

DEBATES IN THE FEDERAL
HOUSE OF REPRESENTATIVES

FIRST SESSION

17th to 30th August, 1955

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Debates in the Federal House of Representatives of Nigeria

Wednesday, 17th August, 1955

The House, after the adjournment on 7th April, 1955, met at 10 o'clock

COUNCIL OF MINISTERS

- His Excellency the Governor-General,
Sir James Robertson, K.C.M.G., K.B.E.
- The Chief Secretary of the Federation,
The Honourable R. F. A. Grey, C.M.G., O.B.E.
- The Attorney-General of the Federation,
The Honourable A. McKisack, Q.C.
- The Financial Secretary of the Federation,
The Honourable A. R. W. Robertson, C.M.G., C.B.E.
- Minister of Transport,
The Honourable Abubakar Tafawa Balewa, C.B.E.
- Minister of Land, Mines and Power,
The Honourable Alhaji Muhammadu Ribadu, M.B.E.
- Minister of Communications and Aviation,
The Honourable K. O. Mbadiwe.
- Minister of Trade and Industry,
The Honourable R. A. Njoku.
- Minister of Natural Resources and Social Services,
The Honourable Adegoke Adelabu.
- Minister of Labour and Welfare,
The Honourable Chief Festus Sam Okotie-Eboh.
- Minister of Works,
The Honourable Alhaji Muhammadu Inuwa Wada.
- Federal Minister,
The Honourable M. T. Mbu.
- Federal Minister,
The Honourable Kolawole Balogun.
- Federal Minister,
The Honourable V. E. Mukete.

HOUSE OF REPRESENTATIVES

Sir Frederic William Metcalfe, K.C.B. Speaker.

PARLIAMENTARY SECRETARIES

- Parliamentary Secretary, Ministry of Transport,
Mallam Bukar Dipcharima.
- Parliamentary Secretary, Ministry of Communications and Aviation,
U. O. Ndem, Esq.
- Parliamentary Secretary, Ministry of Trade and Industry,
Chief O. Oweh.
- Parliamentary Secretary, Ministry of Natural Resources and Social Services,
D. C. Ugwu, Esq.
- Parliamentary Secretary, Ministry of Labour and Welfare,
Chief H. Omo Osagie.

[Reports]

17th August, 1955

[Business Statement]

Papers

I have to announce that the Printed Papers and reports already circulated on the Order Paper now in the hands of Hon. Members are deemed to be laid on the Table and will be so recorded in the Votes and Proceedings for this day.

Mr Speaker :**COMMITTEE REPORTS**

I have to lay on the Table a report from the Committee of Selection which will be published in the Votes and Proceedings tomorrow, and it is with pleasure that I also inform the House that Alhaji Mohamed Munir has agreed to act as the Chairman of the Public Accounts Committee. In pursuance of Standing Order 65 I have nominated him as Chairman of that Committee.

STATEMENTS BY MINISTERS**Mr M. T. Mbu, Federal Minister :**

Mr Speaker, I rise to make a short business statement for this week ending on Saturday, the 20th August. Hon. Members who have had time to glance through their Order Papers of today would observe that Government proposes to deal with the following today :—

BILLS

- The High Court of Lagos Ordinance, 1955.
- The Pensions (Special War Appointment) Ordinance, 1955.
- The Federal Supreme Court (General Provisions) Ordinance, 1955.
- The Criminal Code (Amendment) Ordinance, 1955.
- The Federal Supreme Court (Appeals) (Amendment) Ordinance, 1955.
- The Evidence (Amendment) (No. 2) Ordinance, 1955.
- The Criminal Procedure (Amendment) (No. 2) Ordinance, 1955.
- The Magistrates' Court (Lagos) Ordinance, 1955.

MOTIONS

- Draft Standing Orders.
- Amendments to the Customs Tariff.

The second reading and all further stages of the Bill for a Magistrates' Court (Lagos) will be taken also today.

All the Bills I have just read have been published in the *Gazette*. I take it that hon. Members wishing to contribute to the debate on the second reading must have got their notes ready.

On Thursday, 18th August, the Government proposes to deal with the following :

Motion—Message of good wishes and appreciation to Sir Hugo Marshall, lately Chief Secretary of the Federation.

Bills for second reading and all further stages—The Evidence (Amendment) (No. 2) Ordinance.

The Criminal Procedure (Amendment) (No. 2) Ordinance.

Bill for second reading—The High Court of Lagos Ordinance.

Bill for second reading and all further stages—The Pensions (Special War Appointment) Ordinance.

Bill for second reading—The Federal Supreme Court (General Provisions) Ordinance.

Bill for second reading and all further stages—The Criminal Code (Amendment) Ordinance.

Bill for second reading—The Federal Supreme Court (Appeals) (Amendment) Ordinance.

At the following will be dealt with :

Bill for second reading—The Lagos Town Planning (Amendment) Ordinance,

[Presentation of

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Public Bills]

The Income Tax (Amendment) (No. 3) Ordinance.

The Patents, Designs, Copyright and Trade Marks (Emergency) (General) Ordinance.

Second reading of the following :

Any bills set down for second reading, and not read a second time, on the previous day.

Bills for committee stage—The High Court of Lagos Ordinance.

The Federal Supreme Court (General Provisions) Ordinance.

The Federal Supreme Court (Appeals) (Amendment) Ordinance.

On Saturday, the 20th of August, the Minister of Labour and Welfare will present a Bill for a Factories Ordinance, and the Minister of Transport a Bill to amend the Ports Ordinance. Due notice has been given of both Bills by publication in the *Gazette*. Members will appreciate from what I have said that the timetable for the first three days is a full one, and any business left over from it will be set down for Saturday morning.

I hope Members will be fully occupied with the lot I have read for this week. On Monday, the 22nd, my colleague who will be responsible for Government business will make a similar statement for that week. It will be appreciated if hon. Members from all sides will co-operate not only to make the business of this meeting a success but a speedy progress. To achieve this, it is hoped Members will contribute wisely and relevantly to the debates.

Presentation of Public Bills

THE HIGH COURT OF LAGOS ORDINANCE, 1955

The Attorney-General of the Federation (Mr A. McKisack) :

Second Reading—Tomorrow.

THE FEDERAL SUPREME COURT (GENERAL PROVISIONS) ORDINANCE, 1955

The Attorney-General of the Federation :

Second Reading—Tomorrow.

THE FEDERAL SUPREME COURT (APPEALS) (AMENDMENT) ORDINANCE, 1955

The Attorney-General of the Federation :

Second Reading—Tomorrow.

THE EVIDENCE (AMENDMENT) (NO. 2) ORDINANCE, 1955

The Attorney-General of the Federation :

Second Reading—Tomorrow.

THE CRIMINAL PROCEDURE (AMENDMENT) (NO. 2) ORDINANCE, 1955

The Attorney-General of the Federation :

Second Reading—Tomorrow.

THE MAGISTRATES' COURT (LAGOS) ORDINANCE, 1955

The Attorney-General of the Federation :

Second Reading—Today.

THE PENSIONS (SPECIAL WAR APPOINTMENTS) ORDINANCE, 1955

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Second Reading—Tomorrow.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1955

The Chief Secretary of the Federation :

Second Reading—Tomorrow.

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[The Customs (Duties
and Exemptions)

17th August, 1955

(Amendment)
Resolution, 1955]

36 of Part III of the Customs Tariff the reference to the Customs (Prohibition, Regulation and Restriction of Imports) Order in Council of 1950. The drugs will remain exempt from import duty so long as they are included in the medical registers mentioned in item 36 of Part III of the Customs Tariff.

The last amendment seeks to exempt unmilled wheat and spelt, including meslin—which are types of wheat—from import duty. Flour is exempt from Customs Duties, and the proposed exemption would encourage the milling of wheat in Nigeria to produce flour. The loss to revenue would be negligible.

Sir, I beg to move.

The Minister of Trade and Industry (Mr R. A. Njoku):

Sir, I beg to second.

Question proposed.

Chief S. L. Akintola (Oshun West):

*Mr Speaker, Sir, I really admire the courage of the Financial Secretary. The beauty of his eloquence befits its unintelligibility. It was not intended to be understood at all, and I respectfully give a warning that the Government must stop fooling the Members of this House. What has the Financial Secretary said? What does he propose to amend? In all honesty we all want our laws to be reasonable. There must be a reasonable comparison between duties charged on materials of the same kind. We must be taken into confidence. What reduction do you want on corrugated iron sheets; what particular amendment? The whole thing was just jumbled together. Corrugated iron sheet; galvanised something here, and we were just only looking, only star gazing. Nobody understood a word of what the Financial Secretary meant.

Some hon. Members: We understand.

Chief Akintola:

It is too early in the debate for us to indulge in a thing of this kind. I am not saying this merely to score a point. I want to be sure what the Financial Secretary would like us to amend. The items should have been taken one by one and each must be an amendment in itself. But there have been several items taken together now and I thought in the normal order of things each amendment would appear on the Order Paper: amend so much on corrugated iron sheet; delete sixteen shillings or whatever it is and substitute twelve shillings. Then that will be a motion by itself. But this makes no sense at all and it is therefore difficult for a Member in the Opposition either to oppose or to support this motion. I do not want to drag my friends on the right into any controversy so early. I know you indulge in ignorance; we do not (*Interruption*). We want to understand what we are talking about and I, with due deference to the Financial Secretary, although this may be steam-rolled, yet I would ask that in future we want the Standing Orders to be followed. One amendment and each particular item so that we may compare and contrast. If I may go by what I have heard from the Financial Secretary I have not got the figures before me. He himself had to read from a long paper there because without that paper he could not even understand himself (*Laughter*). But he does not give us the benefit of his knowledge by putting a copy of that paper before every Member here. If I follow his amendment I would even oppose one item, that corrugated iron sheets should be duty-free. We are talking about bold housing schemes, reducing the cost of building and the only thing to do is to reduce the duty completely on corrugated iron sheets.

I can understand why Members are disturbing me so much. We have not congratulated our Friends on the right because they have just recently been christened. (*Laughter*). I understand that the new name of our new babies is the National Crooks of Nigeria and the Cameroons. (*Laughter*). I did not remember to congratulate our new Members, Mr Speaker,

* Speech not corrected by Member.

[*The Customs (Duties
and Exemptions)*]

17th August, 1955

(*Amendment*
Resolution, 1955)

Sir, I therefore respectfully oppose this motion not because it may not make sense but because it is not understood at all and until the Financial Secretary can make himself understood and bring this amendment item by item we see no reason why we should support it.

Dr E. O. Awduche (Onitsha Division):

Mr Speaker, Sir, I rise to support whole-heartedly the amendment introduced by the hon. the Financial Secretary (*Applause*). I do so with a full sense of understanding of the implications of especially subsections (a) and (b)—those sections which deal with medical supplies. In this regard it is quite clear to hon. Members that duties paid on these things eventually fall back on the public, that is to say the consumers, and these consumers are, of course, in this respect, patients. There has been a lot of hue and cry in the country about the high cost of medical treatment and there is no doubt that by cutting out the duties there will be a considerable alleviation of this high cost of treatment and it will bring medical care home cheaply to the common man and to the man in the street. . . . (*Applause*) . . .

Especially with regard to surgical equipment, the description of surgical equipment relates strictly to those materials which are used for carrying out surgical operations, but there are other equipments which are just as valuable and as important, and these relate to appliances like those used after orthopaedic surgery. We know that in view of the rapid industrialisation of this country there are quite a good number of accidents and cases where people lose limbs and parts of the body and the duties removed from these appliances will go a very long way in alleviating the discomforts now suffered by members of the public.

Mr Speaker, Sir, I beg to support this amendment.

Mr Jaja Wachuku (Aba Division):

Mr Speaker, Sir, it is most amusing to listen to our medical friend who told us here that he understood everything that the Financial Secretary said and he has spoken without telling us what he understood. Now, Sir, I would have liked my hon. Friend to explain to us this particular item in Part III of the amendment (b) (36): "Medical preparations, drugs, anaesthetics and dressings included in editions of the British Pharmacopoeia, the British Pharmaceutical Codex or the Veterinary Codex current at the time of importation". What does that mean? Let the hon. Member say (*Laughter*).

Mr Speaker, Sir, what the Members of the Opposition would like the Financial Secretary to tell Members here is what are these medical preparations? We have a right to know. Medical preparations and all these items included in the "Pharmaceutical Codex"; what are they? Do they include everything here? (*Laughter*) Surely my friend tells us as a doctor (perhaps he has a private nursing home and he thinks this will exempt him from duty on everything he imports into his hospital) but we do not know and we are asking the Financial Secretary to tell us what these articles are and how much is being reduced on each item. It may well be that there are certain articles which may be cheaper elsewhere and then we are just being told under a blanket being covered up here and then we find out that by reducing all these things the revenue may be affected. That is the point.

Now taking the question of corrugated iron sheets I think the ordinary person in the street, the ordinary people we represent here, are entitled to know how much it will cost per corrugated iron sheet or aluminium sheet. How much will go; you say 1.5 how much is 1.5. You say per ton, how many sheets make a ton? Reduced to pounds, shillings and pence the ordinary person who purchases aluminium sheets wants to know how much it will cost so that if for instance I go to the U.A.C. or John Holts I may know that I am not being over-charged. May I ask a question. What are you going to tell members of your constituencies that the Financial Secretary has said? What will be the effect of the motion on the purchasing power of every member of the public in respect of corrugated iron sheets or aluminium sheets and building materials generally? My Friends on the right do not even understand an iota

[The Magistrates' Court (Lagos)
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[Second Reading]

hon. the Attorney-General that there should be no Magistrates sitting in the courts of this Federation who are not qualified lawyers. Further, having regard to the various grades of Magistrates, the experience, the post-call experience of these lawyers must have a great deal to do in qualifying them for the various grades which are now contemplated. Furthermore, Sir, I do not see the necessity for creating Magistrates' Court Grade III. I simply do not see any reason for it.

Lagos is a more civilized part of the country than most of the other parts and you have concentrated in this Lagos a good number of Magistrates unlike in other places in the provinces where you have Magistrates going round maybe once in three months or once in four months. If you have sufficient Magistrates, Grade I and qualified lawyers in the Courts resident in this town of Lagos, you should have at least ten of them because there are very many Magistrates' Courts in the town. If there are up to ten Magistrates in this town, there is no reason why you should have Magistrates, Grade I or Magistrates, Grade III or even Justices of the Peace.

In the good old days when anything was done in the name of good Government and in the name of law and order, it could be understood but today, we are trying to manage our own affairs and so, we should manage them in the proper way and I humbly submit to the Attorney-General to go back and reconsider the question of these Magistrates, remove Magistrates, Grade III, remove Magistrates, Grade II and have your Chief Magistrates. If you want to have further differentiation, you can have an intermediary between the Chief Magistrate and the other Magistrates and Senior Magistrates. You can ask for the law which establishes the Magistrates Law in the Western Region, that will be very helpful. (*Laughter*).

