Mrs) Pauline Ezema and Mr Godwin Ukwueze, Members (Designate), Judicial Service Commission and Civil Service Commission, Respectively

Leader: Mr Speaker, may I move that this honourable House do now resolve itself into a Committee of the Whole House for the purpose of interviewing the Nominees as submitted by the Governor of Enugu State.

Deputy Leader: Mr Speaker, I stand to second the Motion.

Question put and agreed to.

Interview accordingly considered in the Committee of the Whole House.

The Chairman: Honourable Colleagues, we may recall that during our last sitting the two names I mentioned were supposed to be interviewed based on their invitation by this honourable House as a result of their nomination by His Excellency the Governor of Enugu State as members (designate) of the Judicial Service Commission and Civil Service Commission respectively. Unfortunately they were not properly informed and they were not able to come. Today, they are here for the screening and possible confirmation of their membership of Judicial Service Commission and Civil Service Commission respectively.

At this juncture, hon. Colleagues, may I humbly request the Sergeant-at-Arms to call hon. (Mrs) Ezema Pauline in for the exercise, and recall that she was nominated for the Judicial Service Commission. I repeated this so that we shall know the area she is here for in order to direct our questions accordingly.

Mrs P. Ezema was accordingly ushered into the Chamber.

The Chairman: Honourable Colleagues before the House is hon Mrs Pauline Ezema. She is here on invitation following her appointment as a Member of the Enugu State Judicial service Commission. She is here to entertain your questions, you can go ahead to ask your questions. Thank you.

Deputy Leader (Mr Anikwe): Thank you, Mr Chairman, Sir. My question to hon. (Mrs) Pauline Ezema goes thus: please can you run down your C.V. for us to follow?

Mrs E. P. Ezema: Mr Chairman, Sir, hon members of Enugu State House of Assembly, I wish all of you a Good Day. I am from Ibagwa Ani in the former Nsukka Local Government Area but now Nsukka West Local Government Development Centre. I attended some Institutions like University of Nigeria, Nsukka. There I obtained my Masters Degree. I also enrolled in Mathematics and Evaluation starting from 1995 to year 2001. I also got admission into that same University, I equally obtained my First Degree in Mathematics. There I started from 1990 to 1992 where I read Mathematics Education. Before then I also had admission in Ehamufu College of Education from 1987 to 1990, there I got my NCE. Ever before that time I equally passed through Teachers Training College Akpugoeze in Oji River Local Government Area from 1981 to 1986. There I got my TC II. There was no way that I can go into Teacher's Training College without

getting my First School Leaving Certificate and I obtained it from 1970 to 1975. Then I got my certificate.

After my Degree, I got an appointment as a Mathematics Teacher in the then Enugu State Education Commission in 1992. As a result of being a Councillor in 1997, I resigned my teaching appointment when my people asked me to contest for the Councillorship in my Ward in Ibagwa Ani-Ibagwa Agu Okpaligbo Ward. I contested and won. As a result of the death of late General Sani Abacha we were asked to go then, but I still joined the political line. During that time I was the Supervisor for Education and in year 2002 His Excellency gave me appointment as one of the Members of Transition Committee. There I was made Supervisors for Health and I did it. Thank you Sir.

Deputy Leader (*Mr Anikwe*): Thank you, Mr Chairman. She jumped one relevant aspect of the C.V. that I was longing to hear. That is when she was born and where? That means date of birth, and place of birth.

Mrs Pauline Ezema: Thank you, so much. I was born in 1962 at Ibagwa-Ani which is my home town.

Leader (*Mr Anichukwu*): Hon (Mrs) Pauline Ezema, according to records before the House, you were a Teacher and graduated to a Politician due to your popularity in your local community, and your last position was

Supervisor for Health up to 2003, after that did you go back to teaching or what have you been doing after 2003 up to date.

Hon (Mrs) Pauline Ezema: After that I just continued as a politician, that was what made me to be here this time.

Mr E.C. Maduabu (Awgu South): Hon (Mrs) Pauline Ezema, welcome to Enugu State House of Assembly. Now you are not a Lawyer, you are well versed academically and you are a specialist in mathematics. Now you are being appointed as Member of Judicial Service Commission. What are the background you have to determine issues that affect legal proceedings in the Commission. Should we not say that it is a square peg in a round hole by appointing you as a member of the Commission. Would it not have been better to appoint you as a member of the State Education Commission where you will be of value to the State in the education matters.

Hon (Mrs) Pauline Ezema: His Excellency did not make any mistake in appointing me as one of the Members of the Judicial Service Commission. By profession, I am a Teacher but those people there passed through us. We taught them in schools. So I am there to represent His Excellency and to look into the affairs of the Judiciary System. If there is anything that does not go well and that can spoil the image of Enugu State Government, I will just report it to

the Governor of the State. (*Prolonged Laughter*).

Several hon. Members took the Floor.

The Chairman: Why are all the hon. Members standing up. You should please get seated. If an hon Member wants to ask a question, that will be allowed. If the Madam answers correctly that is for us, if she answers wrongly this is not the time to assess her performance. Please let us behave ourselves. I am aware that all of you know her. That will not stop us from doing our legislative functions.

Deputy Leader (Mr Anikwe): Mr Chairman, Sir, all of us can describe her, not knowing her.

Mr J.U. Onoh (Enugu North): Madam, I will ask you a question that you can definitely ask a pupil. When you are going to an office, it is expected that you know what you are going to do there. So my question to you is what do you understand by the term Enugu State Judicial Service Commission which you are about to become a member? secondly, what major roles does that Commission play both in the Judicial and the Executive Arm? Finally, what do you hope to render in that Commission with your capacity if approved, as a member of that Commission?

Hon (Mrs) Pauline Ezema (Member-Designate): Mr Chairman, the

Judicial Service Commission is not a different Commission. It is just like any other Commission in the State and the main work there is a supervisory work and that is what we are going to do. We have to supervise the work of the entire Judicial system.

Deputy Speaker (Mr Atigwe): Mr Chairman, my prayer is that the gentle lady before us should take a bow and leave.

Mr F. Onah (Nsukka West): Thank you, Mr Chairman, I have risen to second the Motion.

Question put and agreed to.

Mr Ukwueze was ushered in

The Chairman: Honourable Colleagues, before you is Mr Godwin Ukwueze he is appointed by the Governor of Enugu State Dr Chimaroke Ogonnia Nnamani as a Member, Enugu State Civil Service Commission. To that effect, we asked him to be here today or last Friday but unfortunately he was not available and today he is here to answer the call of this House. He is here before you, you can ask your questions. Thank you.

Mr J.U. Onoh (Enugu North): Thank you Mr Chairman, Good afternoon Sir. What do you think that will be your greatest contribution to the Civil Service Commission?

Mr Godwin Ukwueze (Member-Designate): The Chairman, the respected Members of the House of Assembly, my contribution to the Civil Service Commission as a member is the fact that learning is a continuous process I have never been there but the little experience I gathered when I was a Councillor; when I was a Member of the Care-taker Committee will be brought to bear. If such position is given to me with the help of God I will try my best. Thank you.

Mr J. Obidinma (Oji River): Mr Ukwueze, in one of the schools you attended you wrote *A.P.S.I.*; what do you mean by *A.P.S.I.*?

Mr Ukwueze: Sir, the meaning of *A.P.S.I.* is Awkanobara Primary School I in Iheakpu-Awka Community, Igbo-Eze L.G.A.

Deputy Leader (*Mr Anikwe*): Mr Ukwueze, can you just simply run down your Curriculum Vitae before this honourable House?

Mr Ukwueze: Thank you. My name is Ukwueze Godwin. I was born on 15th June, 1961. I did my primary school at Awkanobara Primary School I, Ihakpu-Awka in the year 1974. I attended my secondary school at Igboeze Secondary School from 1976 to 1981 there. I took my General Certificate of Education (GCE) and obtained the certificate and the photocopy is attached with my curriculum vitae given to you. Then I passed my W.A.S.C. in 1981. I

contested for a Councillor and I won in the year 1991. After the death of Abacha we were stopped from going to with the job. So, I was appointed a Member of Care-taker Committee in the year 2002 and even before then I have been working with the Local Government Chairman and I was once Chief Protocol Officer to the Chairman in Igboeze South Local Government Area. Thank you, Sir.