Furthermore Sir, it has been said once here that the Magistrates should be beyond any form of intimidation. They should be beyond any fear or looking up to somebody to help them to promotion, to increase in salary or even to bringing them on the permanent staff of the Judiciary. Well, I say that the proposals in this field make room for intimidation, for fear and for all sorts of things which the Magistrates should not entertain in their minds. Why can't the Attorney-General or this Government see to it that these Magistrates go into their appointments as established officers straight away? They are copying the old thing. They have three years of probation and then after that they will be confirmed appointments subject to the rules and caprices of somebody and to private and confidential reports written about Magistrates. I think it is a disgraceful thing that Magistrates should have confidential reports written about them and Lagos is often the place, but the same thing that used to happen in the past, some District Officers, these Administrative Officers who are supposed to be Justices of the Peace write reports about Magistrates. This is completely wrong. The Magistrates should be in a class by themselves so that they can administer justice without fear or favour. This is the type of thing that we should like the Attorney-General to do.

Furthermore, I hardly can see what duties are assigned to the Chief Justice himself. The transfer of cases from one Magistrate to another Magistrate or from a Magistrate Court to the High Court, those are the duties that I can see clear here. But we find that the Governor-General is saddled with the duties of appointing Magistrates and Justices of the Peace. That surely is what the Chief Justice should do. The Chief Justice is the head of his Department. He should be able to appoint the Justices of the Peace, his Magistrates and his Registrars. The Judges might be appointed by the Governor-General or a higher authority but as far as Magistrates and the Justices of Peace are concerned, there is no reason why the Chief Justice who is a qualified man, who is experienced in the administration of Justice, should not be able to make his own final decision in the appointment of Magistrates and Justices of the Peace.

There is one other point I would like to mention. The administration of justice in this country is saddled very sadly too, by the fact that we don't use just one language in these Courts. Somebody comes to the box, he is either a Yoruba man, a Kalabari, an Ibo or a Hausa man who does not speak the English language and therefore, a lot of time is wasted in

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[Second Reading]

the interpretation of his evidence into English which is the official language. Now, this is waste of time, not only does it reduce the efficiency of the Magistrate himself but it makes his duty very irksome. If the Magistrate were just to write the evidence of the witness if he speaks in the official language of the court, then, he will be able to go straight to the business and his mind will be lighter. I am suggesting in this respect that the Attorney-General should make it possible for Stenographers to take down the records of these Courts. If I were to be a Magistrate, I will find it a little tough to sit down from morning till evening writing and writing all the time, writing and at the same time thinking of the legal points that are being made, trying to decide what I should do in this case and at the same time recording the evidence that is being given. These Magistrates are human beings after all. They are not machines. They are not automatic brains which can do all sorts of processes at one and the same time. It is too far from them and I am asking that the Attorney-General will consider the appointment of Stenographers to take down records in the Courts in order to leave the minds of the Magistrates and the Judges free to do the work for which they are engaged. They are not engaged to be recording. They are not recorders. They are Judges. They are supposed to look at the law and come to a decision according to their experience and training.

Therefore, Mr Speaker, I am asking the Attorney-General not to bother very much because we are asking him to be a little progressive. It is not unknown in this Government that whatever is conservative is a big thing for them. Maybe they will allow us to push them a little to do something which is different but better than what they used to do before.

Sitting suspended for fifteen minutes.

Sitting resumed.

Mr Speaker :

Order. Order.

Mr Z. B. Olokesusi (Ekiti South) :

*Mr Speaker, I think it is high time that the ordinary Members of this hon. House who are not lawyers contribute their quotas to the debate on this Bill. I feel that there are two important points and three important sections of this Bill that I want to base my debate upon. In section IV of this Bill the Governor-General has been given very wide powers of appointing Magistrates, Chief Magistrates, Magistrates, Grade I, Grade II and Grade III. I have to congratulate His Excellency the Governor-General on these wide powers conferred upon him and this House is assured that in the exercise of this power of his own, justice will be done in the appointment of qualified people that should be Magistrates in the various grades that are mentioned here. But as has been mentioned by some of my colleagues in this House I think that the pigeon holes in which these various officers are classified ought to be revised. I think it is high time now that Magistrates, Grade II and Grade III are nullified. In the past, those people who have occupied those posts are either people who have been Registrars of Courts for some time or people who, having worked in the Civil Service for a long time have retired, and instead of enjoying their homes for the rest of their lives they are made Magistrates, Grade III or Grade II, and therefore without any qualification whatsoever they earn the salaries they derive from their pension and also enjoy the salary they earn as Magistrates, Grade III. I think that the post of magistrates is not one to be trifled with in such a way. I agree with those Members of this House who say that the least qualification whatsoever that a person who will occupy the post of a magistrate should have is that he should be legally trained and should have been a barrister for some time.

Mr Speaker, Sir, you will understand, I know, that the Judiciary is the most near-perfect Department of Government which democracy has handed over to us and that it is the only Department which ought to seek the interests of the people, especially the poor people who,

* Speech not corrected by Member.

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[Second Reading]

Bench? These Magistrates, Grade II and Grade III have nothing to worry about. All they concern themselves with is to draw their remuneration at the end of the month. Let a legally qualified person appear before them, let any legally qualified person quote his law. He will be rebuffed by the statement "Oh Mr so and so, I shall decide the way I think best in my judgment; you can appeal". I had this very bitter experience, Mr Speaker, Sir, on a matter before a Magistrate, Grade II. The liberty of members of the public was involved, people were charged with disturbing the public peace and they were drawn to the court. I got up to make some preliminary objections to the charge. The magistrate, instead of taking down my points addressed me: "Mr Philips, you can go on citing your legal points from now on till the evening time. I shall go on with the case as I think fit. I mean this." That magistrate proceeded with the case, found the people guilty and I instantaneously lodged an appeal to the High Court. Of course I may tell you, hon. Gentlemen, that on that very point to which that unqualified magistrate (I would call him as far as legal matters are concerned) refused to listen ended in the discharge and acquittal of the accused persons. This might have happened in several of our magistrates' courts where people who are not legally trained are catapulted to the Bench. We only would say that the learned Attorney-General who himself had been amongst us for several years, who himself had handled cases of complaints about matters of this nature, would listen to the objections of hon. Members of the House and see to it that the question of legal qualifications must apply to such a group and must be considered when magistrates are to be appointed. We no longer want ex-Chief Clerks, Pensioners, and so on. We want people who have been to law schools, who have taken the qualifying examination, and who have been duly registered as barristers and solicitors.

Now Sir, as to the question of making provision for payment of salaries to magistrates. I would say, Sir, that this observation goes to the root of ways and means of wiping out corruption amongst magistrates. I daresay that when a magistrate is a hungry man he couldn't but allow himself to be involved in corruption. There is no gainsaying that nearly 50 per cent of our magistrates in this country dabble at one time or the other in corruption due to no fault of theirs but due to inadequacy of pay, inadequacy of remuneration. Now, Sir, I had a bitter experience once on this matter. I appeared for six accused persons before a magistrate once and instead of this magistrate taking the plea of the accused persons one by one he addressed me: "Mr Philips, are you alone appearing for all the accused persons?" I said "Yes of course Your Worship". Of course I couldn't know what was behind the mind of the magistrate, but later on I got to understand that instinctively the magistrate nurtured jealousy for the fees I would get from all the accused persons. (*Laughter*). But hon. Members, don't laugh, that is the true picture. What would have been the case if that magistrate were receiving enough salary? But you would like to know what was the salary of that magistrate on that day? He was receiving nearly £74 per month. It was not enough to keep body and soul together. It was not enough to send his children to school and it was not enough at least to have a moderately satisfactory day to day existence. Now, hon. Gentlemen, you would also like to know that in the long run the magistrate took up the cudgel upon himself to see to it that the six accused persons who cannot afford to brief separate lawyers must suffer; indeed for some time they suffered. The magistrate found them guilty, convicted them and again there we have the very efficient system of justice provided for us in this country as Courts of Appeal. Their matter was taken to the Court of Appeal and their conviction was quashed.

Now Mr Speaker, I had the opportunity, Sir, to speak to this particular magistrate and he confessed to me that all that operated in his mind was the fact that he had life insurance policy to pay, he had this and that commitment to meet and upon all he found his salary to be grossly inadequate and for the fear that he had been in the service for a number of years he could not think of resigning his appointment and coming into private practice. So that if the Federal Government made adequate provision to pay our magistrates the public will for once be free from fear of coming to court and receiving bad justice.

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[*Second Reading*]

Now, Sir, Members have spoken about magistrates who had organised agents and so on. I have nothing to say about this but all I know, Sir, is that once the learned Attorney-General sees to it that at least magistrates in the Federal Territory receive commensurate fees corruption will be wiped off to a certain extent, and I would advise the Attorney-General to make provision that the salaries of the magistrates should not be lower than those obtainable in the Western Region. Otherwise the learned Attorney-General will have to face an exodus of magistrates to the West.

Mr Speaker, Sir, only very recently we had the instance of people who were involved in very heinous offence and people who for that matter should have suffered sentences of imprisonment being left free by the Court of Appeal due to one factor, that the magistrate failed to record their plea. The magistrate did not do this intentionally but owing to pressure of work, telephone call here, maintenance of order in the Court premises, the magistrate woefully failed to record the plea of the accused persons. The people who would have been confined to prison walls are today walking about as free men. We would like to ask why this happened. The answer is that it is because the magistrate had to concentrate his mind on too many things and because the magistrate at the same time and place had to record the proceedings for himself. If there had been some arrangement as has now been done in Australia—courts are now allowed to employ stenographers to record the proceedings of the courts—if that is done in this country the magistrates will have every opportunity of concentrating their minds to the proceedings as are made available to them at the end of each day and get an accurate record of what has been said by the witnesses. We would call on the Attorney-General, for whom we all have very high respect to note these points and prevail on the other members of the Council of Ministers to amend particularly section 4 of this Ordinance. Section 4 of the Ordinance, Mr Speaker, Sir, states: "The Governor-General may by notice in the *Gazette* appoint as many persons as he may deem necessary to be magistrates, who shall be styled Chief Magistrates, or Magistrates, Grade I, Magistrates, Grade II or Magistrates, Grade III, as may be specified in such notice."

We want amendment on all these three or four points—(1) the question of qualification (2) the question of salaries—the magistrates do not know what they are to be paid. They are not to be kept guessing from day to day. They are to have a free mind, not merely for the court to sanction. The third point is the question of taking out of the hands of the Governor-General the power of appointment and investing it in the hands of the hon. the Chief Justice of the Federation.

Also, Sir, I would point out the section which gives the power of appointing officers of the Court. This section is also lacking in that it makes no provision for the appointment of stenographers. This also should be amended and I am appealing to hon. Members of the House that these two sections—sections 4 and 12—should be amended before this House passes this Bill into law, otherwise we shall be faced with cries of awe and woe from the public; otherwise we shall have to see on our Bench imported expatriates because the Federal Government has nothing to lose. As already complained by my learned colleague, the hon. Fani-Kayode, two expatriates are here now. Nobody knows who is responsible for their importation and in this country we have hundreds of qualified lawyers who would be suitably appointed. Hon. Members, the task is on us to see that the basis of justice is laid down once and for all. Hon. Gentlemen, it is the duty of the hon. the Attorney-General to examine these two sections, 4 and 12, before we come to the third reading of this Bill. If he fails to do so I am appealing to every member of this House, barring hon. Members of the Government Bench—his responsibility is their responsibility—we who are not in the Government Bench must vote against this Bill if it is not amended. Mr Speaker, Sir, this is my observation.

Mr D. E. Okereke (Owerri Division):

Mr Speaker, speaking on this Bill I was of the opinion that any Bill relating to law must essentially be progressive. It is my personal view that our laws need a thorough overhauling, a thorough modernisation, and a thorough humanisation. Mr Speaker, I am dreaming of the

[The Magistrates' Court (Lagos)
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[Second Reading]

this property complained of belonged to nobody. The learned magistrate looked at me and said "You Akintola, you are one of our leaders and you want to spoil this country. You are saying that this property belongs to nobody; this accused man has not said that it belongs to him". It is for the owner to prove that the property was his. He could not say on what point he asked this man to be put in the box. Although he had no case to answer this man was convicted. Whatever happens, this man has suffered unduly and I do feel that if that magistrate had had training in law he should not have overlooked the elementary principles of law. Therefore we should appeal to the Attorney-General to find a more dignified place in the judiciary for those who now occupy the post of Magistrates, Grade II and III. Unfortunately there are no native courts in Lagos. For this reason the Attorney-General may consider whether or not he may make them assessors himself in the Legal Department to advise him on native law and custom.

The one point I have to raise is in connection with the appointment of magistrates and registrars. I do not see any reason why this should not be made the prerogative of the Chief Justice. As things are now it is the duty of the Governor-General. Whether you like it or not our Governor-Generals, not any particular one, our Chief Secretaries our Attorney-Generals, whether you like it or not, they are all politicians of a type now. I do not want to cause any offence but I described them before as synthetic politicians. If they are the people who have to make appointment when they have to be advised they will not be politically free from prejudice, but if the Chief Justice is expected to do it, the Chief Justice who perhaps keeps records of lawyers, the appointment may be freer of political prejudice. I think due consideration will be given to this point as well.

One other point is security of tenure. We all cry for freedom. But few of us realise that many of our magistrates are far from being free. They are far from being free because invariably when cases are decided by magistrates questions are sent as to why such a decision was taken. Statements must be made why that happened. The Commissioner of Police will complain to the Legal Department to talk to them. A man is either free to give judgment according to his own knowledge and ability or he is not free at all. But if you will like him to answer for any case it will get to a point where the magistrate will no longer judge on his conscience; he will always seek the favour of the man who will call him to order. If a provision could be made to make our magistrates a little freer than they are today I think it will establish justice.

About the appointment of stenographers. Stenographers are absolutely necessary in our courts today. They are necessary because records in some cases may not be available early as we would like them to be. If the stenographers are available a learned magistrate may check his own records in the light of what the stenographers have put down and this will make it easier for us to secure justice in our courts.

The last point I would like to mention is about Justices of the Peace. According to the new law here the Assistant District Officer in Lagos shall *ex-officio* be a justice of the peace. Why that provision is written into our law I do not understand. That might have been so in the past because the District Officer for Lagos was also in charge of places like Ikeja, Ikorodu, Badagry and he will have to fulfil those functions in those places. But with these places cut from Lagos his duties confine now only to Lagos. He is confined mainly to paper work. He does no more than to arrange for election and arrange tea parties, to consult occasionally the Chairman of the Lagos Town Council, to pay occasional visits to Oba Adele and his chiefs. I think that is ample enough. There is no point in adjoining with his work that of a Justice of the Peace. In Lagos there are judges of the Supreme Court, judges of the High Court and magistrates of all kinds. The Commissioner of Police and several others who are acting as Justices of the Peace, why do we have to over-burden the Assistant District Officer to be a Justice of the Peace. I do feel that this Bill will lose nothing at all if we deprive the Assistant District Officer of his functions as a Justice of the Peace. I am very happy that the House

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has listened with patience to the various points made on this Bill. We all owe our magistrates a duty. No one knows whether or not the Chief Whip will appear before one tomorrow.