Deputy Leader: You said you won the Counsellorship in 1991; that is wrong.

You should recast your C.V. because you will discover that in 1991 there was no election. For instance, that was the year I won my Counsellorship Election for three years – 1991 – 1993. You cannot be telling us you won in 1991 but was stopped by Abacha *per se*.

Mr Ukwueze: Not Abacha. We even took power from the government then. That was the reason we stopped being the Counsellor. We did not stop because of Abacha. It is not that year.

Mr M. Njeze (Udi North): Mr Chairman, Sir, hon. Godwin Ukwueze, you got your FSLC in 1974 and you started your work experience in 1991. What were you doing for the past 17 years from 1974 to 1991?

Mr Ukwueze: I was trading then.

Mr Njeze: Why did you not include it in your C.V.?

Mr Ukwueze: May be I forget to put it down in my C.V.

Mr Njeze: How can you forget 17 years of your life; are hiding it?

Mr Ukwueze: I am not hiding anything, Sir. The only truth there is that I focus my attention towards what I am looking for now. I was in haste when I was compiling my C.V. Sir. *(Laughters).*

Chief Whip: Mr Chairman, Sir, hon. Ukwueze, you appear to have gathered some experience in the Local Government Administration. Having looked at your C.V. vis-à-vis the post you are seeking, that is, Member Civil Service Commission, most people who join Civil Service must have finished their educational career, and at the end of the day, they tend to forget some basic issues like National Anthem or what have you. So can you just recite the National Anthem for us? ... *(Interruptions)*

Mr J. Onoh: No! Observation!

The Chairman: What is the hon. Member for Enugu North observing? Observation overruled. He should please sit down.

Mr C. Ugwu: My hon. Colleague did not ask a question; he requested if Mr Ukwueze can recite the National Anthem. And since it is not a question, may I seek that it be waved for him.

The Chairman: No! No!! No!!!. The Chief Whip asked a question and Mr Ukwueze is requested whether he can recite it. It is now left for him to say whether he can recite it or not.

Mr Ukwueze: I cannot recite it now. Thank you. *(Laughter).*

Mr Onyeze: Mr Chairman Sir, in view of the above questions and answers, I therefore move that he should take a bow and leave the Chamber.

Deputy Speaker: Mr Chairman Sir, I rise to second the Motion.

Question put and agreed to.

Mr Ukwueze accordingly took a bow and left the Chamber.

(Mr Speaker resumed the Chair)

Mr Speaker: Honourable Colleagues, we have gradually concluded the two exercises: the interview of the Member designate, Judiciary Service Commission of the State, and a Member designate, Enugu State Civil Service Commission. At this juncture, may I call for your general view of two members designate, we have just screened. Thank you.

Deputy Leader: Mr Speaker, I rise to make contributions to the screening exercise just conducted on the nominee designate into the State Judicial Service Commission and also into the State

Civil service Commission. On the issue of State Judicial Service Commission, Mr Speaker, there is a Constitutional Provision that empowered the Governor to appoint members of at least not more than two persons who are not legal practitioner into the Judicial Service Commission. We will also recall that last week we had one of them cleared and today the second person who is appearing as a non-lawyer into the Commission was able to defend most of the questions put across her. That is with respect to hon. (Mrs) Pauline Ezema. Mr Speaker, I believe in the saying that he who works will equally be allowed to partake in the sharing when the food is ready.

I recall the contributions of this woman in the present government of Enugu State. She made serious contributions towards making our party what it is today. You will recall also the level of her loyalty. I believe sincerely that as the first woman now coming into Judicial Service Commission that she is more equipped to actually set her famine nature into the Judiciary with a view to realizing the potentials inherent in the members appointed. I believe strongly that given a chance to be in that Judicial Service Commission, hon. Mrs Pauline Ezema will be able to prove her point in terms of being a member.

On the other hand, if you watch the man Mr Ukwueze, his being a member of the Civil Service Commission is justified. Despite the fact that he was

unable to respond to some requests made, he appeared to be a very clever man; clever in the sense that he is there to contribute his own quota. I believe that when he gets there, having now observed his nature as someone who would appear to be a clever guy, he will be in a position to know the rudiments of the Civil Service Commission in terms of their roles, their expectations and obligations. I have no doubt in my mind, Mr Speaker, that the Governor of the State has not made any mistake in giving these people opportunity to serve in these areas. I call on my Colleagues to confirm the appointments of these two people to enable us have functional adults present in the Judicial Service Commission. I beg to rest my case.

Mr J.U. Onoh (Enugu North): Mr Speaker, Sir, my own simple contributions to the two people screened are: in the area of Judicial Service Commission, I appreciate the lady's talent, but she seems, at a certain point from what she answered, to forget the responsibilities she was expected to do. She said she is going to represent His Excellency forgetting that she was appointed a member, not only to represent His Excellency, but mainly the government and people of Enugu State. That is a slip of tongue but it can send somebody to either heaven or hell. Right now I am sending it to where it belongs. I am not saying she is not talented but the slip of tongue is what I am against.

Secondly, the gentleman for the Civil Service Commission, seems to be very

excellent if he could dance his way through these questions in a cleverly manner. I believe that even with hundred eyes facing him in the Civil Service Commission, they will not be able to catch him. I believe he is a good character not minding that he appeared jittery when it comes to the issue of singing the National Anthem. With that I can ask my Colleagues to actually see that their nominations are through. I rest my case.

Deputy Speaker (Mr Atigwe): Mr Speaker, Sir, I move that the Question be put.

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

Main Question put and agreed to.

Resolved: That today 26/4/05, this honourable House has deemed it very wise and necessary to confirm and approve the Governor's request for the appointment of the following persons:

- 1) Hon. Mrs Ezema Pauline as a member Enugu State Judicial Service Commission and also:
- 2) Hon. Ukwueze Godwin as a member Enugu State Civil Service Commission

ANNOUNCEMENTS

Inauguration

Mr Speaker: The House Committee on Poverty Reduction will be inaugurated on the rising of the House today 26th April, 2005. It was signed by hon. Princess Ogbu, Chairman, House Committee on Poverty Reduction. The venue is room 219. All the Members of the Committee are expected to be there and on time.

Law Students

Mr Speaker: I wish to formally welcome the law students of the University of Nigeria, Enugu Campus who are here today to witness the proceedings of law-making and the processes of debating in this Assembly. On behalf of my Colleagues. I wish to welcome you all and I do hope that from time to time, as long as you wish to come, we can always allow you to come. This is no theory but practical debating going on. You saw how it is moderated, you saw how Members comported themselves. We do not use abusive words. I thank you for coming and I hope you will come again. Thank you and may God bless you.

Brief Meeting

Mr Speaker: We have two minutes meeting on the rising of the House.

ADJOURNMENT

Leader (Mr Anichukwu): May I move that this House of Assembly do adjourn till Tuesday 20th April, 2005 at 10a.m. Thank you.

Mr C. Ugwu (Enugu East): I have risen to second the Motion as moved by the Leader of the House.

Deputy Leader (Mr Anikwe): Thank you, Mr Speaker. I have risen to support the Motion already moved, and seconded by Rt Hon. Chris Ugwu. In doing so I am glad to use this opportunity to thank this distinguished hon. Members of this Assembly. It will go down well that we have been able to give life to this sensitive private-Member Bill by given it legality in Enugu State. I cannot find enough words to thank all the Members especially the Co-Sponsors, the Chairman of Judiciary Committee, an erudite scholar and Barrister (*hon. E. Odo*). I also thank the Clerks-at-Table, and Members of the Press. I have to thank them for their numerous contributions. In Enugu State, we say only one thing: that is, *To God be the glory*.

Question put and agreed to.

Resolved: That the House do now adjourn till Thursday 28th April, 2005 at 10a.m.

Adjourned accordingly at 2.35p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 154

Thursday
19th May, 2005

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Thursday, 19th May, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings No. 75 of Thursday 12th May, 2005. I have gone through them and found them to be correct, however I need your comments.

Mrs E. Nnamani (Isi-Uzo): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings and to the best of my knowledge I found them to be correct, I therefore move for their adoption.

Mrs C. Eneh (Udi South): I beg to second the Motion.

Question put and agreed to.

*Votes and Proceedings of Thursday
12th May, 2005 according adopted.*

ORDER OF THE DAY

**Consideration of Report from House
Committee on Rules and Business, on
the Standing Orders of Enugu State
House of Assembly**

Leader (Mr J. Anichukwu): Mr Speaker, Sir, may I move that the House resolves itself into a Committee of the Whole House for the consideration of the Report and the Draft of the Committee alongside the Standing Orders presently in use.

Mr D. Ani (Enugu South Rural): I have risen to second the Motion as moved by the Leader of the House.

Question put and agreed to.

The Chairman: Honourable Colleagues, you will recall that during our last sitting we got to order No. 10 before the Deputy Leader came in and made some submissions which brought about our trying to look at the Orders we had earlier passed, that is, Order No. 9 – 11. Following this development we had a division in which case there was a tie and I requested that further debate should be deferred to enable us sought the whole things out in the Executive Session. Following that development we met a short while ago in my office and we unanimously agreed that we ...

Mr C. Ugwu (Enugu East): Mr Chairman, there should be a Motion. What you are talking is informal.

The Chairman: No! That we had Executive Session is normal because we did not just resolve it like that, we all agreed that it should be like the one currently in use. So, having gone this extent, I therefore call on one of you to formally move a Motion that we adopt it as it is here.

Chief Whip (Mr Odo): Mr Chairman, you can now vote since we have agreed on something.

The Chairman: If I cast my vote we have eight against seven. We have resolved that there is no need asking me to vote. My vote is not necessary; we have adopted our Votes and Proceedings and nobody raised anything, otherwise an hon. Member should have asked Mr Speaker to cast his vote.

Chief Whip: Adopting our Votes and Proceedings means that we should start from where we stopped.

The Chairman: We have executive session and ...

Mr C. Ugwu (Enugu East): Observation! What you are saying now is what happened outside the Chambers. This is what happened last time; you can now cast your vote.

The Chairman: We have agreed on something during the executive session. Why are we going round and round; there is no need casting any vote.

Chief Whip: Chairman Sir, this is what happened prior to the division. There was a Motion before the House seeking to leave the position of certain key officers of the House the way it is in the Old Standing Order. That was the basis of the Motion. As a result, there was a tie; it was the duty of the Speaker to cast a vote. Really in the Executive Session there was an agreement that the Standing Order should be left the way it is. It will be wrong to come and move another Motion independent of the Motion already moved. All we needed to do is for the Speaker to say: based on what we have agreed I now cast my vote. We cannot continue to move Motion.

The Chairman: What is the basis of Executive Sessions? We have to go there and agree and come here to perfect it. We had a meeting a short while ago in which all of us agreed that we are going to adopt the Rules the way it is here. So it is no longer Mr Speaker's Vote that made it possible, it is the decision of the House. It is not my own vote. Therefore what we could have done, having agreed on a decision that it is going to be like that, is to move a Motion. This was why I decided to give some preambles so that it will be on record as to how we resolved it.

Sometimes we had a technical problem on the issue and we had to defer the matter and sat over the situation and agreed that it should be like this.

Mr J.C. Obidinma (Oji River): Thank you, Mr Chairman, Sir. May I move that

the functions of the key officers should remain the way they are as in the Draft Standing Rules.

Mr M. Onyeze (Igbo Eze North I): Mr Chairman, Sir, I beg to second the Motion as moved by the hon. Member for Oji River (*Mr Obidinma*).

Question put and agreed to.

Resolved: That the functions of the key officers should remain the way they are in the Draft Standing Rules.

Order No. 14(i) – (QUORUM) –

Mr C. Ugwu (Enugu East II): I have an observation, Mr Chairman. I observed that the essential part of that Section is missing. If you go to the old Standing Orders Section 8 page 5 it says: *the quorum of the House shall be not be less than one third of all the Members of the House*. If you go to Section 96(i) and (2) of the 1999 Constitution of the Federal Republic of Nigeria and for easy reference page 43, it reads: 96(1) *The Quorum of the House of Assembly shall be one-third of all the members of the House*.

What I am saying is that the essential part of that Quorum is missing. I therefore move that *one-third of members of the House of Assembly* be inserted therein and it will now read as contained in that Order.

Mr M. Onyeze (Igbo Eze North I): Mr Chairman, Sir, I refer the House to the Draft Standing Rules Section 14(2). I

think that the issue of one third was taken care of there. I mean at pages 12 and 13.

The Chairman: I do not agree with you. What we are talking about is on Quorum before we commence sitting.

Mr D.A. Anih (Enugu South I Rural): Thank you, Mr Chairman. I have risen to second the Motion as was moved by the hon. Member for Enugu East II (*Mr Ugwu*).

Question put and agreed to.

Order No. 14 – (QUORUM) – *as amended, ordered to stand part of the Standing Orders.*

Order No. 15: (*Order of Business, Arrangement of the House*)

The Chairman: I think the Message from the Governor should come before the Order of the Day.

An hon. Member: Why?

The Chairman: Well, unless we choose by ourselves to make a different thing but my opinion is that the Message from the Governor should be treated first and foremost before we go into our business of the day.

Several hon. Members: What is the Order of the Day?

The Chairman: The Order of the Day is what we have in the Order Paper, that

is, the old issue we were treating and we are going to continue from that day.

Deputy Speaker (Mr D.O. Atigwe): You are correct.

An hon. Member: Any of them can come first.

The Chairman: No! No! The Message from the Governor should come before the Order of the day.

Chief Whip (Mr E. Odo): I think that there is nothing wrong there. The Message from the Governor appears to be part of the Order of the Day; it should not be independent of the Order of the Day. And that was why ... *(Interruptions)*.

The Chairman: Information! Information!!

Chief Whip: Let me come.

The Chairman: I am coming. Let me give information before you come. Before ever the House shall adjourn, we must have known the business that is coming up in the next day and that is probably why this Standing Order we are now treating or this business which we are commencing today. You may not know something about the Governor's Message but I will know something about it and the Clerk may know something about it ... *(Interruptions)*.

Chief Whip: Will it come inside the Order Paper?

Mr Chairman: Yes.

Chief Whip: That means that it is the Order of the day.

The Chairman: It is not Order of the Day, the Order of the Day is unfinished business which we are going to commence debate on the next business ... *(Prolonged Interruptions)*

The Chairman: Order! Let us make progress gentlemen.

Mr J. Obidinma (Oji River): If you can look at Order No. 76, that is , today's Order Paper, you will see that the *Order of the Day* makes the business of the day; so the Governor's Message is part of the business of the day. So, I believe that this Draft or Report is in order.

The Chairman: The hon. Member for Oji River should note that I explained this thing times without number. The Governor's Message is different from the Order of the Day.

An hon. Member: Why is it different?

The Chairman: It is an import. ... *(Laughter)*.

Chief Whip: Import from where? ... *(Interruptions)*.

The Chairman: Order! Order! I am surprised that this type of argument will be coming in a small matter like this. *(Prolonged Interruptions)*.

The Chairman: Honourable Colleague, let us make progress. Do you people say that in the *Order of the Day* we should expunge the Message from the Governor?

Several hon. Members: No! No! No! It is part of the Order of the Day.

The Chairman: *Oburo Eziokwu* (It is not true)

An hon. Member: Give us reason.

The Chairman: I do not know why you said that I should give you reason. I told you that the Order of the Day is unfinished business of the House like we are treating this one now. And in tomorrow's Order Paper it is going to be there as Order of the Day. And when it is now the Order of the Day we now have to say – *on the Standing Order of Enugu House of Assembly*. Now you may not know about the Message from the Governor. It may be only between the Clerk and myself that may know about the letter from the Governor depending on one thing or the other. It is only when we might have treated that matter and we did not conclude it that it will now be Order of the Day for the next day.

Mr M.N. Onyeze (Igboeze North): Mr Chairman, Sir, what I understand about the difference between the *Order of Business* and *Order of the Day*, is that when you have Order of Business, there is a format that we take for business every day, that is what Section 15 is saying. Now the *formal entry of the*

Speaker is done every day; the *prayers* is every day; if there is a new Member, he has to be sworn in before we do anything. Then we make approval of Votes and Proceedings, these are what we must do every blessed day. And when we finish that we come to the Order of the Day, the business of a particular day and that is what this Paper always tells us. The *A* of it says: Any particular day after these four other things might have been exhausted, if there is a Message from the Governor you do it first before you present a Bill; before you do the presentation of a Motion and so on and so forth.