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

Original question put accordingly, and agreed to.

Bill accordingly read a second time.

Bill immediately considered in Committee.

House in Committee.

Clauses 1-3 agreed to.

Clause 4.

Mr T. O. S. Benson (Lagos West):

Sir, my amendment is that the words "Magistrates, Grade I, Magistrates, Grade II or Magistrates, Grade III" be omitted and the words "Senior Magistrates and Magistrates" be there substituted. I have no case against Chief Magistrates and it follows that Chief Magistrates will remain, to be followed by Senior Magistrates and Magistrates—*i.e.*, three categories.

The qualification which I humbly suggest is that Chief Magistrates and Senior Magistrates should be five years while Magistrates should be three years. My argument in support of that proposition is that in the existing law, Sir (I will refer the House to Volume VI of the Laws of Nigeria, 1948 at page 200), under the Supreme Court Ordinance there is ample proof that the proposed qualifications are reasonable. Under the existing law, to become a Judge, under section 5 (1) (b) the provision is that "no person shall be appointed to be a Judge of the Supreme Court unless under (b) he has practised as an Advocate or Solicitor in such a Court for not less than five years". If under this law which is now going to be changed, Sir, a man can become a Judge after he has practised for five years I see no reason, Sir, why the qualification for Chief Magistrate or Senior Magistrate should not be five years and then when you come to that of a Judge it should be seven years as against what exists in other Regions in this country.

That, I think, Mr Chairman will satisfy Members of the Bench in the interests of justice. But to leave it as it is now, Sir, without any qualification is dangerous and it gives the Governor-General a very wide power which may sometimes not be judiciously exercised. It thus follows that if my amendment is supported by all Members of this hon. House Magistrates, Grades I, II and III will automatically be off from this Ordinance which is now passing through the hon. House. My suggestion for three years and five years respectively is from the date of call to the Bar.

That is my amendment, and I do hope it will receive sanction from all Members of this hon. House.

Question proposed.

The Attorney-General of the Federation :

Sir, I think I have, as I said once, explained that this Government is, of course, as much in favour as any other Member of this House of having Magistrates of as high a quality as can be obtained. There is no doubt about that, and if that could be achieved by writing something into the law we should not oppose this amendment. But we must face the realities. There is no competition to join the Government Service as a legal officer (except possibly as the Attorney-General) (*Laughter*) and there is no rush to be a Magistrate or, for that matter, a Crown Counsel. We must face that fact. If you put the ideal qualifications into the law—not merely the qualifications that everybody should of course have—we would have no Magistrates, or too few Magistrates.

My experience in the legal side of the Government Service is that it is extremely difficult to find recruits. One hon. Member reminded me of the fact that when I last spoke on the subject about my own Department I said that there were no expatriates among the Crown

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Counsel. That is perfectly true. Almost immediately afterwards we were fortunate in obtaining two recruits after advertising *in vain* in this country; but fortunately two public spirited gentlemen have joined us from overseas and so saved the situation.

The appointment of Magistrates has nothing to do with me, as I think one hon. Member suggested, and it would be quite wrong that I should, as Attorney-General, have anything at all to do with the appointment of Magistrates. The appointment lies in the Governor-General who, if he wants advice, does not come to me. He, of course, has the Public Service Commission and he has the Chief Justice. The power of appointment has to be expressed to be in the Governor-General, which is what the Constitution says, and we cannot here pass any Ordinance to conflict with the Constitution. In any event that is merely reproducing the existing law which provides that the appointment of Magistrates is in the Governor-General.

To put in, as was suggested, that "fit and proper persons" should be selected is all very well, but it means nothing. The person you may consider fit and proper I may consider unfit and improper (*Laughter*) so that to say that a person is to select fit and proper persons only means that that person should select whom he likes. He is not going to appoint persons he thinks are unfit, but I dare say what may be fit and what may be unfit vary with the individual. I do not for a moment doubt that the Chief Justice, with whom of course the supervision of the Magistrates lies, not with me,—that the Chief Justice would not dream of appointing unsuitably qualified or unqualified people if other appropriately qualified people are available; and I hope, along with my hon. Friend over there, that very soon we shall have only persons of the best qualifications sitting as Magistrates in Lagos. No hon. Member can possibly doubt that the Chief Justice is of the same mind, but we must not make the law such that we will find ourselves with nobody at all to try cases during this period when we are approaching the ideal, and we certainly have not reached the ideal.

If I could, for example, assure the Chief Justice that one or two of the very learned and hon. Members who have spoken today would flock to join the ranks of the Magistracy tomorrow I would certainly accede to the amendment. But I am afraid that is highly improbable, and that is the situation which, in framing this law, we must accept. Let us by all means hope that the term Magistrate, Grade III or even Magistrate, Grade II will be a dead letter in a short space of time and that the Governor-General will, on the recommendation of the Chief Justice, say it is only necessary that we should find one or two Chief Magistrates and that we shall have as many Magistrates, Grade I as may be necessary for carrying on the extremely crowded business in Lagos Courts efficiently and quickly. But that date is not yet and this is a point on which, needless to say, the Chief Justice or the Chief Justice designate as I should call him, was consulted. I would not have dreamed of the suggestion that this clause should be framed contrary to the advice of the Chief Justice who knows more than I do, and I venture to say more than any hon. Member in this House, how practicable it is to staff the Magistrates' Courts here.

My hon. and learned Friend, Mr Benson, has suggested three grades; the clause suggests four; he removes one grade. I have yet to hear what is the significance of those grades, that is to say what powers it is proposed they should have. The Bill as drafted, as you know, provides for at least four grades of Magistrates from Chief to Grade III and sets out their respective powers. As to the Magistrate, Grade III, that is, the unqualified Magistrate—nobody pretends this is an ideal state of affairs, but it has been found necessary to relieve the congestion in the courts, and nobody who is, shall we say, on the wrong side of the law and is kept waiting interminably for his petty case to be disposed of will, I think, regret too much if the Magistrate who eventually deals with him for having no lights on his bicycle is not as learned in the law as the Leader of the Opposition.

In all those circumstances, I do ask hon. Members to take a realistic view and not to read anything sinister into the fact that there is provision for four Grades of Magistrates. I am sure no hon. Member really thinks of the appointing authority, who is the Governor-General on the advice of the Public Service Commission and the Chief Justice, is going out of his way to

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appoint unfit and improper persons to sit on the Bench. The suggestion is not worthy of examination. As I said, when the time comes that we should only have the highest classes of Magistrates it will be well and good, but that day is not yet. At any rate in this Bill, which, as I said, is not a law reform Bill but a transitional Bill, let us accept that fact and I appeal to hon. Members to do so and to accept the clause, and not the proposed amendment.

Mr R. A. Fani-Kayode (Ife) :

*Mr Chairman, I rise to support the application of the amendment tabled by the hon. Mr Benson. To support that I would like to answer the hon. the Attorney-General point for point before I speak at all on the need for this change. My hon. and learned Friend said : there is no rush at all among qualified people for the post of Magistrate. I challenge the hon. Member to produce on the floor of this House the number of applications before the Chief Justice today for the vacant posts of Magistrate in Lagos and for posts that are not even vacant. If he can satisfy us here that there are no applications from people qualified for the posts we should like to know and I am saying with all sense of responsibility from the floor of this House that there are applicants, several applicants, who have not at all been considered, qualified applicants.

The hon. Gentleman also referred to the issue of two new recruits who came to our rescue. Is the hon. Gentleman seriously telling this House that he has not got qualified Africans even now in his files in the Department, Africans who applied for the job of Crown Counsel ? Is he telling us seriously ? Because we would like to know from him and I can assure the hon. Gentleman that there are applicants, they might have been carried away or pigeon holed, but they are certainly there ; they are in his Department, and to say that those two gentlemen came to our rescue I would say is insulting the gentlemen of that profession because we have met them at the Bar ; we have taxed them at the Bar and we are not certainly going to say that they are better than the local products.

The hon. Gentleman also said that he has nothing at all to do with the appointment by the Governor-General of Magistrates and Crown Counsel. Who is controlling the Ministry of Justice ? We have not got any. I look around the Bench there and I see he is the only one nearest to that Ministry who is present here. Is he telling us that the Governor-General will just sit down in his office and appoint somebody without seeking his advice as the person in charge of that portfolio ? If he is saying that let him tell us. Or who is he going to ask ; the Chief Justice ? Let us know ! Put us in your confidence ! Let us know how these things are organised.

You refer us to the Public Service Commission. Who is in control of the Public Service Commission ? I am saying, Sir, with all respects that the Chief Justice is the right person to appoint anybody to the post of Magistrate.

The next point he made was about the scope of the choice of the Governor-General in appointing Magistrates. Surely no harm will be done if that scope is limited to gentlemen who have practised at the Bar for a period of time to be ascertained in our Ordinance or gentlemen who have been on the Bench for an appropriate period of time. Surely the hon. Gentleman will not say that the Governor-General should be left at large without any limitation at all ; we just leave it to his discretion. Certainly I think the hon. Gentleman must know that the reason why he has brought an amendment to this Ordinance is because he had no time for it. Maybe he was busy doing something else. I am saying in all seriousness that there must be some limitations ; and the limitation suggested by the hon. Member who spoke before me, Mr Benson, is a reasonable one.

There should be Chief Magistrates with at least seven years' experience at the Bar or on the Bench and Senior Magistrates with at least five years' experience at the Bar or on the Bench and Magistrates with at least three years' experience at the Bar or on the Bench.

* Speech not corrected by Member.

The hon. Gentleman also wanted to know the significance of the two grades added by Mr Benson. Surely all we want to do is to ascertain and to make sure that Magistrates should not be left completely at the mercy of anyone in obtaining promotions. It is only a question of grades. Where a person is earning, let us say, a sum of £1,000 as a Magistrate and he knows that after four years, whether the Attorney-General likes him or not, whether the Chief Justice likes him or not, if he does his work without fear or favour he shall be promoted to the next grade, what more can we ask for? That is the significance. It is very important. It is to remove Magistrates from the oppressive actions of little-minded Administrative Officers all over the country in sending confidential reports about them which they are not even given the opportunity of looking into; to make them men who can rely upon their own ability and upon their own judgment without cringing to anybody. Surely the hon. Member knows that is sensible.

My hon. and learned Friend is talking about Magistrates, Grade III not being ideal—“They are not ideal, but they will do”! I should like to see the hon. Gentleman himself on a motor traffic offence charged before a Magistrate, Grade III (*Laughter*). I am certain the hon. Gentleman will change his mind in two minutes; in fact he might even be convicted without even putting in a plea (*Laughter*). Such has been seen; such must have been brought to his notice. Are we going to continue under such an archaic system—an unreasonable system that is not even necessary at all in this country. We will not take up the work for the simple reason that if we are not here hon. Gentlemen with the same minds as the Attorney-General will get away with many Ordinances. That is why we are here. We are here to assist in seeing that proper laws are made in this country (*Applause*) and that has been specified already by the hon. Member who spoke before me and we shall not shirk from it.

I can see that Attorney-General not looking in this direction, but I hope he hears me. (*Laughter*) I implore him; if need be I beg him, to think about accepting this amendment because I believe that this is the time to make changes. We cannot afford to leave this dragging on and on until eventually you say this is the transitional stage. When is it going to change? Let the hon. Gentleman give us time. Next week? If it is next week let him do it now. I think Members of this House will not allow themselves to be steam-rolled into perpetuating what is only a waste of time, a waste of public revenue and injustice to members of this country. People are brought before a Magistrate who does not know an iota of law and can be convicted and sent to prison by this man. I do not think any of us here would like to be in that predicament. Maybe the hon. Gentleman himself might not mind it but I am certain Members of this House would not like to be in that predicament and I am saying, Sir, that this House should support the amendment raised by the hon. Mr Benson and see that it is included in this clause. (*Applause*).

Mr J. M. Johnson (Ibadan North):

Mr Speaker, Sir, much as I am in sympathy with the amendment about to be discussed now, I am afraid I have to put in the layman's point of view in this matter. It has been a lawyer's day since morning. But, I think it is time we heard the common man in the street, who will one day or the other be the client of our lawyers. One hon. Gentleman got up here to say that £74 a month is not a sufficient inducement for a magistrate to discharge his duties efficiently, and, as such if he is given £74 a month he will still take bribes. I am quoting him. Now, do you expect at this time that we should pay magistrates about double what we are paying our medical officers in this country? Please let us remember what the Attorney-General has just said. He said public spirited men have now come to our rescue. Have we public spirited men among our lawyer legislators in this House? Not all at least. I know very well that Magistrates, Grade II are Administrative Officers. There are many times, in the Colony and other places, when you need the services of an Administrative Officer to act as a magistrate. You find out that the Magistrate, Grade I is not about in the matter of giving bail. Now, if you rob these Administrative Officers of these powers, is a man to be locked

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up indefinitely until a Magistrate, Grade I goes on circuit before an accused is released? That is one point. The other point is this. You have in the Juvenile Courts, experienced Government officers, pensioners, accountants and their like, who have spent thirty years or more in the Government service as Magistrates, Grade II. Are you seriously telling this House that they are not fit to discharge their duties all because they do not happen to be lawyers? Now, for the next point. This House must not be carried away by sheer sentiments. We have already passed our estimates for the year 1955-56. There is argument now that even £74 a month is not sufficient for lawyer magistrates. If you are going to stuff all these Grades II and III posts with qualified lawyers, are you going to pay over £100 each to all these lawyers as inducement to come and work for their country? If the Attorney-General said here that he was not getting sufficient men of quality and experience to come forward, I am inclined to believe him, not because so many applications have not gone forward, but because we have got a lawyer in this House who said he was in sympathy with the magistrate who takes bribe on a salary of £74 per month. And another thing is this. It has all been Administrative Officers and experienced men, many of them Court Registrars who are made Magistrates, Grades II and III—they have now been carpeted on the floor of this House because they cannot have a say here in this matter, and because we have lawyers here enjoying life more abundant. My point is this, Sir. If you must ask these men to go away immediately and put lawyers in their places, where are you going to find extra money in order to draw them in, since they would regard the sum of £74 a month as insufficient enticement for them to discharge their duties seriously and honestly. I do say that we are looking forward to the time when all our Magistrate Courts will be manned only by experienced lawyers. I am looking forward to that time very much. But at the moment, when you feel that the salaries that are being paid are not sufficient for you to entice you to the Bench, please let us get experienced laymen who will help us to clear the cases that have been pending for months and months in our local courts. The Attorney-General has given us the assurance that when the time comes, time when the lawyers come forward, he will be able to consider them. And, again, I say that this amendment should be thrown out on the grounds that we have heard today from the opposition bench that a Chief Magistrate dealt with a serious case recently in the West without even taking a plea! Well, you have been accusing Magistrates, Grades II and III. What are you going to say about that inefficient Magistrate? Now, you excuse him by saying "too much work, too much telephone calls", is that the way you are going to run this country? Are you going to let that Magistrate get away with it? He would not even take down a plea and a lawyer legislator had the effrontery to call the accused in that case "people who committed serious crimes". That accusation, of course, must be withdrawn, because these men were discharged and acquitted and it will not be fair for these lawyers to come here and call them criminals, because in the face of the law they have done nothing wrong (*Interruption*). What I do say now is this. How many Magistrates, Grade I have tried cases before them, and on appeal by aggrieved persons, their appeals have been granted? Many. A lawyer even quoted two cases where he went on appeal against Magistrates, Grade III and he won the cases—well I do not know whether advertising is allowed in this House by Members of the honourable profession. Until we have sufficient money, and until some of you develop public spirit, the two gentlemen who are coming out should take the salaries you refused. We must have the manning of Benches by Magistrates, Grades II and III a necessity, until sufficient number of qualified lawyers are forthcoming and I do hope members will not be carried away by sentiments so ably weaved by our lawyer friends and legislators, and so throw out these amendments, Sir.