What I am saying is that there is nothing to change in what the Committee had prepared. But once you come to the Order of the Day you are coming to a peculiar business of a particular day and the first thing that should have come that day: if there is any Message from the Governor you treat it after you have done *Entry of the Speaker, prayers* and so on and so forth and that is what I understand by this.

The Chairman: Okay, now let us look at Order No. 16. It says that *the Speaker shall immediately after the approval of Votes and Proceedings cause any Message addressed to the House by the Governor to be read.*

Several hon. Members: That is what we are saying.

The Chairman: Listen Gentlemen, what I am saying is not what you are saying.

It is not! I told you that there are two different issues. The difference is that whatever the Governor sends to this place, we give it priority.

Chief Whip: Yes! Nothing, could have presented it there.

An hon. Member: Provided after the approval of Votes and Proceedings.

The Chairman: I cannot understand! What did the Chief Whip say?

Chief Whip: Look at the whole thing. What I said no that after the *Oath of Allegiance*, we say *Message from the Governor*. Then after *Message from the Governor*, what we have is *Other Announcements* from the Deputy Speaker. Which means that in Order of the Day that *Message from the Governor* takes precedence. It can not prevent the Order of the Day. Do you understand?

The Chairman: If you look at that Order No. 9, it says: *formal entry of the Speaker; Prayers; Oath of Allegiance and Oath of Membership of New Members; Message from the Governor*. Then if you go down, you will see that even the Order of the Day is the last in the list and is the last thing here.

Chief Whip: That is why we are amending it now. *(Laughter)*.

The Chairman: No! No!! It is wrong. It is not true. If you want to amend it you amend it because you want to amend it. But in sequence, it is correct. But if you

want to amend it, I do not have any objection.

Chief Whip: But what we expect from you is to explain to us ...

The Chairman: How many times do I explain it. *(Interruptions)*.

The Chairman: I have explained this matter times without number and I can no longer explain it. Whatever one wants to be there should be there. Please let us make progress. Let it be there. We should go ahead or I go ahead and adopt whatever is here. I do not want us to continue to delay on this thing every day. *(Laughter)*.

Mr C. Ugwu: Mr Chairman, Sir, you should not adopt a wrong thing please.

The Chairman: Honourable Colleagues, I believe in explanations. And I believe we have people whose business it is to explain some of these things in detail. On this note, I request that Order No. 15 be deferred. We do not want to adopt the wrong proceedings. So let us defer Order No. 15. *(Laughter)*.

Mr J. Obidinma: Mr Chairman, Sir, this is not the proper way of deferring it. For you, as Chairman to move a Motion, it is not the correct thing.

The Chairman: Okay!

Mr C. Ugwu: Mr Chairman, Sir, I rise to move the Motion that we adopt the arrangement of Business of the Day as is

contained in Order No. 9 of the old Rule as against what is in the new Order. (Laughter).

Mr Obidinma: Thank you very much Mr Chairman, Sir. I rise to second the Motion that was moved by the hon. Member for Enugu East (Mr Ugwu). (Laughter).

Question put and agreed to.

Order No. 9 – (APPROVAL OF VOTES AND PROCEEDINGS) –
ordered to stand part of the Standing Orders.

Order 17(1) – (PETITIONS) – *ordered to stand part of the Standing Orders.*

Order 17(2) – *ordered to stand part of the Standing Orders.*

Order 17(3 & 4) – *ordered to stand part of the Standing Orders.*

Mr Obidinma: Mr Chairman Sir, there is some thing to amend in Order 17 sub 2. that is, *a Member presenting a petition shall confine himself to a brief statement of the parties from whom it came, the number of signatures attached to it and the material allegations contained 'therein' instead of 'in it' ...*

Several hon. Members: They are the same thing.

The Chairman: What does the hon. Member for Oji River (Mr Obidinma) want?

Mr Obidinma: Mr Chairman, Sir, it is just to insert *there in* and remove *in it*

The Chairman: I want to know the Chief Whip (Mr Odo) if there anything wrong with that Order No. 17 (2), that is, *in it* and *therein*? Please what is the difference between *in it* and *therein*. Whatever you say we take it.

Chief Whip: Okay! Mr Chairman, Sir, there is no difference. It is the same thing.

Several hon. Members: There is no difference; it is the same thing.

The Chairman: So there is no difference. Let us make progress.

The Chairman: Section 17(6(a) – (PETITIONS) – well, there is something I want to say here. If you look at the statement there it says:

All petitions shall be ordered without question put to lie upon the table. Such petitions shall be referred to the Public Petition Committee.

Let me ask a question: Assuming we now have a petition from say, IMT or ESUT, (because I don't want conflict) concerning anything in another Institution, do we refer such petition to the Public Petition or do we refer it to the appropriate Committee like Education Committee?

Mr C. Ugwu (Enugu East I): Mr Chairman, letter is different from Petition. Petition is petition and letter is letter.

The Chairman: Okey, we can just leave it like this but then if we have such development we can ask the relevant Committee to join the Public Petition (*Interruptions*).

Order no. 17(6(a-f) – *as amended ordered stand to stand part of the Standing Orders.*

Order No. 18&19 – *ordered to stand part of the Standing Orders*

Order No. 20 – (ORDER OF THE DAY) –

Chief Whip: Observation! My observation is on order No 20(1) By the time we were considering Order No. 15 as regards *Order of the Day* and *Messages from Governor*, the hon. Member for Enugu East I (*Mr Ugwu*) moved a Motion that *Order of the Day* be left as it is in the old one and we unanimously supported it. Now, if we adopt the Order of the Day the way it is here, it will now revoke the whole thing we have agreed on earlier. *Order of the Day* appears to be the very last item after presentation of Bills, Motions and every other thing. I now want to have a situation where Order No 20(1) will still work if we have agreed that *Order of the Day* will remain as it is in the Old one. Thank you.

The Chairman: Does the hon. Chief Whip, have a contrary view or explanations to Order No. 20(1)?

Leader (*Mr Anichukwu*): Mr Chairman, if I understand what the hon. Chief Whip means, he said, by the adoption of the old Order, Section 9, whether Order No. 20(1) is okay. I think what has to be done is re-arrangement, because we have now adopted the one in that Order No. 9. We have to follow it sequentially as it is in the Old Order; it is not applicable in this one; it is just re-arrangement.

The Chairman: Is the hon. Chief Whip, alright?

Chief Whip: No! What we said that we have adopted in the past was that *Order of the Day* be left the way it is in Old Rule. Now, the Old Order specifies *Order of the Day* as the very last item after presentation of Motions and every other thing and in the new Order we are about to adopt, it says that *Order of the Day is a Bill or other matter which the House has ordered to be taken into consideration on a particular day and so on and so forth*. So, this one is against what we have adopted before because what we have adopted in the past is that after *Messages from the Governor and other Announcements by the Speaker, petitions, papers reports from various Committees questions for oral answers, personal explanations, presentation of Bill, Business meeting*, before we now get *Order of the Day*.

The Chairman: Does the Chief Whip have the copy of today's Order Paper?

Chief Whip: Yes!

The Chairman: Have you seen where the Order Paper said, *Speaker's formal entry, Prayers, Approval of Votes and Proceedings* then *Order of the Day*.

Chief Whip: Yes!

The Chairman: It is just like Announcement to be made or when you come to *Announcement* and notice that there is no Announcement at the end of the Day you say, *Announcement: No Announcement*. This does not follow. If you look at what you have read now I have not witnessed a place where we have Papers, etc as a kind of discussion; we have never had it.

Chief Whip: Mr Chairman, you don't understand me, even presentation of Bill is in the old one. If you adopt it like this, it will be different from what we had adopted.

The Chairman: I do not know why the Chief Whip is getting this thing wrong. The Order of the Day has nothing to do with the arrangement of the business of the day.

Chief Whip: We have agreed on that, but now the new Rule which we are about to adopt, says in Section 20 that, *Order of the day is a Bill or other matters which the House has ordered to be taken into consideration on a particular day*.

An earlier day cannot be substituted for the day so appointed.

So what we are saying is that ...

The Chairman: What are we doing right now here?

Chief Whip: It should be part of the *Order of the Day*. What I am trying to tell you is that we have adopted that order and it is meant to be left the way it is in the Old Rule and in the Old Order. *Order of the day* appeared to be the very last, after even all these things have been mentioned. That is what we are saying. So, it now followed that this *Order of the Day*, ought to be last as we have agreed or else we now revoke what we have agreed earlier on.

The Chairman: The problem is that I do not know whether we have been able to understand the meaning of Order of the Day. The order of the day, is unfinished business of the previous day.

Chief Whip: I agree with you.

The Chairman: So I am still getting confused about what you are saying.

Chief Whip: I agree with you with the definition, but what we adopted in the past is that the Order of the Day remains to be left the way it is in the Old Order.

The Old Order, that is in page 6, Order No 9, under 16, after mentioning *Petition, Presentation; Business Motion, etc*, now treats *Order of the Day* last. By that

unanimous decision, we now agreed that *Order of the Day* should be meant to stay where it is in the Old Order. That is what we agreed. That one is not in contention.

Meanwhile, in the Old one which we have adopted, there is a Presentation of Bill. So, which one is now *Order of the Day*. That is what we are saying; because we must go back to what we have agreed on, otherwise we will be making a mess of the whole thing.

The Chairman: Can we look at that one and order No. 18 of the Old one, page 13.

Chief Whip: Yes. It is still the same thing. This Order No. 20(1) and 18(1) of the Old one are still the same thing. We are finding it difficult because we have been in this House. The matter is very simple. It is just plain English language. You have said that *Order of the Day* should be meant to be the last as it is in the Old Order. Fine! There is no problem. Now in the old Order, they specified *Presentation* and every other thing. And here is an *Order of the Day*, defining Order of the Day as a Bill, which means that they are still talking of the same thing that has been over.

The Chairman: Is the Chief Whip now saying that the earlier adoption we made has no problem.

Chief Whip: It contradicts this.

The Chairman: It does not contradict it in any form. I do not agree that it

contradicts it. Please, let us conclude this thing. We can defer further debate on the consideration of this matter. We still have a lot of things to do. Just like I said earlier, we can take these things bit by bit, until we round off.

Honourable Colleagues, let us stop at Order No. 20, so by the time we come back, we know exactly what to do on that.

(Mr Speakers resumed the Chair)

Mr Speaker: I wish to appeal again that by the time we come back, Members should try and go through these documents, because as long as you do not read the documents you will not understand the sequence. I am still appealing that Members should go and read the Standing Order. The Order is not meant for some Members. Henceforth any time an hon. Member stands to raise point of Order, he will tell me the point he is raising not when one says *Point of Order* and if I ask him what *Order* will say: *Information*, or *observation*! Please let us be serious; we should be able to know the content of this document. I want us to go home and look at what we are saying and what the Chief Whip is saying and see whether it makes sense or not. Thank you.

**MATTER OF URGENT PUBLIC
IMPORTANCE
ABYSMAL NEGLECT OF
REFUSE DUMPS IN STRATEGIC
AREAS OF THE STATE BY THE
ENUGU STATE WASTE
MANAGEMENT AUTHORITY
(ESWAMA)**

Mr M. O. Onyeze (Igbo-Eze North): Mr Speaker Sir, may I seek the leave of the House to observe Order No. 25 to enable me present a matter of urgent public importance.

Mr C. Ugwu (Enugu East): I have risen to second the Motion as moved by the hon. Member for Igbo-Eze North I.

Question put and agreed to.

Mr Onyeze: Mr Speaker, Sir, may I move a Motion standing in my name: that this honourable House urges the Managing Director of the Enugu State Waste Management Authority (ESWAMA) Mrs Winfred Okeke to design strategies for carting away waste products from Refuse Dumps in strategic areas of the State.

Mr C. Ugwu (Enugu East): I have risen to second the Motion.

Mr Onyeze: Mr Speaker, Sir, the present administration in the State has invested a lot on the people and the environment. The result of such enormous investment is manifested in the improved quality of life of our people especially in the Education and Health

Sectors. There is no doubt that Enugu State today cannot be compared with what it was before the return of the democratic government in May, 1999.

The environmental profile like that of Health and Education is endemic and perennial. The managers of such departments must never rest on their oars. The present Enugu State Waste Management Authority (ESWAMA) has made a lot of impact on the sanitation and the general environmental landscaping in the State especially in the State capital.

Mr Speaker, Sir, it is pertinent to observe that despite the efforts of the Authority, their impact is not felt in many parts of the State. Two areas that would be mentioned in this Motion, to buttress the assertion, are the New Market Area along Onitsha Road in the State capital and the University Market Road in Nsukka urban. It is difficult to explain fully to this honourable House, the horrible sight and the extent of pollution in the two areas caused by monumental refuse dumps. The case of the University Market road covers about one kilometer. It is a road used by thousands of the members of the University Community and the indigenes of the area. In fact it is a road whose users cut across various ethnic groups and nationalities and could correctly be described as the road that is telling the world the standard of the sanitary and environmental condition of the State.

Mr Speaker, Sir, the lapses observed in the activities of the Enugu State Waste

Management Authority (ESWAMA) since the passage of the law establishing it by this honourable House pose a lot of challenge to the House Committee on Petroleum and Environment over the extent of the oversight to the policy executors. The entire citizens should be made to reap the dividends of democracy.

Prayers

Mr Speaker, Sir, since the intention of this Motion is to sensitize the Enugu State Waste Management Authority and refocus the organisation on her responsibility, I therefore urge my honourable Colleagues to consider the following prayers:-

1. That this honourable House urges the Managing Director of Enugu State Waste Management Authority (ESWAMA) Mrs Winfred Okeke to refine her strategies for carting away regularly waste products from all strategic dumps in the State.
2. That this honourable House mandates the House Committee on Petroleum and Environment to investigate the extent of compliance with the law of enforcement of penalties and other matters relating to disciplinary actions by the Enugu State Waste Management Authority.
3. That this honourable House urges the House Committee on Petroleum and Environment to

embark on a State wide tour to identify all the neglected areas in the Environmental protection programme of the State Government.

4. That this honourable House urges the Managing Director of the Enugu State Waste Management Authority Mrs Winfred Okeke to expedite action on the immediate removal of waste products in different parts of the State especially at the University Market Road Nsukka and the New Market area along Onitsha road, Enugu.

Be it moved and it is hereby moved.

Mr C. Ugwu (Enugu East II): Thank you, Mr Speaker, Sir. If you will remember vividly, this Government took-over power on May 29th, 1999; ten days ahead we would have spent about six years in democracy. The government of this State since then has devoted much of her time and huge amounts of money in the well-being of her citizens and for their betterment. If you remember also on 29th July, 2004, this honourable House passed a very important Bill – Enugu State Waste Management Authority.

Mr Speaker, Sir, part of the functions of this Authority, if you go to Sections 5, page 5 of the Bill – Sections 5(1)(d) reads: *To advise and make recommendations to the Ministry for the improvement, collections, removal,*

processing, treatment and the safe disposal of Wastes. If you go down to the same Section 5(1) – (10) it reads:-

To approve and keep close watch on all waste disposals system in the State and so on. My question is does the Authority keep close watch on all the waste disposals? The answer is *no*.

Before this Motion was put together, we took a trip to Nsukka to see these two areas – University Market Road and Enugu-Onitsha Road. If you go to these two areas you will be ashamed of what the Authorities are doing. They are very lazy and dull. We have just cited these two areas because of two reasons. Nsukka, like you know, is housing the University of Nigeria, I mean the entire University of Nigeria. The university houses all the citizens of this country including other nationals of the world. Since this University houses all these people, it will be unfair to have this ugly scene near the University.