Mr Kola Balogun, Federal Minister :

Mr Speaker, Sir, I only want to appeal to the hon. the Mover of this amendment. I want to say from the onset, Sir, that hon. Members will agree that the hon. the Attorney-General has conceded quite a number of points that have been raised by them, but he has made it quite clear at the beginning that this law (*Interruption*) Mr Speaker, I would want your protection. The hon. the Attorney-General made it clear right from the onset that what we are doing today is an adaptation of laws. We have not come to make a new Magistrates' Courts Ordinance

for Lagos, and when he spoke to this amendment he made it quite clear that quite a number of points made by hon. Members were well taken, but it will be a proper time to insert these things if we are making a new law. For example, he said that if people were forthcoming and there were a number of people who would want to become magistrates it will be unnecessary to appoint Grade III Magistrates, that is, people who are not qualified barristers. I think that these points ought to be taken into consideration. Secondly, Sir, I want to mention that the amendment of hon. Mr Benson has, of course, accepted the point made by the Attorney-General that the question of the "Governor-General" as used in this law is for purely constitutional purposes. It is obvious that, as far as the Civil Service is concerned the person who appoints is the Governor-General; that does not mean that the Governor-General does not need to consult; anybody who is conversant with the administration, as, for example the Leader of the Opposition knows very well, the Governor-General has to consult, and in this particular case the person to be consulted is the Chief Justice and of course the hon. Gentleman who moved this amendment has made it quite clear, he accepts the argument of the Attorney-General by not including this in his amendment. The only issue now of the amendment of the hon. Mr Benson is in connection with this Grade III Magistrate business, and I want to say that he also mentioned that Chief Magistrates should be appointed from the ranks of people who have been five years in the bar, and ordinary magistrates three years in the bar. Well, I would say that the hon. Member himself will agree that people who are appointed Magistrates now are appointed according to certain principles. Surely, if a person is going to be appointed a Crown Counsel, for instance, he will have done at least two years (*Interruption*) Mr Chairman, surely if a person is to be appointed a Crown Counsel he will have done at least two years. He would have been called at least two years before he is appointed a Crown Counsel. In the same way it is obvious that before a person is appointed in many cases he would have done about that period, and when you come—I am glad that many Members of the Opposition have accepted that argument—when you come to the question of Chief Magistrates we all know very well that a person becomes Chief Magistrate by promotion. You do not become a Chief Magistrate the day you are called to the Bar. You become a Chief Magistrate by virtue of promotion. That is after you have been appointed, when you have practised in the Bar for two or three years, and then afterwards you become a Chief Magistrate probably after five years or six years. Of course, I know that in certain cases people who have not been magistrates before have been appointed Chief Magistrates, but there are reasons for that. I remember the case of the hon. the former Member of the Legislative Council, who was a member of the Bar for many years and he served in the hon. House for many years, he was appointed, but anybody can understand that. That means that an eminent member of the Bar had been brought to the Bench.

In any case I do not propose to belabour this point, but I know that fairminded hon. Members will follow the point which has been made by the Government Bench here, that is to say that while it might be necessary to reduce these Grades, the fact actually now, as the Attorney-General has put it, is that people have to come forward and accept these jobs, and that when this has been done it will become a matter of practical reality that barristers will be appointed to these jobs. In view of all these I will appeal to the hon. the Mover of this motion to withdraw the amendment.

Mr J. M. Udochi (Kukuruku) :

Mr Chairman, I rise to support the amendment suggested by the hon. Member. (*Applause*). Two points are in controversy in this amendment. The first is whether we should continue to employ laymen as magistrates. The second point is the qualification of our magistrates.

Now, taking the first point, Sir, I think the use of laymen as magistrates in Lagos is an anachronism today. It may be it was a matter that arose as of necessity some years ago, but in Lagos today in the Federal Government of this great country, there is no need at all for Magistrates, Grades II or III. Even in the past, when we were using them, I think it was

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when this House legislated for the whole country, and there was need because any law made in this House would apply to all the parts of the country, even in the remotest villages. So that there was that possibility that when you go farther away from Lagos you might reach a place where you find it difficult to get anybody but the District Officer alone to be a man who could adjudicate on matters involving the use of legal principles. But today we must bear in mind that we are making this ordinance for Lagos, and for Lagos only. There is no need, even today, in Lagos for Administrative Officers. If one observes the machinery of Government very closely, one would realise that to try to perpetuate what we call Magistrates, Grades II and III in Lagos is a mistake. I do agree with the Attorney-General that it is not the intention of Government to initiate new principles of law. But there are certain things, and certain policies that need to be corrected. One of such things is the use of laymen as magistrates in Lagos. It cannot be said that there is a dearth of qualified men who want to become magistrates. Those Members who happen to belong to the Bar, and who are Members of this House know that that is not true at all, because we happen to know that many people are willing to undertake the work and that many applications have been made. It is, rather, the unwillingness of those responsible for the appointment that keep the dearth of magistrates still a problem in this country. As far as the question of qualifications is concerned I think it is very paramount. Because, if there is anything we should encourage in our magistracy, it is the sense of independence. Now, if we leave magistrates altogether, leave their qualifications altogether a blank, what will happen is that magistrates will not know their status in the country. They would not know whether by long service they are due for promotion or by mere efficiency in their work. But, if we prescribe that a man who has done five years can be appointed at once a Senior Magistrate, it will be a clear indication for the magistrate to know his status. And that will give them some independence. I know it is impossible entirely to separate the Judiciary from the Executive, but efforts should be made and the prescription of qualifications will assist the achievement of that end. If magistrates know their various grades and are able to know that by being so many years in service they can become Senior Magistrates without having to beg for it or kowtow to certain people it will give them some independence of mind. I therefore feel that this amendment is a very opportune one and a very necessary one and that at this stage of the country's progress we should not perpetuate those policies of the Colonial Service days—those days when only the civil servant had to boss the show. (*Hon. Members: Hear, hear.*) We are merely carrying on what the civil servants had done in those days, trying to put it through this House. I think this House is a wide awake body and today we should not stand for anything like having lay magistrates in Lagos. We should not have lay magistrates for Lagos, and I feel that this amendment is an opportune one, and there will be no loss of face for our Government to recognise that point and accept the amendment, because it will be a mistake to perpetuate this practice of having Magistrates, Grades II and III. We all who are engaged in assisting the courts of justice in this country know the difficulties that lay magistrates encounter. Some of them are very good people, very honest and very hardworking, but they suffer under a very great handicap. The great handicap that they have is that people who are trained in the law would be coming before them and trying to reason with them. It is a very difficult matter for them to have to match wits with wits and law with law with such people, and in a place like Lagos that is no longer necessary. I say, Sir, that the Government should kindly consider this matter and especially when we know that it is not that if we do not put up lay magistrates we will not be able to man the Judiciary. I am quite confident that there are many practising barristers in Lagos today who will be prepared to serve whenever they are called upon to do so, but what is wrong is that those responsible for these appointments are not as liberal minded as they ought to be. If they are they will find that there are people ready to serve. I especially appeal to the Government Bench to see the wisdom of allowing this amendment.

Mr J. A. G. Ohiani (Igbirra):

Mr Chairman, Sir, I am supporting the amendment. (*Laughter*). Mr Chairman, Sir, we are really happy to hear from qualified lawyers in this House today that some magistrates are

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As you know, Sir, I am a new Member here to this House. (*Applause*). I got this Bill only this morning. I am sure that many Members got it only this morning. But as a new Member I move faster than the old Members (*Laughter*) by putting in this amendment. I am suggesting that we defer this Bill affecting the magistrates. With these remarks I close.

The Chairman :

The House has given a second reading to this Bill and it has therefore accepted the general principles of the Bill. It is undoubtedly only due to the fact that the Bill has been taken at such an early stage in Committee that the hon. Mover of this amendment has put down an amendment which is incomplete. Many subsequent consequential amendments would be needed all through the Bill to make this amendment operative and to that extent I think the Committee is in a great difficulty.

I understand that the Minister of Trade and Industry wants to speak and I will hear him.

The Minister of Trade and Industry (Mr R. A. Njoku) :

My learned and hon. Friends in the Front Bench of the Opposition are making great play of practise at the bar. I would like to remind them also that, with the solitary exception of the hon. Dr Udoma, I started to practise law in Nigeria before any other lawyer in this House.

As the Chairman has reminded this House, we have had a very grand opportunity of discussing the merits of the Bill and any amendments that are likely to be made when the law is going to be reformed. I am quite happy too that Members on both sides of the House who support the Government Bench have expressed their views. It is a very healthy thing, but I would like to remind the Opposition that they should not be thinking that they have carried away the supporters of Government.

Mr Chairman, there is only one principle involved in the proposed amendment. That is to say, that instead of having Magistrates, Chief Magistrates, Magistrates, Grade II and III, we should have Chief Magistrates, Senior Magistrates and Magistrates. The amendment has nothing to do with the remuneration of magistrates, and so on.

I am going to confine myself to a comment on the practice of appointing lay people as Magistrates, Grade II or Grade III, because that is the only issue in this amendment. Lawyer members of this House are very well aware that even in the United Kingdom with teeming lawyers you still have lay magistrates. There are lay magistrates holding quarter sessions and petty sessions. You know that, and therefore there is nothing fundamentally wrong in principle to the appointment of people who are not legally qualified as magistrates. Secondly, I would also like to say, Mr Chairman, that the record of Magistrates, Grade II and III has not been as black as it has been painted by some Members in this House.

The Attorney-General has assured us that this is not the time for reform of the law. We have the Nigerian Bar Association, which has branches in the various Regions and in the various judicial divisions. When the law is going to be reformed these Associations will be consulted and their views will be considered.

I would like to remind hon. Members on both sides of this House that we are just trying to put the law into the proper perspective for the functioning of the new Constitution, that the time will come for the general review of the law and I hope that some of those very vocal Members of this House will spare some time from their various itineraries to contribute to the reformation of our law.

As I said at the beginning, I hope that the Members on both sides of this House supporting the Government Bench have not been carried away. In fact, I am sure they have not been carried away. It is a very good thing that you have made your points and we have taken note of them, but this is not the appropriate time to proffer amendments of the kind now before the House. I am asking the Members supporting the Government to throw out this amendment.

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17th August, 1955

[Committee]

Chief Akintola :

I think the Government has every reason to congratulate itself at this particular stage of the debate. For the first time and very early during this session this amendment has come forward which has actually elevated the standard of debate in this hon. House.

About this time yesterday the hon. T. O. S. Benson was speaking on one platform about two hundred miles away from Lagos and I was addressing an audience on another platform, opposing him. But here on this occasion it is a subject which transcends party politics altogether, and for that very reason the Government must attach a great deal of importance to this amendment. It may be lawyers' interest, but lawyers have more interests of their own. The interests of lawyers are also the interest of their clients. Therefore if we are debating the interest of the lawyers it might as well be the interest of hon. Njoku.

Well the amendment is very very simple and I am really surprised that the Members on the Government Bench have not seriously addressed their minds to it. Now what does it all boil down to? If you want to employ a man you must know exactly the qualifications of the person you want to employ. What is wrong with setting down the qualifications? We have always done it in various copies of our *Gazette*. We want an assistant of something officer and we state what qualifications we require. Why can't it be stated in the case of a magistrate? The amendment is very simple and there are people here who say that it is unnecessary. It may be presumed. Well what is presumption? If the qualifications are obvious why can't you state the obvious? At least in the interests of those who are so bent, why don't we show the obvious? But that is one point.

The other point is, if this amendment is accepted, according to the hon. the Chief Secretary of the Federation the only objection he has is that there is a consequential amendment. I can assure him that he has got all the consequential amendment here. If the Government Bench is too busy to address its mind to the consequential amendment, from all sides of the House we are going to get experienced lawyers, experienced laymen to work overnight and produce a consequential amendment before this time tomorrow. Well what stands in our way? We shouldn't be afraid of a consequential amendment and on account of that reject what might be a good thing in the best interests of the country. What is the consequential amendment about, pay? You have to create an office first before you speak of pay. Now here the amendment is to create the office of Chief Magistrate, Senior Magistrate and ordinary Magistrate. The maxim that follows this is what are the qualifications, then put the question of pay. There is nothing so mysterious about the consequential amendment. I would only appeal to the Members of the Government Bench that this does not in any way affect their reputation. They are still important in my esteem even if they lose this. Nobody will throw stones at them because they have accepted this amendment. I would issue one warning to the Members on the Government Bench, that when the Chief Whip—a Member of the Government party, a necessary Member of his own party and not only that but a much more experienced man at the bar than the hon. Kola Balogun and I may even say he may claim to have a wider practice than the hon. Njoku—comes up to present an amendment on a matter peculiarly within his own field he must be heard. He is an hon. Member for Lagos and further there is some etiquette of parliamentary legislature. As a rule (I am quite sure I am open to correction and I am sure that Mr Chairman will agree with me) every individual Member has one prerogative, and that is that when he makes his speech it may be in the form of an amendment or in the form of a motion, the duty we owe to him, at least for the first time, is to agree with him. (*Laughter.*) And you now appreciate one point that from all sides of the House Members have been thinking the same thing and with the exception of just one hon. Member, whose speech is better ignored. The only man who has sounded a discordant note was hon. Mr J. M. Johnson. While we are talking about law, if I put hon. Mr Johnson on one side of the scale and the hon. Mr T. O. S. Benson on the other, it would show where the balance of argument is. I would therefore congratulate the hon. Mr T. O. S. Benson on the contribution that he has already made,

A Member for Lagos must be interested in the voters of Lagos. He has got to fight in the interest of Lagos. Nigeria has been split. There is no one Nigeria now. However, what is before us is ^{as} I suggest very strongly, and I will re-echo the words of the hon. Mr T. O. S. Benson that if the Government is not quite prepared, it might be advised that this matter be adjourned to another day. Give the Government time to think on this thing because, after all, this Bill was thrown at us only this morning whereas this Bill should have been sent to every Member before he ever came to this House, so as to enable him to prepare himself for it. Now, Sir, it is disgraceful that the Regions should be ahead of the Central Government. The New Constitution came into force on the 1st of October, 1954. There was time enough to prepare all these Bills. The Bill should have been prepared long ago, all Members should have had their copies to enable them to consult their constituencies. They should have even consulted their constituencies before coming here. In which case there would have been a mandate by the people of Lagos either accepting or rejecting the Bill. Government must understand now that Lagos must take its place in the forefront of progress. Lagos must set the pace for the Regions to emulate. It is not for Lagos to emulate the Regions. If even a provision similar to the present one was adopted in the Regions, I would still have urged that we should oppose it as not good enough in the Federal Capital. Well Sir, I used to know one Judge, Sir. I used to appear before him. Unfortunately he has retired now. He used to tell me: "Look, if you start wrong you always end wrong. Start well" I used to say, "Thank you Sir." So, I will pass that advice to the Council of Ministers. "If you want to start, start right because when once you start wrong, you will always be wrong". Therefore, this is an opportunity for you to set examples to the Regions. (*Laughter*).