Again, this Market Road is almost a gate-way to Enugu capital city. If you are coming from the North, be it Abuja or Benue, that spot we are talking about is your first port of call. If you are coming from the West, be it Lagos, Oyo State, and other places, you must see the waste disposal site. If you are coming from Onitsha, Anambra State, you must see that ugly place; so it is unfair. This road is leading into the capital city of Enugu. What we are saying is that this Authority should rise up to the challenges of the occasion. They should implement what is in the Bill passed by this honourable

House. Enugu State government has spent a lot on this Ministry. I do not know why the woman in that Authority should neglect all these things. What we are saying is that we call on our honourable Colleagues to rise and condemn this ugly situation. Thank you, Mr Speaker.

Chief Whip (Mr Odo): Mr Speaker, Sir, I have risen to give my entire support to this very timely Motion. When the Bill was passed into Law sometime last year, the law establishes six zones within which environmental Zonal Divisions could be sited. Unfortunately, ESWAMA has been working only in the metropolis, not in the entire urban areas even. If one goes across Independence Layout and Presidential Road, one will still see some people trying to do some shop dressing in terms of clearing refuse. But in the real sense nothing is happening. If you go to Murtala Park along Onitsha Road, you will equally find out what is happening there. It virtually stinks on everybody that passes across the road. You will understand that the first thing that the Authority did when the Bill was passed into Law was to establish private Sector participants to undertake certain areas. These participants were given the powers along-side the ESWAMA to collect levies as was enshrined in the Schedule of the Law. All these monies they collect at villages in form of collecting Environmental Levies, you still find out that the purpose for which the monies were collected was not really met in any way.

This Assembly cannot watch the parastatals set up by government be messed up. The House really enacted it into law. A close watch at the Environmental Days, that is, the last Saturday of the month, shows that what happens in ESWAMA premises beclouds the essence of the law. The law was passed to the extent that violators on the Environmental Day (i.e. last Saturday of the month) could be charged to Magistrate Court meant for that purpose. What happens in ESWAMA is that the moment you are caught on Environmental Day you will be made to pay a certain fee of N2,000.00 or N3,000.00 without any receipt and you will just go. So even the ESWAMA Court is now more or less a *sitting-down* Magistrate because it is only those who refuse to pay the above sums that where sent to the court, which beclouds the essence for which the law was established. A close look by the Committee equally indicates that the General Manager of ESWAMA appears to be using private-member participants, using her own company or firm to run same. You know that one cannot honestly be a judge on her own cause. There is no way somebody can be an owner of a company and then you expect that person not to do some kind of private practice (PP). It even beclouds the purpose for which the Company was registered under the Company and Allied Matters Act. So we really have to call the establishment to order.

Most importantly, the law specifies that part of the decisions to be taken by

the Board is to make reference to the supervising Ministry. A close look by the Committee proves that nothing like that is happening. She runs the place like a Sole Administrator without any recourse to the approving Ministry in terms of certain decisions. This explains why I really thank the Movers of this Motion for not bringing the Ministry into focus because the establishment is being run like a private affair.

Finally, Mr Speaker, Sir, I want to commend further the Movers of this Motion for bringing this Motion so timely and I will honestly urge the entire House to really do justice to this Motion more especially the House Committee on Petroleum and Environment whom the Mover has pleaded, if the House accepts, that they look into this matter by summoning the Managing Director of ESWAMA to really give explanations why a law that is not even up to one year could not be adhered to strictly. She equally knew much about the enactment of the Law. I want to ask my Colleagues to really support this Motion. Thank you.

Mr J. Obidinma (Oji-River): Mr Speaker, the Movers of this Motion have actually done a very good work. In fact, they are good Representatives of the State. Mr Speaker, the Agency if I may say is not doing what is expected of it or probably what is enshrined in the law. If one goes around some major streets in Enugu Urban one will just see them sweeping the Bissala Road or Presidential Road leaving the greater part of Enugu State uncleaned. Places like Emene,

Awkunanaw, Achara Layout, Mary-Land and Coal Camp areas, they do not go there at all. I do not see anything to argue against the Motion. May I therefore seize this opportunity to move that the Question be now put.

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

Main Question put and agreed to.

Resolved:

1. That this honourable House urges the Managing Director of the Enugu State Waste Management Authority (ESWAMA) Mrs Winfred Okeke to redefine her strategies for carting away regularly waste products from all strategic refuse dumps in the State.
2. That this honourable House mandates the House Committee on Petroleum and Environment to investigate the extent of compliance with the law on enforcement of penalties and other matters relating to disciplinary actions by the Enugu State Waste Management Authority (ESWAMA).
3. That this honourable House urges the House Committee on Petroleum and Environment to embark on a State wide tour to identify all the neglected areas

in the Environmental protection programme of the State Government.

4. That this honourable House urges the Managing Director of the Enugu State Waste Management Authority Mrs Winfred Okeke to expedite action on the immediate removal of waste products in different parts of the State especially at the University Market Road, Nsukka and the New Market Road area along Onitsha Road, Enugu.

ANNOUNCEMENT

Mr Speaker: I have no announcement.

ADJOURNMENT

Leader (Mr J.N. Anichukwu): Mr Speaker, may I move that this House do now adjourn till Tuesday 24th May, 2005 at 10a.m. Thank you.

Mr Obidinma: Thank you, Mr Speaker. I rise to second the Motion as moved by the hon. Leader of this House. Thank you.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 24th May, 2005 at 10a.m.

Adjourned accordingly at 2.10 p.m.



ENUGU STATE OF NIGERIA
PROCEEDINGS

**AND DEBATES OF THE
SECOND SESSION OF THE
THIRD ASSEMBLY**

ENUGU STATE HOUSE OF ASSEMBLY

OFFICIAL REPORT

No. 155

Tuesday
24th May, 2005

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No proofs of the Daily Reports can be supplied. Corrections, which Members suggest for the Bound Volume, should be clearly marked in the Daily Report, but not telephoned and the copy containing the corrections must be received at the Editor's Room, House of Assembly

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Enugu State House of Assembly

HOUSE OF ASSEMBLY
ENUGU STATE OF NIGERIA

Tuesday, 24th May, 2005

The House met at 10 a.m.

PRAYERS

(Mr Speaker in the Chair)

**APPROVAL OF VOTES AND
PROCEEDINGS**

Mr Speaker: Honourable Colleagues, we have before us our Votes and Proceedings No. 76, dated Thursday 19th May, 2005. I have gone through them and to the best of my knowledge, they are correct. However, I call for your comments.

Mr F. Onah (Nsukka West): Mr Speaker, Sir, I have equally gone through the Votes and Proceedings of our last sitting and to the best of my knowledge they are the picture of what transpired during our last sitting. For that reason, Mr Speaker, may I now move that the Votes and Proceedings be unanimously adopted. Thank you.

Ms E. I. Nnamani (Isi-Uzo): Mr Speaker, Sir, I have risen to second that Motion as moved.

Question put and agreed to.

Votes and Proceedings No. 76 of Thursday 19th May, 2005, accordingly adopted.

PAPER

**Report of the Auditor-General on
the Annual Accounts of the
Government of Enugu State for the
year ended 31st December, 1998,
together with the Financial
Statements of the Auditor-General
thereof**

Leader (*Mr Anichukwu*): Mr Speaker, Sir, may I present to this honourable House the 1998 Auditor-General's Account for Enugu State. Thank you.

Mr Speaker: Honourable Colleagues, we have just received from the Auditor-General of the State, the 1998 Statement of Accounts, and the Leader of the House having presented it will have to move a Motion that we accept it for consideration before I refer it to the relevant Committee.

Leader: Mr Speaker, may I move that the document so presented, that is the Auditor-General's Annual Report for Enugu State be accepted for consideration on a later date to be determined by the Rules and Business Committee of the House.

Deputy Leader (*Mr Anikwe*): Thank you, Mr Speaker. I have risen to second that Motion.

Question put and agreed to.

Report from the State Auditor-General on the 1998 Annual Accounts accordingly accepted.

Mr Speaker: Honourable Colleagues, before I refer this document to the relevant Standing Committee, I wish to appeal that this is the third time we are receiving this type of document, and up till now we do not know the fate of the first and the second. So, I am appealing to the Leader who incidentally is the Chairman, House Committee on Public Accounts, to endeavour to give us up-to-date report on those so far presented, because we cannot be piling documents from the Auditor-General without comments.

Each time we receive it, we pass it to the relevant Committee without receiving from the Committee the extent of its own investigation or effort on it. So, I am appealing that since we are referring this also to the Standing Committee on Public Accounts, please try as much as possible to give us up-to-date report on those already sent to the Committee.

This document is hereby referred to the House Committee on Public Accounts, and they are given two weeks to report back to the House, all things being equal.

ORDER OF THE DAY

Consideration of Report from House Committee on Rules and Business on the Standing Orders of the Enugu State House of Assembly

(Adjourned Debate on Consideration (05/05/2005))

Leader: Mr Speaker Sir, may I move that this honourable House do now resolve itself into a Committee of the whole House for the purpose of considering the Report along with both the Draft and the Standing Orders presently in use.

Mrs C. Eneh (Udi South): Mr Speaker, Sir, I beg to second that Motion.

Question put and agreed to.

Report from House Committee on Rules and Business on the Standing Orders of the Enugu State House of Assembly – Considered in the Committee of the

The Chairman: Honourable Colleagues, please go to Order No. 20, that is where we stopped during our last sitting: *Order of the Day: An Order of the Day is a Bill or other matter which the House has ordered to be taken into consideration on a particular day. An earlier day cannot be substituted for the day so appointed.*

We may recall that during our last sitting there was a kind of disagreement on this particular Order No. 20(1), and along the line, we decided to defer debate to the next sitting day. I do not know whether we have now agreed, or whether some Members still have a different view about it. We tried to explain the difference between the *Business of the Day*, *Order of Business* and *Order of the Day*. That day, and along the line some hon. Members were not actually following. On that basis we stepped down further debate to the next sitting day.

I wish to humbly request those of us who still have doubt or those of us who still want to make contributions on that particular one to let us know and give reasons for not accepting what is here.

Chief Whip (Mr Odo): Mr Chairman, Sir, we adjourned to the extent of researching into whether or not the *Order of the Day* as it appears in the paper reflect what were termed *Order of the Day* to me.

The House adopted a Motion moved by the hon. Member for Enugu East (Mr Ugwu) that *Order of the Day* should be left the way it is in the Old Rule and it was unanimously adopted. Now in Order No. 20 we now come back to say that *an Order of the Day is a Bill or other matter which the House has ordered to take into consideration on a particular day and an earlier day cannot be substituted from the day so appointed*. And what we are saying is that since we agreed that *Order of the Day* should be left the way it is in the previous Rule and in the previous Rule,

Order of the Day appears to be the last even after the presentation of the Bill. For instance, we have defined *Order of the Day* as a Bill or other matter for which the House has ordered to take into consideration but what we are saying is that if we go by what has been written which the House has not regarded at present then the issue of substitution is totally irrelevant because the *Order of the Day* as it appears here connotes the presentation of Bills and any other matter which the House is considering for that day. If we now say that what we are doing now: the consideration of this report, is part of *Order of the Day* that means that it is not qualified to be the *Order of the Day* because from the Old Rule which we adopted the *Order of the Day* appears to be the very last after all items have been listed.

The Chairman: Which rule did you say we have adopted and is going to be the last in the list.

Chief Whip: Mr Chairman, you are reasoning contrary to everything because the Rules and Business Committee recommended that *Order of the Day* includes ... (*Interruption*).

The Chairman: I told the Chief Whip that day that *Order of the Day* means a business we started but could not finish it and the next day we will discuss such business again, it must come as unfinished business. So, it has nothing to do with frequency of business or what we have adopted in

the House. What we are saying is that Order of the Day is a business which we started and could not end that day. Just like today we have a report from Auditor-General; if there is any reason for us to discuss it today it is going to be Order of the Day and if we do not conclude discussion on it today it will now be deferred to a later date to be determined by the Rules and Business Committee of the House.

Chief Whip: How would you know it will not be finished at a particular time as to describe it as Order of the Day? If you describe Order of the Day as unfinished business, how would you know the business that is unfinished?

The Chairman: Of course we should know! What is the Chief Whip talking, we should know the business that we have not finished. And if you look at the Order Paper of today you can see *Order of the Day*. Between you and I we are aware we are not treating business and that this business is still progressing; therefore it should come as Order of the Day; unfinished business.

Chief Whip: Mr Chairman, just get me clear. Just turn to page 15 Order No. 15, place it side by side with Order No. 9 in the Old Rule. Now Order No. 9 in the Old Rule appears to be Order No. 15 in the new Rule and if you take it, it started with the *formal entry of Mr Speaker*, I am reading the new rule, *prayers, Oath of Allegiance and Oath of Membership of new Members, Approval of Votes and Proceedings, Order of the Day*. I don't

know whether you are following? Then according to the new rule they now included message from Governor, presentation of Bill as Order of the Day and this House said no, that message from Governor should not come under *Order of the Day*, that was why somebody moved a Motion and we now said, *Order of the Day* has to be left the way it appeared in the old rule. And in this Old Rule, after listing *Message from the Governor, other Announcements by the Speaker, Presentation, papers* then up to 15 and then 16 after mentioning all these you now say *Order of the Day*. So, now how do you reconcile the issue of Order of the Day coming as item 5 in the new rule and then Order of the Day coming probably it the last item in the Old rule as it was accepted by the House? This is a very big confusion and contradiction. What I am saying is that the way it appears does not in any way show that there is creditability in what we have done. What I may probably suggest, if it is possible, is that since we have admitted that Message from Governor should not form part of Order of the Day we now have to move another Motion reconciling the Motion earlier on passed that the *Order of the Day* to be left as it is in the Old Rule and then after listing the *Message from Governor* we can now say *Order of the Day* before we can now put *presentation of Bill, Motions, petition, Papers, etc.*

The Chairman: On that note, I think I am okay. Gentlemen, if you look at that Order No. 9 (the Old one) we are not quarrelling with the issue of *Message from the Governor*. We tried to separate the Message from Governor from the Order of the Day during our last sitting. The presentation of Bill, we have agreed too, is an unfinished business. What the hon. Chief Whip is saying is that there should be some re-arrangement, that we should now come back and lift *the Order of the Day* and place it immediately after *Governor's Message*. (*Interruptions*).

Honourable Colleagues, you see, when we are talking, we have others whose duties are meant to guide the House even though they do not have opportunity to stand up and talk. What they are saying is that it is better we leave it the way it is in the Old one because any of these things here could form Order of the Day. Any of the items lifted in the old one immediately after *Governor's message* could form *Order of the Day* that is why they went ahead and put it almost last.

Chief Whip: What is now Order of the Day if any the items could form Order of the Day and you now put it last?

Mr M. Onyeze (Igbo Eze North I): Mr Chairman, Sir, following the definition of *Order of the Day*, there is no need bringing it after Message from the Governor. Because, when you bring it after *Message from the Governor*, and it states: *Presentation of Bills, Presentation of Motions* and so on and so forth, they are talking of the fresh matters while the

Order of the Day is talking of matters that we have been treating that are unfinished. So we cannot bring it after Message from the Governor. So we better adopt the Old one. In other words, there is no need moving a Motion to remove it.

The Chairman: We had already adopted it before the argument came up. The argument came up when we got to Order No. 20. If we want to leave it the way it is, let us make progress.

Deputy Leader (Mr Anikwe): I will like us to look at these points; we have this thing each day we enter here, i.e. *Order Paper*; what do we call it? It is *Order Paper*. As it appears today, item 4 says, *Paper*. That is a business treated by the House as contained in the *Order Paper*. I will like to appreciate the difference between *Order Paper*, *Order of the Day* and *Business of the Day*.

The Chairman: The point is that the Deputy Leader is just taking us far away from the issue. Let us not delay in this matter; I do not know why we should continue with unnecessary debate. This is a very straightforward issue.

Deputy Leader: What is unnecessary argument.

The Chairman: During our last sitting, you were not here, so this thing you are saying today was seriously

debated before we said okay, let us leave it until a later date.

Now, you are coming again to take us back to *Aguobu-Owa*. Gentlemen, when you talk about contradiction, there is nothing like contradiction as far as I am concerned on this matter. I tried to explain this thing the other day, I am happy that the Member for Igbo Eze North I (*Mr Onyeze*) has equally highlighted it this morning.

Several hon. Members: Wrongly; he got it wrong.

The Chairman: It is not wrong for Christ sake.