Sir, there is no time fixed for law reforms in this country. Therefore, the slightest opportunity we have in reforming our laws, we should do so. We must not perpetuate what we always know to be wrong. All along we have all criticised these things when we were not in the Government, and now that we have the opportunity to right the wrongs we are heard to say because these things had been done wrongly they should so continue to be done. It is no excuse to say that we hope to have law reform tomorrow. It is our duty to make hay while the sun shines. It is quite simple Sir, and it will take Government no trouble at all to accept this amendment which has been ably proposed, very ably proposed, and very sincerely placed before the House. I am saying, Sir, that it is not enough to say that we are not seeking to make any advances, or we are not seeking to alter the law, or we are not seeking to do anything or introduce any new features. It is disgraceful to say that. We make progress in our constitutional position, why not make in our legislation? Why do you want to advance in your Constitution, and when it comes to your law which affects the lives of your own people you say we do not desire to make progress? I say this is the time to make progress, and I say that as this amendment has come from our member for Lagos, so distinguished as the Chief Whip of the N.C.N.C. Party it should not be treated lightly. He has fought the battle to come to this House, Mr Chairman, Sir, not only once but twice. (*Laughter*). And I must point out that he was speaking with the command, and with the authority of the whole people of Lagos. He has done it twice. (*Laughter*). He has been given this special mandate that he must seek the welfare of the honest man and woman of Lagos. No greater person can speak with greater authority.

Quite seriously, Sir, I say that we should have Magistrates graded. Third Grade Magistrates should not be pensioners; if you want to give a man a pension let him retire and have his pension. It is no good that when a man has been exhausted and he has exhausted all his usefulness, he has spent his time in the service of his country at the moment when he is to retire to go home and enjoy his hard earned rest with his family, you call upon him again to serve as a Third Grade Magistrate. It is unfair. A retired man would like to rest with his family, to bring up his family, to make a little garden for himself. Yet you say, "come and be a Third Grade Magistrate". What sort of compensation is that? I say that it is taking the best out of the man's life and he will probably die in harness. Sir, Third Grade Magistrates

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are useless for Lagos. It may be all right elsewhere, even other places do not want Third Grade Magistrates. It is sheer waste of time, waste of the litigant's money, waste of Government revenue. I say it should be abolished. Grade II is also useless. The point is even though the hon. Mr Onyia had once been a Magistrate, Grade III, he may become a Magistrate, Grade II by wearing a second feather.

Now, Mr Chairman, the section which is sought to be amended says: "The Governor-General may, by notice in the *Gazette* appoint as many persons as he may deem necessary to be magistrates". In other words, he can take a night soil man to become a magistrate. That is quite possible. If he deems it necessary that a night soil man has a good appearance and is obedient he can be a magistrate because there is no other qualification stated in the law. I think that is to put him in an absurd form. But the absurdity goes to show that there is no yard-stick by which you measure who should be a magistrate. There is no yard-stick by which you can say who is competent to be a magistrate. The Governor-General may appoint a man magistrate by his appearance or a man who attracts by being sentimental or by making a manly speech like the Minister of Communications and Aviation. So, Sir, all I am trying to say is this, that we should not blind ourselves to the fact that this is the time we ought to correct some of these errors which have been made in the past when we had no voice. This amendment is beyond politics. I was amazed that the Council of Ministers allowed this provision to pass through it. I thought with two lawyers among them, they would have been wiser. Sir, this amendment does not need any argument at all. Sound argument has been put forward by the mover himself. I am appealing to the conscience of our Ministers individually and collectively and particularly those of them who are not expatriates and I say that they should realise that they have very heavy responsibility to discharge on behalf of the people of this country. They will be judged by history whether they are satisfying their consciences, whether they are doing the right thing by their people; and they should not be misled. They should leave their marks on the sands of time so that those who would come after them will be able to see how wise they were during their tenure of office. I hope they would rise to this particular occasion to enable those who would come after them to call them blessed.

So, Sir, I need not preach at the Ministers, but merely to preach to them. Now Sir, I urge and appeal to the consciences of all hon. Members on the Council of Ministers. And we have got to play this game in the right spirit always realising that what we do is not for ourselves but for those who are not within the Chambers of this House.

Many people have spoken about lawyers—their professional Trade Union Control and all that sort of thing, but I can assure them that there is no lawyer in this House who seeks to be a magistrate (*Hear, hear*). I hope the Government Bench is not suggesting that Mr Benson, who moved this amendment, is seeking to be a magistrate because that will be unfair. We must make this quite clear that we are not fighting for ourselves. We are fighting for posterity. There is no question of interest in this business. After all lawyers go to court and appear before magistrates. Whoever may be appointed magistrate, it is the duty of every lawyer to respect a magistrate on the Bench. Now, the point is we consider speaking in this hon. House a special privilege. It requires a qualified man to understand the intricacy and the probable actual working of any piece of legislation passed in this House. Those of us who are practitioners know how these things work in practice. Laymen may have different views, but they soon change their views as soon as they get into the warm embrace of the law. They seek the aid of the lawyer, they say, "help me, help me like Johnson". (*Laughter*). Mr Speaker all we are trying to say, Sir, is without belabouring the point, that we should grade and give magistrates security of tenure of their offices. They should not be left in fear and insecurity. Fixing the qualifications for magistrates would enable an applicant for the post to know the qualifications required. There should be a minimum qualification for the post of a Chief Magistrate for instance.

I remember some years ago within my short experience, a schoolmaster in this country was appointed a magistrate. He had never practised before, and the whole Bar of this country

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Mr D. N. Abii (Owerri):

Mr Chairman, I have certain objections to make regarding this motion. To take the same side with the last speaker the Government ought to know that when it sends out a Bill it seeks our own opinion about it. There is no need bringing such a Bill to us and warning us to accept it as it is. If that is the practice of Parliamentary Government all over the world we have not known that. I am feeling really that the amendment as put out by the Chief Whip is not against the Government and if it is deferred till Government should give consideration to our opinion many of us will be satisfied. In doing so I want to state this, that wisdom of judgment is not the prerogative of a practising lawyer. Some lawyers can never qualify as magistrates in this country. Some lawyers are only good in crimes; defending criminals. Such lawyers cannot be appointed as qualified magistrates in this country and I am saying this, that the Government ought to give some lines to the Governor as to who should be appointed. I agree that there should be some qualifications before being appointed. Such things like character must be taken into consideration. A lawyer who can never consider justice while he is practising should never be put on the Bench to try other people; so I am suggesting that if it is possible for the Government to examine putting down some qualifications for the people before they are appointed it will be very reasonable to put down time of practice, character and their efficiency in practice. Another observation I want to make is that the law of this country up to now as we know it embraces the common law of England and our native law and customs. Therefore, to say that there should not be Magistrates, Grades II and III is not quite justifiable. We cannot have sufficient lawyers who are honest enough to be magistrates. We may get experienced men who have shown their honesty to the public and who can be appointed Magistrates, Grades II and III and who wish to continue serving. I have listened for contradiction from lawyers to the statement given by the hon. the Minister of Trade and Industries that there are Magistrates, Grades II and III in England but there has been none, I therefore feel that at present in this country there is necessity to fill the gap with experienced men whose honesty has been proved to the people of this country. Another point I have in this debate is that if it is possible for the Government when a man has gone to the University to study law he should come out and register either as a practising lawyer or a magistrate. It is then possible for a young qualified lawyer to signify his interest to become a magistrate or a judge from the beginning instead of allowing him to enter the practising gang of lawyers. To speak the truth some of them enter it and become more corrupt than before they started. Let us speak the very truth. Lawyers are not examples of honesty in this country and for that reason I am suggesting that a young lawyer from the very beginning should signify if he wants to become a magistrate and a judge so that he comes in at once and is given the probationary time to prove his ability. If he proves good then promote him. I believe that the question of wisdom of judgment is a gift so that it is not a question of coming out to practise as a lawyer first. When you see a man who has killed somebody, you see him quite well and you want him to give you money and then he gives you money, you "cook" this reason and "cook" the other before the judge to get him out; tomorrow he kills another man. Is that a kind of magistrate you want in this country? Mr Chairman, I believe that the Government will be kind enough to defer this motion of amendment and give it thought for it appears to us to be just and to the best interest of this country. Certain things need to be put right and when the qualifications required have been stipulated anybody applying will know what he is applying for and will know where he stands. Mr Chairman, Sir, I ask the Government to reconsider deferring this motion of amendment.

Mr L. J. Dosunmu (Lagos East):

Mr Chairman, I think it is essential that I should be heard in this matter Sir. I am speaking for Lagos. Able speeches have been made in support of what hon. Mr Benson has urged before this House and I would like hon. Members of this House to note the difference in the method of approach of Members of the Council of Ministers who are lawyers

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and those who are not lawyers. There is a world of difference. If you listened to the speech of the hon. Minister of Trade and Industry you will see that he was approaching this matter from a professional point of view. On the contrary that cannot be said of some other Members of the Council of Ministers who spoke on this matter. One important point made by the Minister was that in England there are lay magistrates but he forgot to inform this hon. House further that in England where there are lay magistrates the Registrars of the Court are Solicitors. The Registrars of every court in England are men who are trained in law. Lay magistrates are there only to listen to the facts of the case. The law is taken from the qualified men, the solicitors who are registrars of the Court. Here there are men who have not the slightest knowledge of law dispensing justice according to law. They are not only dealing with civil cases, they are dealing with criminal cases. In England you can hardly hear of lay magistrates dealing with civil matters. As has been pointed out by hon. Rosiji an issue of £1 may raise matters of principle which an issue of £100 or £10,000 would not involve. You have lay magistrates in Lagos not only dealing with civil suits ranging up to £25 some of them are even sitting in traffic courts. It used to be competent magistrates who presided in traffic court, but it seems the position has degenerated and lay magistrates are asked to handle matters involving traffic offences and if you want to know where the law is nebulous, difficult to find, just wade through motor traffic Ordinances and regulations. The way we like hon. Members of this House to look at this matter is this. The voice of Lagos is unanimous on this issue. Hon. Mr Benson who speaks for Lagos West and I who speak for Lagos East by coincidence agree on this point.

This problem has been with us for a while and here is an opportunity for us to demonstrate that we want justice, not tough justice, to be dispensed in Lagos. This is the capital of the Federation and only the best is good enough for this country. I can well understand the difficulties of those who speak against this amendment of hon. Benson. Whatever you may say, a practising lawyer raised to the Bench is a thousand times better in the dispensation of justice and law than a man who is not acquainted with law at all. The hon. the Minister of Transport said the successful practitioners have not been attracted by the Bench. That may be true, but why did he restrict his choice to the successful ones? The successful ones are men that are not only required on the Bench but also on the floor of this House. It is not right to say that what you want is the successful practitioners and no more. Anybody who has received training in law for three years is likely to be better in administering the law than a layman who does not know what the law is. We are practitioners of the law. We have had the opportunity of appearing before these men and before trained lawyers and we are satisfied that justice can better be dispensed by people with legal minds than by people who can with difficulties understand the issues involved. In court we do not only deal with facts. The law is also there. These men are not learned in the law. You have had the instance cited by the leader of the Opposition this morning. The lay magistrate was requesting an accused to explain his innocence. That is not the law but he will insist on it that it is the accused who has to prove that he is innocent.

The basis of English law is that a man is presumed to be innocent until the contrary is proved. This matter is of fundamental importance. You must appreciate one thing and that is that we are not speaking with selfish motives. I myself have not applied to be a magistrate. But there are men who apply to be magistrates, qualified lawyers and have been refused appointments. If you want to know the reason and I venture to suggest that there is no other reason than that the Government want cheap justice. They just want to park on the bench ex-pensioners. That is not the kind of thing we want.

Mr Speaker, I would like your indulgence to draw the attention of Members to page 46 of the Staff List. There are not less than nineteen ex-pensioners of the Government who have been brought back to be magistrates.

As I have said, here you have a list of ex-pensioners who have been called back to become magistrates in the capital city of Nigeria. Now I ask you hon. Members of this House why do

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the Government prefer pensioners, and not only pensioners but pensioners who have had very little to do with the administration of law during their long period in the Civil Service. These men have been in various Government Departments all their life and afterwards they are brought back to sit as lay magistrates. You will see that there is no consistency in it. There is no policy behind it. It seems to me that the Government just picks somebody they like and put him in as a magistrate. The reason is not so much because a man has had experience of law or seen law working but because they like his face and also because he was very good in the Civil Service. This is the opportunity we are having of resisting the present practice and we are stoutly opposing it.

Speaking as I do as the only authentic voice for Lagos—incidentally, Mr Benson who has led this debate, represents Lagos as well—we have given our point of view not only as practitioners of the law but also as representatives of the people. We have also given our point of view as legislators and I cannot see any difficulty in the way of Government accepting the well-thought out amendments moved by the hon. Mr Benson. I do not intend to go over the various arguments which have been proffered in support of amendments. One cannot help saying that this Government has been rightly accused of being lethargic. As far back as last October this new Constitution has been brought into being, but the Government has been so tardy that it is now over one year before this new law is being proposed. Whereas in other Regions the law has been passed and the precise things we are asking for in this House have been given effect to. In the other Houses the representatives of the Region representing various parties were unanimous that the provision of their Government was right, but in this House the same matter has made a matter for argument. It puts us to shame that a matter of such fundamental importance, which should be well understood by both sides of the House, should be allowed to drag on for so long a time. Mr Chairman, the matter is so important so far as we are concerned and I am very happy that it has been taken up by the Chief Whip of the Government in this House. I should say it does not mean a loss of face for the Government if they accede to what is right. They should not claim quintessence of wisdom. (*Hear, hear.*) They should not claim that they know all. We are here to help them to administer this country and it is only right for them to appreciate that we too have some wisdom and when we point out to them the unwisdom in their various acts or activities they too should accept it. The majority of the supporters of the Government and the main body of the Opposition are unanimous in this point of view. If the Members of the Council of Ministers do not feel this way, there would be no time before they lose the confidence of this House. If they would not reckon with our intelligence, if they are not going to give effect to the suggestions which we have made, then we consider it almost as a waste of time to come to a representative assembly of this kind.

(*The Chairman interrupted.*)

House resumed.

The Attorney-General of the Federation :

I beg to report progress and ask leave for the Committee to sit again. Debate to continue tomorrow ?

Mr Speaker :

Sit again tomorrow ?

The Attorney-General of the Federation :

Tomorrow.

[Adjournment]

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[Adjournment]

Adjournment

Mr M. T. Mbu, Federal Minister :

Mr Chairman, I rise to move "That this House do now adjourn".

The Minister of Works :

I beg to second.

Question proposed.

Question put and agreed to.

Adjourned accordingly at thirteen minutes to six o'clock until 10.0 a.m. on Thursday, 18th August, 1955.

Debates in the Federal House of Representatives of Nigeria

Thursday, 18th August, 1955

The House met at 10 o'clock

Prayers

(Mr Speaker in the Chair)

MOTIONS

MESSAGE OF APPRECIATION AND GOOD WISHES TO SIR HUGO AND LADY MARSHALL

The Minister of Transport (M. Abubakar Tafawa Balewa):

Mr Speaker, Sir, I rise to move the following motion: "That this House, recognising the valuable services to Nigeria of Sir Hugo Marshall, K.B.E., C.M.G., lately Chief Secretary of the Federation, desire that a message of appreciation and good wishes be conveyed to Sir Hugo and Lady Marshall."

Sir, I have no doubt that all hon. Members received the news of Sir Hugo Marshall's retirement with much regret. Sir Hugo was appointed to the Colonial Service in 1928 and when he arrived in Nigeria he was posted to what is now the Western Region where he served as an Administrative Officer for many years and in many places. In 1934 Sir Hugo was appointed an Assistant Secretary in the Chief Secretary's Office in Lagos, but in the same year he went back to the Western Region. He was promoted Principal Assistant Secretary in 1945 and only after two years he was made a Senior Resident. He was made the Administrative Secretary in the Nigerian Secretariat in 1947.

Now, Sir Hugo went back to the Western Region in 1952 as the first Lieutenant-Governor and hon. Members know that last year he was appointed the first Chief Secretary to the new Federation of Nigeria. In 1950, Sir, in recognition of his services to Nigeria, Sir Hugo was honoured with a C.M.G. and in 1953 he was knighted.

Hon. Members will agree that these records speak for themselves. Sir Hugo Marshall's Colonial Service career is really a brilliant one and all through his career he was known for his capacity for work, for his loyalty and for his great interest in the people of the country in which he was serving. Sir Hugo, Sir, spent the best parts of his life in serving the people of Nigeria and we are all really sorry that he chose to retire at this time when the country really needs the services of hard-working and honest experienced administrators like him.

As the Administrative Secretary, Sir Hugo had quite a lot to do with the Constitutional Review in 1950 and his service in the Nigerian Secretariat in the higher posts gave him the opportunity to know about the Eastern and the Northern Regions where he had never served. Sir Hugo truly and well represented the British Colonial Service, a service the members of which are famous the world over for their integrity, for their loyalty and for their devotion to duty. The British Colonial Service is a Service of which any country in the world can be proud.

Sir, Sir Hugo was fortunate in having a companion who shared his interests. Lady Marshall has been with Sir Hugo for most of the twenty-eight years he served in this country and she was as keenly interested in the people of the country as her husband.

Outside office, Sir, Sir Hugo was extremely interested in birds and in natural history and for many years he was a leading member of the Nigerian Field Society. Lady Marshall shared Sir Hugo's enthusiasm for birds and being an artist of real talent she used to paint them.

Mr Speaker, Sir Hugo's record of service in Nigeria is a proud one and I feel that we as representatives of the people of Nigeria should show our appreciation. Sir, it is the wish of all of us in Nigeria that Sir Hugo and Lady Marshall should enjoy long life and happiness in their retirement.

Sir, I beg to move. (*Applause*).

Dr E. O. Awduche (Onitsha):

Mr Speaker, Sir, I rise to support this Bill in principle. In doing so I wish to make a number of observations. The hon. the Attorney-General who presented this Bill to the House has admitted that the Forensic Science Laboratory Superintendent is a technician working under a Pathologist. I wish to make it clear to the House that the Forensic Science Laboratory Superintendent is not a qualified medical practitioner under the Medical Practitioners and Dentists Ordinance. He is not on the Medical Register. His work is mainly that of technical cases connected with pathological processes like the examination of slides, blood stains and some bacteriological processes.

It would appear a little out of the way to give all the rights of a qualified medical practitioner to somebody who is not qualified to carry out all the full duties of a medical doctor. I make these observations in the interest of justice, in the interest of natural justice, because the occasions on which this gentleman is called to the courts to give evidence are more often than not cases of capital charges—cases that will lead to hanging in the long run, cases of homicide especially, and of course it will be necessary to limit (since the Governor-General is going to declare in the *Gazette* the subjects on which the Forensic Science Laboratory Superintendent will be expected to write these reports and to give evidence), it will be necessary to limit them to these processes which have been mentioned in the objects and reasons for this Bill. That is to say to limit the subjects to only blood stains and photography. In the courts when this man is expected to appear to give evidence he will be subject to cross examination and the Counsel who will be examining will want to get all the facts and will want to get all the things which will be expected from somebody who has had a general working knowledge of Anatomy and Physiology and allied subjects which are associated with the medical profession.

Mr Speaker, Sir, I would humbly submit and suggest that when this law is going to be put into effect the Medical Adviser to the Federation should be consulted so that he would advise Government on what subjects it will be appropriate to give this single man power to give expert evidence in court.

Mr Speaker, Sir, I beg to support this Bill in principle.

Mr D. N. Chukwu (Awgu):

Mr Speaker, Sir, I beg to support this Bill. The Bill is simple and not controversial. The objects and reasons of the Bill are to give power to Science Laboratory Superintendents to sign certificate which will be admissible in the court.

Crimes in this country are getting very many, especially those of murder cases. Today, throughout the country there is always news that somebody is killed by unknown people. In many cases, only the corpse or dots of blood on paper or cloth are seen. It is by this scientific means that investigation is carried out and evidence is given in the court.

Secondly, we have very often armies of night wanderers and by this scientific machinery the Police are trying to check them by photography, and it is by this that evidence could be given.

Mr Speaker, Sir, while I am supporting this Bill, I have to pay tribute to Criminal Investigation Department by the way in which this Department is carrying on its work to check and protect this nation. Because of many cases of this nature, there is much work for the officer or the superintendent and consequently he will be going to court to give evidence every day, but this Bill has released him from the burden of going to the court frequently. He will simply sign the certificate and unless there is a matter of great importance, he will not go to the court. Mr Speaker, the Bill being not a controversial one, I beg to support. (*Applause*).

Chief S. L. Akintola (Oshun West):

*I have only a brief observation to make on this. The object of the Bill as it is stated here is to enable certificate signed by a Forensic Science Laboratory Superintendent to be admissible as evidence, during the course of trial. Well, I am not really opposed to that. But my own

* Speech not corrected by Member.

[*The Evidence (Amendment)*
(No. 2) Ordinance, 1955]

18th August, 1955

[*Second Reading*]

main point is ; there is no qualification given of the person whose evidence is to be admissible. Well, according to this perhaps a student under training in the Laboratory Department might even be called upon because he happens to be the person who analyses some blood stains. What is his competence? What is his qualification? Well, the Superintendent—he may be a Superintendent, but what is the qualification of the Superintendent? But if he is a man who is an expert in that particular field, we are all agreed that his evidence should be admissible, but unless he is such a person it will be dangerous for the court to admit that such a person should give evidence about a murder about which he may know very little or nothing. There are times when the liberty of a person depends on the evidence from the pathologist, and that evidence must be one which is absolutely reliable. According to this “The Governor may by notice in the *Official Gazette* of the Federation declare that any person named in such notice, being a person in the public service of the Federation as a Superintendent of a Forensic Science Laboratory shall for the purpose of section 1 be empowered to sign a certificate”. Well, my point is ; any person, so long as he is named in the *Gazette*. Whether he is by qualification entitled to be regarded as such or not is not stated here. On that point, with due deference, I would like some elucidation by the Attorney-General. “Any person” without any limit? A student may be so named, or who are the people the Government would be entitled to so name?

The Attorney-General of the Federation :

With your leave, Sir, I would like to make the elucidation that has been asked for. I think perhaps the hon. Dr Awduche interpreted this Bill rather wider than it really is, and the Leader of the Opposition, when quoting from it, stopped just short of the significant words. These people are not to be empowered to sign certificates on any subject under the sun. But, if you read from where the Leader of the Opposition stopped, you will see it says “be empowered to sign a certificate relating to any subject specified in the notice”, and the whole point of that, as explained in the objects and reasons, is that when Mr X, Forensic Science Laboratory Superintendent, is given powers, the notice which gives him the powers will specify those subjects, and only those subjects, on which he may give evidence by means of certificate; for example the identification of blood stains or, as I said, comparison photography of marks made by house breaking implements or the like. We cannot specify precise subjects in this law because one can see that to describe marks by house breakers’ tools and the like would be difficult to put into precise language, and therefore it is left more flexible; but the subject will be specified in the notice and only on that subject can Mr X (the Superintendent) give evidence by certificate. And I would point out that it is not any member of the Police who can do this. There is only one Forensic Science Laboratory at present, and though I hope we may have more in the future, we have only one now; there may be another one being started in another part of the country, but there is only one Superintendent here at the moment, and presumably, if more are started, there will not be more than one or two of these. So that there will be a very limited type of persons to whom these powers would be granted and, of course, the Chief Medical Officer of the Federation will be consulted and no action will be taken without his express recommendation. It was he who promoted this proposal, because it is in the interests of medical science as well as of the administration of justice that this Bill is passed, and he surely is competent to say who may give this evidence.

Mr T. T. Solaru (Ijebu West):

Mr Speaker, I am rising to support this amendment that is being proposed. For one reason I happen to know these Forensic Laboratories and some of those who work in it, and to know the amount of work that is carried on in that laboratory, by such few hands in such a large country. But I am happy to hear the Attorney-General saying that he thinks that in some other parts of the country similar institutions are being started. The crime wave as we all know is becoming larger and larger, and with such few hands at it, I think this Bill is devised to speed up the process of bringing criminals to book by the simple means of shortening the circuitous route of bringing one man from one part of the country to another unnecessarily.

It is equitable that it should so count, and that he should not be financially penalised because he was required to serve in the Armed Forces immediately instead of taking up his appointment in Nigeria, and possibly being sent into the Army after that. The Government therefore proposes that this Bill should be enacted, so that this officer should have the same equitable treatment as other overseas territories have accorded to their officers in like case. Sir, I beg to move.

Mr M. T. Mbu, Federal Minister :

Sir, I rise to second.

Question proposed.

Chief S. L. Akintola (Oshun West) :

*Mr Speaker, Sir, we on this side of the House admire the gallantry of Mr McClintock. We admire his spirit of patriotism, and we pay tribute to his courage for the part he played in fighting for freedom, and whatever remark we make here should not be regarded at all as derogatory to the credit that is personally due to this officer. But we are opposing this Bill with all the emphasis at our command, because it is unfair. It is unfair to the taxpayers of Nigeria. This man was not in the service of Nigeria between 19th July, 1940 and 21st October, 1946. He was not serving Nigeria as such. Why should we be made to pay for him? He served the Empire, I agree, and the Empire has made ample provision for those, or should have made ample provision for those who have served during these years. Why should the buck be passed to us? It is stated that he was offered employment but he was not engaged. He had not even started working. He was even to go to the University for a course and, according to the information given us by the Chief Secretary, he had not even availed himself of that opportunity. Then war broke out, and he joined the Army, which is the Army of his country, and his country owed him a duty of even paying him everything that is due to him. We regard ourselves as part of the Commonwealth, and Nigeria, with its manhood did all it could during the war. The flower of our race, our youth, our energy, our money were devoted, everything in order that the Empire might win the war. But, beyond that, a country like Nigeria is not expected to do. Why should we be made to pay for this officer? There are other matters which have not been disclosed in this House. There are also some people who are engaged in our civil service who are paid for what they call war experience. Expatriate officers. So many numbers of years in the Army, so many pounds of increment, and so on. Now, that might be good enough for the past, but with what is it going to be defended? (*One hon. Member : Commonwealth collective responsibility !*) (*Laughter*). I agree. That is good logic. Commonwealth collective responsibility. Therefore, judging from the old argument of this man's pension, Australia must contribute, South Africa must contribute, India must contribute, all of us must contribute. (*Applause*). If it is collective responsibility, why should the Chief Secretary come here to burden Nigeria with it? (*One hon. Member : You have your own share.*) What is our share in it? This does not indicate our share. Now the whole thing is being pushed back to us. Now, if I go by my good friend's observation, then it means the whole cost must be brought to this House. How much will it cost to pay this man something? Then we are going to be given a formula by which the share of Nigeria will be determined. What is that share? How much will the United Kingdom contribute towards his pension? But I am quite sure that in the compensation that is necessary for ex-servicemen the United Kingdom Government has made ample provision. Whereas the Chief Secretary has not given us any argument to sustain his own point. He mentioned this one of twenty people from different parts of the Commonwealth. Well, who the others are, we do not know, and I presume that this must have been the first case in the history of Nigeria. A poor country like ours! I do not want to go into the merits of this case because I do not want to say anything that might be misunderstood. Well, the war was fought, and won. Nigeria contributed her own share. After the D-Day and the enemies were vanquished there were spoils

* Speech not corrected by Me. oer.

[*The Pensions (Special War Appointment) Ordinance, 1955*]

18th August, 1955

[*Second Reading*]

of the battle. How much of it went to Nigeria? What is our share? We got nothing except the moral satisfaction that the war had been won. That was all that we had. Reparations and all sorts of compensation that the victors had won. We got nothing out of it. Why should we be made to pay for services that were not rendered to us? In the name of justice, this should be thrown aside. In the name of equity, it should be withdrawn, and in the name of equity that is fair and just, the Chief Secretary should have the honour to rise and beg leave of the House to withdraw the Bill. Sir, I oppose.

M. Bello Dandago, Sarkin Dawaki (South West Central Kano):

Mr Speaker, Sir, I rise to support the Bill. (*Hear, hear*). This is a short speech. I do not agree with the Leader of the Opposition for we shall be very ungrateful to the people who took part during the war.