Mr F. Amu (Nsukka East): Thank you, Mr Chairman; you know that the last order as proposed by the hon. Member for Enugu East II (*Mr Ugwu*) which we adopted, *Order of the Day* came after Message from the Governor. Now in this one, they are talking about order of the business coming after Message from the Governor. What I am trying to say in effect is that if we adopt as it is here, it is contradictory. It is very clear. It is either we bring this Order Paper after Message from the Governor so that it will be in the form with the other one or we adopt the Old one as it is. That is what it should be.

The Chairman: Okay; can we now re-arrange it? That is, we now re-arrange it using the Old one which we had already adopted.

The old one says: *Formal entry of Mr Speaker, Prayers, Oath of Allegiance and*

Oath of Membership of New Members, Message from the Governor, Order of the Day, Other Announcements by the Speaker. Honourable Colleagues, this one has already been adopted.

Chief Whip: No. It has not been adopted. What was adopted in the Old one was that the *Order of the Day* should now be reflected in the place it takes in the old one in the new one. Nothing else was adopted in the old one aside from the position of the *Order of the Day*.

The Chairman: What we adopted was the arrangement of business as contained in the Old one. That was what we adopted.

Mr M. Onyeze (Igbo Eze North I): Mr Chairman, Sir, there was a Matter of Urgent Public Importance but that matter of urgent public importance came after we have considered and treated Order of the Day. We need to stream-line things, it is when we have exhausted all new things that we now go to the Order of the Day, It is better understood like that. What I am saying is that what would have been the case is that when we have treated all new things, we now go to Order of the Day for a particular day. It now refers to us to the previous business as it is in the Order of the Day just as we have it here. So what would have happened perhaps is that even *Matter of Urgent Public Importance* could have been moved before we come to Order of the day.

The Chairman: It is wrong.

Mr M. Onyeze (Igbo-Eze North 1): It is not wrong, Mr Chairman Sir, If you look at Page 9 (11) – *Arrangement of Business, Motion for Adjournment and matters of Urgent Public Importance*. Now, what I am saying is that all these two things must be finished before we come to the Order of the Day. Even at the last sitting, we finished a part of Order of the Day which was debated on this Draft Standing Orders before moving to Matters of Urgent Public Importance which was finished that day. So we need to finish all new things before we come to Order of the Day.

The Chairman: Has the hon. Member for Igbo Eze North I (*Mr Onyeze*) ever seen Matters of Urgent Public Importance ever listed on the Order Paper? We do not list it on the Order Paper. It is a matter of urgent public importance. So it does not appear on the Order Paper.

Chief Whip: Mr Chairman, Sir. Does other *Announcements* come on the Order Paper? The moment we appreciate that this Rule is okay the better for us. The way it stands after *the Message from the Governor*, the next thing is *Announcement by Mr Speaker*. A Committee was set up to go and examine all these things, they brought out their Report but we are neglecting all these things. We are trying to accept the mischief that we are about you avoid. (*Prolonged interruptions*).

The Chairman: Excuse me Gentlemen. Please I do not want hon.

Colleagues to sit down and talk. If you have any way out, please stand up and inform the House. Do not sit down on your Seat and start talking, please.

Chief Whip: Mr Chairman, Sir, if you look at the Old Order we have been using, that very Old Order was not arranged properly.

The Chairman: Honourable Colleagues, I request that that Section be deferred. Let us go ahead with the other Sections.

Chief Whip: Mr Chairman, Sir, but it could affect some other sections we might be treating.

The Chairman: It may not affect it. Please let us defer it. Honourable Colleagues, may I formally wish to request that the House do now defer discussion on this matter, so that the issue of sequence on the Order of the Business could be properly determined and agreed to before our next sitting. The Order is meant for the House and not for the Speaker, nor is it meant for any particular fellow. Therefore to avoid doing the wrong thing at the right time, let us defer further discussion on the matter to a later date to be determined by the Rules and Business Committee of the House. Thank you.

(Mr Speaker resumed the Chair)

Mr Speaker: Honourable Colleagues the following hon.

Members should try as much as possible to get us to the true position of this Order No. 20 before the commencement of our next sitting. We will look at whatever they must have written in my office before coming to the Chambers: *Mr E. Odo* should be there, *Mr Nze M. Onyese*, Leader of the House (*Mr Anichukwu*), *Mr E. Maduabu*, *Mr C. Ugwu*. Of course the Deputy Speaker (*Mr Atigwe*) should be the overall Chairman. They should come up with something hence we are adjourning to any date. Before the commencement of our next sitting, we will sit down in my office to look at whatever they must have articulated, please. The Deputy Leader (*Mr Anikwe*) should join them too. We want to have something that will serve the public. These things we are doing now, we are not doing it for ourselves; we are doing it for posterity. Try as much as possible to meet and come up with something better so that we read and discuss them in my office before our next sitting please, so that it will be very easy for us to adopt. The Clerk of the House (*Mr H. E. Udch*) should join them please.

Honourable Colleagues, we have in our midst a former hon. Member in the past republic representing Ezeagu Constituency (*Mr Izueke Okoro*). During his time he was the Chairman of House Committee on Agriculture. I am talking about *Mr Okoro*. Please you are welcome to the House.

Mr I. Okoro: Thank you, Mr Speaker for according me this privilege.

Mr Speaker: Thank you very much. On behalf of my Colleagues, we say

welcome. It is hoped that from time to time those old hon. Colleagues can come around to see the way we behave in the Chambers. If there are modifications they want us to make we can be advised that it is done this way or that way. In Igbo language – *asi na ikro anaghi akari onye kulu ya*. On this note you are welcome.

ANNOUNCEMENT

Committee Meeting

Mr Speaker: Honourable Colleagues, the House Committee on Joint Committee on Health, Judiciary, Public Petitions, Ethics and Privileges will meet on Friday 27th May, 2005. Venue: Room 014 and time 11 a.m. Attendance is mandatory on all the Members as issued relating to the Bill before the Committee will be discussed.

Signed
Hon. F. C. Onah

Meetings

Mr Speaker: Honourable Colleagues, we will meet in my office on the rising of the House.

Honourable Colleagues, the Committee that I have just announced will meet on Friday, 12 noon, 24th May, 2005 to discuss on this matter concerning the Standing Order of this House. The venue is the Deputy Speaker's office.

ADJOURNMENT

Leader (*Mr J. N. Anichukwu*): Mr Speaker, may I move that this honourable House do now adjourn till Tuesday, 31st May, 2005.

FERMA to Hasten Action

Mr F. E. Amu (Nsukka East): Thank you, Mr Speaker I have risen to second the Motion, and in doing so Mr Speaker, I wish to use this opportunity to call on the Federal Road Maintenance Agency (FERMA) to please expedite action on the repair of Opi/Nineth Mile Road because that place is a death trap. One cannot pass through that road without seeing a case of an accident especially between Opi-Nsukka junction. So, I am inviting the Federal Road Maintenance Agency to do something about it.

Mr Speaker: I think that the matter is a very serious issue and it should not come only in supporting Motion for adjournment. There was a time we made a Motion on that. I think what we will do is that by next week we either mandate the Committee on Works and Transport ...
(Interruptions)

Deputy Leader (*Mr Anikwe*): Do it now. Why not now?

Mr Speaker: No, we have passed that stage; next week we do that. I do not even know. What of what we said about Awgu, was it done? ... (Interruptions).

Several hon. Members: Even Otigba Junction!

Mr Speaker: Honourable Colleagues, by next week we will be able to articulate all those Motions we passed but nothing have been done about them. We will then mandate a Committee to follow them up.

Deputy Leader: Mr Speaker, while supporting the Motion for adjournment it is natural that in a man's life whatever comes to a man is equal to him. I therefore appeal to the Speaker to have a large heart to bear the defeat of Enugu Rangers Football club. Thank you. ... (Laughter)

Mr Speaker: Well, the Enugu Rangers is not only for the Speaker. Unfortunately, the Deputy Leader (*Mr P. Anikwe*) would have directed that sympathy to the Chairman and the Chairman has to look at it as his fault. I thank the Deputy Leader for sympathizing with me.

Question put and agreed to.

Resolved: That the House do now adjourn till Tuesday, 31st May, 2005 at 10a.m.

Adjourned accordingly at 1.24 p.m.