Chief Akintola :

We shall be grateful all of us, but not here.

M. Bello Dandago :

Let us demonstrate in the practical sense of it. In the name of justice, in the name of anything including generosity (*Laughter*) I ask this House to allow this Bill to pass. The gentleman, Mr McClintock, deserves what is being asked this House to give him, and I know you will give him.

Mr Speaker, Sir, I support the Bill.

Mr G. O. D. Eneh (Udi):

Mr Speaker, I rise to support the Bill. (*Hear, hear*). It is common knowledge that between 1939 and 1945 we had three categories of people who entered the army. We had the ordinary people of Nigeria, we had the conscripts and we had people working in the Government service. After the war certain concessions were given to those ex-servicemen who were working under the Government employment before the war. They were also given to those people who were employed after the war. This man in question is in one of these categories although he was not working in Nigeria then. In so far as we are concerned, all the ex-servicemen who are working under the Government have special privilege. This privilege must be extended to this gentleman who is working in the North. You must first of all know that when we are considering the taxpayers of Nigeria, we must consider the taxpayers of other countries. If Great Britain is prepared to spend money on this country, which money is part of the taxpayers' money from Britain, we should not grudge this gentleman the right to which he is entitled. How many millions of pounds are coming to this country from the taxpayers of Britain for the development of this country? It is only just and equitable that this Bill should be passed and the only thing I am recording is that this Bill should not be discriminatory. It should affect all Nigerians who have served in the army. It should affect all ex-servicemen who are under the employment of Government.

Mr Speaker, Sir, I support the Bill.

Mr A. A. Ajibola (Egbado North):

*Mr Speaker, I beg to oppose. In opposing this Bill, I will like this House to observe that this man did not serve in this country between July, 1940 till October, 1946 and I have to show this House that the war ended in 1945 and he did not come to this country until October, 1946, and yet this country is now here being asked to pay during the period when this man was never in this country. If you look into the past you will agree that many Administrative Officers who have served in other parts of the Empire who are about to retire, they come to Nigeria with the result that payment of pension to these people or any money that they would be entitled to on retirement are borne by this country alone.

* Speech not corrected by Member.

[The Pensions (Special War
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men are here; we have no men to run the Posts and Telegraphs, we have no men to run the Railways. If we need men on certain terms, we should be prepared to honour our words. I do not want us to hoot at this particular case because an expatriate is involved now. Tomorrow it may be an African and for this reason, Mr Speaker, I beg to support the Bill.

M. Yakubu Wanka (Central Bauchi):

Mr Speaker, I rise to move that the question be now put.

Question proposed.

The House divided: Ayes, 132 Noes, 21.

Division List No. 1

AYES

- | | |
|----------------------------------|--|
| 2 S. F. Nwika. | 86 E. O. Imafidon. |
| 3 G. O. Ebea. | 87 P. H. Okolo. |
| 5 N. M. Agada. | 90 C. O. Komolafe. |
| 8 D. N. Chukwu. | 91 H. O. Chuku. |
| 9 A. E. Ukattah. | 92 D. N. Abii. |
| 10 R. H. Chalcraft. | 93 Dr E. O. Awduche. |
| 11 L. Ning. | 94 S. J. Mariere. |
| 17 Mamudu Bayero. | 95 Z. B. Olokesusi. |
| 18 Rilwanu Abdullahi. | 96 A. Adeyinka. |
| 20 Ahmadu Fatika. | 109 E. Bathurst. |
| 21 Muhammadu Ubangari. | 111 Zubairu Bamu. |
| 22 Umaru Karim. | 112 Muhammadu Bello. |
| 23 Ahmadu Babandi, | 114 Alhaji Muhammadu, Sarkin Burmi Moriki. |
| 24 Abdulkadir Maidugu. | 116 Isa, Sarkin Agwara. |
| 25 Muhammadu Sagir. | 117 Bukar Kadi. |
| 27 Shehu Shagari. | 118 Muhammadu, Sarkin Shira. |
| 28 E. Damulak. | 119 Baba A. Gurumpawo. |
| 29 Hamza Gombe. | 120 Muhammadu Bello Alkamawa. |
| 30 Sule Share. | 121 Muazu Lamido. |
| 31 Musa Hindi. | 122 Maitama Sule. |
| 32 Moses A. O. Olarewaju. | 123 Mudi Kazaura. |
| 33 Usuman Angulu Ahmed. | 124 Hashime Adaji. |
| 34 Baba Danbappa. | 126 Alhaji Aminu Tafida. |
| 35 Haruna Wakilin Daji. | 127 Aliyu Bissala. |
| 36 Usuman Sarki, Sardaunan Bida. | 128 Danmale, Madakin Gona. |
| 38 Dembo Kaningkon. | 129 Baba Daradara. |
| 39 Mormoni Bazza. | 130 J. A. G. Ohiani. |
| 41 Alhaji Ahmadu, Sarkin Fulani. | 133 J. Assadugu. |
| 42 Aliyu. | 134 Abdulkadiri Makama. |
| 44 Abba Jato. | 136 Alhaji Usman Gwarzo. |
| 45 Alhaji Adamu Danguguwa. | 137 Muhammadu Bida. |
| 46 Hassan Rafin Dadi. | 138 Yakubu Wanka. |
| 49 Ahmadu Danbaba. | 139 Iro Mashi, Sarkin Garbas. |
| 50 Sadik. | 140 Patrick M. Dokotri. |
| 51 Alhaji Umoru Gumel. | 142 Maikano Dutse. |
| 54 C. M. Booth. | 143 Hassan Yola. |
| 55 E. C. W. Howard. | 144 D. A. Ogbadu. |
| 68 J. U. Udom. | 145 Sanni Okin. |
| 69 J. A. O. Akande. | 146 Ibrahim Usman. |
| 70 L. A. Lawal. | 147 Nuhu Bamalli. |
| 71 F. U. Mbakogu. | 148 J. C. Obande. |
| 72 E. C. Akwiwu. | 149 Alhaji Mohamed Munir. |
| 73 J. O. Igwe. | 151 Bello, Sarkin Paiko. |
| 75 H. O. Akpan-Udo. | 152 Ahmadu Rufai Daura. |
| 77 N. A. Ezonbodor. | 153 Muhtari, Sarkin Bai. |
| 78 P. Eleke. | 154 Chief J. Y. Dimlong. |
| 80 D. O. Enang. | 155 Galadima Maikiyari. |
| 81 B. O. Ikefi. | 156 Abubakar Garba. |
| 82 F. E. Ofor. | 164 J. I. G. Onyia. |
| 83 G. O. D. Eneh. | 165 O. Bademosi. |
| 84 M. A. Sanni. | 166 H. O. Abaagu. |
| | 168 Aja Nwachuku. |

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[Committee]

- 169 F. O. Mbadiwe.
 171 Chief J. S. Olayeye.
 172 L. P. Ojukwu.
 173 Chief I. A. Sodipo.
 174 J. I. Izah.
 175 D. K. Onwenu.
 176 D. E. Okereke.
 177 J. M. Udochi.
 178 J. L. Nsima.
 179 J. A. Effiong.
 180 Rev. E. S. Bens.
 The Chief Secretary of the Federation.
 The Financial Secretary of the Federation.
 The Attorney-General of the Federation.
 The Minister of Transport.
 The Minister of Trade and Industry.
 The Minister of Communications and Aviation.

- The Minister of Land, Mines and Power.
 The Minister of Natural Resources and Social Services.
 The Minister of Labour and Welfare.
 The Minister of Works.
 The hon. M. T. Mbu.
 The hon. Kolawole Balogun.
 The hon. Victor Mukete.
 Chief H. Omo Osagie.
 Mr D. C. Ugwu.
 Mr U. O. Ndem.
 Chief Ohwotemu Owch.
 Bukar Dipcharima.

Tellers for Ayes

- M. Bello Dandago, Sarkin Dawaki.
 Mr T. O. S. Benson.

NOES

- 12 R. T. Alege.
 13 E. O. Oyedeji.
 14 E. A. O. Dada.
 15 Chief I. S. Popoola.
 56 J. G. Adeniran.
 57 N. G. Yellowe.
 58 R. N. Takon.
 60 F. N. H. Ayeni.
 62 T. A. Ajayi.
 64 A. A. Ajibola.
 100 E. O. Fawole.
 101 Chief J. O. Adedipe.

- 102 M. A. Ajasin.
 103 Oba Adetunji Aiyoola.
 104 D. L. G. Olateju.
 105 T. T. Solaru.
 106 Olayemi Tobun.
 157 Chief S. L. Akintola.
 159 R. A. Fani-Kayode.
 160 Jaja Wachuku.
 161 Dr E. U. Udoma.

Tellers for Noes

- Mr V. D. Phillips.
 Mr Ayo Rosiji.

Original question put accordingly, and agreed to.

Bill committed to a Committee of the whole House.

Sitting suspended for fifteen minutes.

Sitting resumed.

House in Committee.

Clause 1, agreed to.

Clause 2, line 1.

Mr Jaja Wachuku (Aba):

*Mr Chairman, Sir, I have an amendment to clause 2 and that is to leave out the words "the officer hereafter specified shall be deemed to have held a pensionable office in the public service of the Government of Nigeria during the period specified opposite his name".

Mr Chairman, Sir, the reason for this amendment is to be found in the Objects and Reasons for this Bill. The Bill specifies that in a very restricted class of case certain candidates selected for appointment to the Colonial Service by the Secretary of State at the beginning of the war were allowed instead of taking up the appointment immediately to join or remain in Her Majesty's Forces and an undertaking was given that their appointment would for the purposes of seniority and pension take effect from the date they proceeded to take up that post. I would like to point "on selection for appointment in the Colonial service", there is no particular country specified. This is an undertaking by the Secretary of State for the Colonies. The Objects and Reasons of this Bill do not tell us that it is on selection for appointment to Nigerian service, and there was no Nigerian service to which this man could have been appointed. He was selected to be sent either to Tanganyika or Hong Kong, or Malaya, or to the West Indies or anywhere. Our point is that there was no binding contract between this country and this gentleman. He was selected to be appointed to the Colonial Service, war

* Speech not corrected by Member.

[*The Pensions (Special War Appointment) Ordinance, 1955*]

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[Committee]

Our point is that this man was never selected for this country and if the Chief Secretary gives us the evidence that he was selected for this country then we will consider the suggestion that we should honour our pledge.

Question proposed.

Mr T. O. S. Benson (Lagos West):

Mr Chairman, Sir, in this House we are the Government. We can make and unmake. We can make a law here to turn a woman into a man (*Laughter*). We have many Bills to pass during this session and we are no longer going to allow the Opposition to waste our time (*Applause*). I am going to refer him as a lawyer to Laws of Nigeria where even Judges can make laws which they think equitable. We as the Government feel that this law is reasonable and therefore we put the law to them to speak on it. I agree with the Member who said that what is good for the goose is good for the gander. When we made this law during the last session I was here but by your petition you put me out. Now I am in (*Laughter*). During the last session we passed a law here for the ex-servicemen. During this session or the next session if the Opposition feel there is a law to be passed to give African ex-servicemen good opportunity in life they should tell us and we shall pass it.

Mr Chairman, Sir, I have to refer to this one just to educate Members of the Opposition. In the laws of Nigeria, Vol. X, Supreme Court page 96, Cap. 211, Order 52 it says; "Subject to particular rules the court may in all cases and matters make any order which it considers necessary for doing justice, whether such order has been expressly asked for by the person entitled to the benefit of the order or not". Whether this man has asked for this Bill or not we are making the Bill and we are passing it. And my hon. Friend Chief Bello Dandago has supported it.

So, Sir, I expect my learned Friend the hon. Jaja Wachuku has a golden medal for oratory and if he wants to speak, Sir, I am prepared to pay the cost of Glover Hall tomorrow for him. Therefore, Sir, this Bill is a good one. We are supporting it, we are passing it and if there is any other law to be made for Africans we shall do it likewise. So I support this Bill and I am moving, Sir, that the question be now put.

Mr V. D. Phillips (Ijebu East):

Mr Chairman, Sir, I should think it is down right effrontery for the hon. Gentleman who spoke last to seek to educate lawyer Members of the Opposition with the flimsy quotations he made from a volume of the Laws of Nigeria. As I was saying, Sir, there are lawyers and there are liars. What we require to do in this matter is to take the Objects and Reasons of the Bill as outlined by the hon. the Attorney-General and see whether we are capable of supporting the proposition or not. I must say, Sir, that my hon. Friend the Chief Whip of the Government, hon. Mr T. O. S. Benson, has failed woefully to read through and understand the Objects and Reasons. In reading through the Objects and Reasons of the Bill I need not re-state word for word what my learned Friend hon. Mr Jaja Wachuku has said. But I have to ask Sir, in making a decision whether we should support this particular amendment or not; who gave the so called undertaking stated by the Attorney-General? Not the Nigerian Government, but the Colonial Secretary did. Has the Colonial Secretary any power to commit the Nigerian Government on any undertaking to which the Nigerian Government is not a party? I say: No.

Some hon. Members: Yes.

Mr Phillips:

I say: no. As I was saying, Mr Chairman, who again took advantage of the undertaking. This man did not serve in Nigeria. This man served in Her Majesty's Forces overseas, particularly in the United Kingdom. When did he come to Nigeria? In 1946. During the period 1941 to 1946 who paid the remuneration of this man as a member of the fighting forces? Surely the Imperial Government did. Why did not the Imperial

[*The Pensions (Special War
Appointment) Ordinance, 1955*]

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[Committee]

Government shoulder the burden of paying his pension during that particular period? Why should the Nigerian Government be saddled with the responsibility of paying that pension? Of course on the floor of this House we have fellows who merely sing a chorus when they are called upon to do so without reading the clauses of the Bill and so on. But we on this side of the House do not belong to that class, Sir. (*Applause*). Again, Sir, we ask what was the consideration for the so called undertaking given by the Colonial Secretary on behalf of the Nigerian Government? Ask yourselves. Nil. No consideration! and we come to the conclusion that the so called undertaking is null and void.

Mr Chairman, Sir, if it is true that there has been no reciprocal undertaking given by the United Kingdom Government in respect of Nigerian personnel serving overseas in Her Majesty's Forces then there is no binding agreement. There is nothing whatsoever to place any obligation on the Government of this Federation to pay any pension whatsoever to Mr McClintock for the period 1941 to 1946 and this must be a very real warning to hon. Members of this House. We are yet dealing with the case of one man and one man only. Who knows the learned Chief Secretary may come here tomorrow and say: "Yes, in respect of the Bill passed the other day, here are some forty-five other persons; you have already passed one case, please oblige and pass this one also". We will not do so. We are here to carry out a definite obligation and that is to protect the finances of the Federation. We are not here to assist in squandermania.

Mr Chairman, with all the emphasis at my command we are urging hon. Members in this House to support this amendment on one principle and one principle only. Was there any mutuality in the so called undertaking? No. Nigeria has not derived any benefit whatsoever from that undertaking; Nigeria should not be saddled with the payment of any pension to Mr McClintock.

The Chief Secretary of the Federation :

Sir, the amendment proposed by the hon. Gentleman, who was so kind as to give me notice of it during the break, is that the words after "1951" in the first line of the clause should be omitted, and that is the amendment which is before the Committee. The clause would then read "For all the purposes of the Pensions Ordinance, 1951, Nicholas Cole McClintock" (*Laughter*). I cannot think that the Gentleman of the professional learning we have heard of so much would wish to be identified with a statute in those terms. (*Laughter*). However, I assume that he has not moved his motion merely to occupy the time of the House. I will deal with the facts that he has adduced, if facts they can be called.

It is suggested, Sir, that "the learned Chief Secretary", a phrase for which I am much obliged, will come to the House on some other occasion and say: "There are a great many more of these officers, please do with them likewise." I am happy to be able to assure the Gentleman opposite, Sir, that I have been at some pains by inquiry both here and in the United Kingdom to satisfy myself that Mr McClintock is the only officer involved. (*Applause*).

Secondly, Sir, it has been suggested that we owe nothing to Mr McClintock because he was not in 1939 appointed to the Nigerian Service and that there is no debt owing to Mr McClintock based on contract. The matter is not put before the House on that basis at all. The matter is brought to the House—and I suggest, Sir, that this does show that these matters are very, very carefully dealt with and that officers are not given money without the authority of law—the case is brought on the ground that in 1939 the Secretary of State for the Colonies, who was at that time the agent of the Government of Nigeria for the selection and appointment of officers required to serve in Nigeria, selected Mr McClintock, as was, and still is, the practice, to be a member of the Colonial Service. He made an offer to Mr McClintock and Mr McClintock accepted that offer, and he accepted it on the basis that when he had undergone a course of training he would be employed in Nigeria.

[The Federal Supreme Court
(General Provisions)
Ordinance, 1955]

18th August, 1955

[Second Reading]

This Bill is, I hope, a little, shall I say, less controversial than the first of the series with which we dealt yesterday. Not only that, it marks a very important step in the judicial development of this country, which is now for the first time to have its own appellate court as distinct from the one which served all the West African territories.

Sir, I beg to move.

Mr Kola Balogun, Federal Minister :

Sir, I beg to second.

Question proposed.

Chief S. L. Akintola (Oshun West) :

Sir, whenever the Government brings forward any legislation which is fair and reasonable you can be sure it will receive the support of the Opposition. "This is a very, very good law and we on this side unanimously support it. It is not one of those laws in which the Government seeks to turn a man into a woman. (*Laughter*).

I can assure the House, however, that wherever by legislation the Government converts a man into a woman we will always be delighted, knowing that there are eligible bachelors among the Ministers, to witness the marriage. . . . (*Laughter*).

Mr A. Rosiji (Egba East) :

*I rise, Mr Speaker, Sir, to support the second reading of this Bill. This Bill makes general provisions for the highest Court in this country and it is very gratifying to notice that the principles which we on this side of the House fought for during the debate yesterday are accepted by this Bill. We did say yesterday that the judges of our Courts should be placed in a position where they will be free from any fear or intimidation, where they will be able to exercise their duties and their training in a way that will be compatible with good administration of justice.

I find that in clause 4 there is provision to be made for the salaries of the judges, fixed salaries made by law. For this I must congratulate the Attorney-General and I do wish that he will extend this type of provision to the other Bills in respect of the Judiciary.

It is also gratifying to read in clause 5, sub-clause 2, that there is power to appoint from any of the High Courts of the Regions an officer to be Registrar or Deputy Registrar of the Supreme Court. This clause to my mind will strengthen the unity of the Judiciary throughout the whole country (*Applause*). If there is prospect of promotion from the High Courts of the Regions into the Supreme Court of this whole country there therefore runs through the Judiciary of this country a sense of oneness which is intended to strengthen the unity of this country. Mr Speaker, Sir, I also note the inclusion in section 10 of the provision for Admiralty cases in the Federal Supreme Court. Admiralty matters, Sir, as my learned Friends in this House will appreciate are very important matters which deal not only with the domestic matters of the country but also with matters of international importance and we do hope that the Supreme Court which is now being started in this country will have to set a standard which will carry some reputation in other countries and in the whole world.

Mr Speaker, I beg to support the Second Reading of this Bill.

Dr E. U. Udoma (Opobo) :

Mr Speaker, I support the Second Reading of this Bill and I would like to seize this opportunity to place on record our gratitude, first to the Government, and then our thankfulness to the extinct West African Court of Appeal which is shortly to depart from us. The Court did perform admirable work in this country in that it created a link between all the Colonies on the West Coast of Africa which are British. It was possible to make the custom of the Gold Coast influence the custom and law of Nigeria as far as the Administration of law was concerned. There was also a close link between the Colonies because the Court moved from territory to

* Speech not corrected by Member.

[*The Federal Supreme Court
(General Provisions)
Ordinance, 1955*]

18th August, 1955

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territory resulting in the interchange of views and ideas. That, of course, is no longer to be. By the passing of the Bill we are breaking the legal link that hitherto existed between British West African Colonies, and at the same time obliterating the co-operative influences in our system of native jurisprudence.

Unfortunately we seek independence, an independence calculated to cut us off from the rest of West Africa. That is a deplorable situation; but there it is. We cannot help it and since we have to stand on our own we have to evolve our own system of jurisprudence independent of other territories of West Africa. If the old system had continued, in my view, this country would have been the richer because our system of jurisprudence would have been nourished by a refreshing air from the foreign territories on the West Coast. I say foreign because they do not belong to Nigeria, but we all belong to one great family of the West Coast, and the West Coast is reputed the world over to be the standard bearer for the African Continent.

Now, Sir, it is regrettable that that system will no longer be continued, but at the same time we would seize this opportunity to welcome the new Court and to usher in a new era into the country of our birth, and we hope that the tradition which has been established by the previous Court will be maintained and perhaps surpassed by the new Court. We also hope that the high, if not higher, standard that has won us world-wide admiration will be established and maintained by the new Court.

Mr Speaker :

It is now one o'clock and I am bound by Standing Orders to suspend sitting till three o'clock.

Sitting suspended until three o'clock.

Sitting resumed.

Dr Udoma :

Mr Speaker, Sir, as I said this morning, I feel that this is an opportune moment to place on record our gratitude to the existing Supreme Court of Nigeria, which is no longer to be, and, Sir, that Court had done so much to unite Nigeria together. Sir, now that we are going to have a Supreme Court which is to take its place we hope that the same spirit that had permeated and animated the old Court—although this is going to be a Court of Appeal—we hope that the same spirit of old will still be maintained. The position in this country, as we are all well aware, is that the country has been split into Regions, and anything that can be done to maintain the common thread and the common link of unit, I think, should be welcome by every section of the country. And so, without going any further into details, may I place on record the recognition of the services performed by the existing Supreme Court.

M. Yakubu Wanka (Central Bauchi) :

Mr Speaker, Sir, I rise to support the Second Reading of this Bill. Sir, the setting up of this Court is, of course, a vital achievement in the development of our judicial system, and as such I am really grateful to the Government. Sir, as this Court is an appeal one I hope there will be Muslim advisers whose duty will be to advise the judges in accordance with Muslim laws in matters involving Muslim communities. Sir, I should like to stress a point raised by a friend of mine yesterday in respect of interpreters. This question, is a very important one, because our people have been complaining much about the treatment given to them in law courts. It is because of this lack of interpreters that our people are not fairly treated in these law courts. Therefore I strongly urge that there should be interpreters, not only in this Appeal Court but also in all other courts that there are under the Federal Government.

Then, Sir, there is something that has been exercising my brain in this House, and that is the question of salaries to the Members of the Judicial Department; that is they should receive higher salaries than other members of other departments of Government. Is it because the Judicial Department is more important than other departments of Government? Well, if

House and had a lot of fun we do consider this matter very seriously, because it is one of the ways in which a great deal of harm can be done to this country, and I want to make it clear at the outset, Sir, that although such criticisms as I have seen have been devoted entirely to the political aspect of it, there are many important respects, very far removed from politics, where this Bill is a necessity. Unless the Government of the country is empowered to prohibit the importation of literature which is contrary to the public interest it is impossible to prevent the flooding of the country with literature which is obscene or grossly indecent or which, particularly in a country like this where many of us differ in religious faiths and religious susceptibilities one from another, though well enough to some might be an anathema to others, and a grievous offence, and it is necessary, therefore, to avoid having the community subject to evil and dangerous influences of this kind. But do not let us for a moment think that this is an easy business. One has only to read the newspapers of the world to see how difficult is the task of any government that has the courage to seek to protect its people from literature which is contrary to the public interest. It is so easy to produce arguments against it, and so difficult to draw the line between what should clearly be kept out and what might well come in, but a Government should not shrink from the task merely because it is difficult, nor should it avoid its duty merely because it thinks it will be criticised. It is the duty of a Government to do what it thinks is right but it must make every effort to ensure that the people of the country are convinced that it is right, and that is the difficulty that Governments encounter when they seek to impose some sort of censorship of books whether because their contents are disgusting or because they are so contentious as to upset the community beyond the power to settle it again quietly and happily whatever the reason may be. So that we are not taking on anything that is very easy.

Now, Sir, this is also a subject on which this Government does not lack for advice. I have seen one widely read newspaper correspondent wagging his finger at the Government and saying, "If you prohibit anything, you are merely putting a premium on it and increasing its curiosity value", and he made some slighting reference to what he called "the tradition of small children and fools and sharp-edged tools". It is very easy to offer advice of this kind when you know that you who offer it have no responsibility whatever the effects of what happens. But I wonder whether this gentleman who talks about small children and fools and sharp-edged tools would have us remove all restrictions on, say, importation of poisons. Would he say that anything that can be brought into the country should be brought into the country and that we are all adult people (even, it seems, small children and fools) and let us try anything we like and if it poisons us what is that—it is only one fool the less—he shouldn't have tried it? It must be remembered that it is just as easy to poison minds and morals as it is to poison bodies. If it is sensible to keep out harmful substances that can be put into the body or to bring them in under control, it is just as sensible to keep out things that can harm the minds or the morals of the community. I suggest that that is particularly so in a country where large numbers are coming to literacy for the first time and are looking for something to read.

I wonder if there are many among us who have outgrown the habit—I know I have not—of tending to believe what one sees in print particularly if it is beautifully printed, and there is a lot of beautiful print coming into this country which contains material that it is only too easy to believe. However I am not talking only about beautifully printed material, there has been in most countries in the world lately a revulsion of feeling against what are called horror comics. It is only, I suppose, in this mid-twentieth century that anything can be both horrific and comic, but you all know what I mean by horror comics: they are picture papers which contain more pictures than print and which batter at one's senses with pictures of crime, cruelty, sex, and so forth. Lots of countries recently have said "Oh well, freedom of the press, freedom of thought, and so on—I won't worry about it", and lots of them within the last few months have woken up to the consequences in juvenile delinquency, and that sort of thing, that has resulted directly from these publications. The sensible countries of the world have taken action to stop them, but it is no doubt in respect of more serious and much duller subjects that the loudest cries of criticism could be raised against the Government.

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I have no doubt that there will be people who would most righteously disclaim any communist tendencies themselves, any fascist tendencies themselves, or any other "ism" tendencies themselves, but who will be in the forefront of those who say, "You shouldn't stop this sort of stuff coming in". Now there are all sorts of these "isms" that are no good to a country like this, and the Government is not saying that the people here should not be given an opportunity to learn about them. There is ample opportunity to learn about them from the works of the people in these countries themselves. But all these "isms" attract to themselves not only their fanatical followers but also the do-gooders of the world: the people who say "Oh! but this violates a fundamental principle" and without stopping to think about the consequences of what they are doing, advocate that this stuff should be allowed to pour in, whether it is dirty or whether it is political.

Now I must say at once on behalf of the Government that this Government is not out to stop freedom of thought. In this Government and the Governments which have preceded it (*Interruption*) I am very thankful to the hon. Gentleman for his interruption. He says that it is not possible to stop freedom of thought, then I trust that the time of the House will not be occupied by people getting up and saying that that is what the Government is trying to do. But this Government and the Governments which have preceded it, as the hon. Member knows very well, have adopted the policy that it is better to do more than just pay lip-service to freedom of thought, as so many people do who will talk on this subject at the drop of a hat, and to let people read stuff that probably they would be better without. But that does not mean that the Government should abrogate its responsibilities entirely. It does not mean that the Government should sit back and do nothing just because it might be unpopular if it did.

There has not been as yet a great quantity of dirty literature coming into this country so far as we know. (*Interruption*). I am indebted to the hon. Gentleman who spoke from the bench on my right—"prevention is better than cure". (*Hear, hear*). Now Sir, let us leave dirty literature since there is not much of it about at the moment. Let us talk about this political literature which is so dear to the hearts of those who wish to talk on this subject. All sorts of literature of this kind comes into the country and if one wants to study academic Marxism one may very well do so. If, for instance, one would like to read about the selected works of Lenin, it is very easy to do so. I have a copy here and would gladly make it available. It is exceedingly dull, but if anybody wishes they may read it. Secondly, if anybody wants to read about the beauties and joys of life in a Soviet-occupied and Soviet-controlled community, I can oblige them with that too. There is lots of it coming in here. We have no intention of stopping the importation of that sort of stuff. We think that we can leave it to the good sense of Nigerians to study it and make up their own minds about Soviet rule and the joys thereof. We hope that having studied it and read it they will devote their energies not to helping something which is intended to set up a domination of the world but that they will devote their energies to the development of a democratic government of Nigerians, by Nigerians, and for Nigerians.

But there is other literature, Sir, which I have no doubt that the Government will keep out if the powers which it now has are improved by the amendments in the Bill which is now before the House. There are not lacking in various places—and let people not think it is only communism that does this sort of thing—there are not lacking people who are willing to devote their talents to the preparation of material which itself kills freedom of thought. Propaganda cleverly designed and cleverly carried out can so bludgeon the brain of the man who reads a lot of it that in the end he does not think for himself at all, and he thinks only what those who put this stuff out want him to think.

I wonder whether the House will consider that in this young country—this growing country, as I hear it described on the right—it is more patriotic to take one's courage in both hands and do what one knows is right than to take the easy course, haul up some very creditable flag, such as liberty of thought and freedom of action, and then sit back and comfortably do nothing while the country is corrupted.

periodical might be banned, but also a series of publications, which might not be periodical bringing out the edition weekly or monthly, it might be a series of lectures, a series of talks, published differently and separately, so that this section is a bit wider. If the Chief Secretary is afraid that certain literature is coming into this country that should not be here, I concede that part to him and let him have the extension that he wants. Let him, if he likes, ban series of publications. But he wants more. He wants more. Just like *Oliver Twist*, the hon. Gentleman is asking for more and more until nothing is left to you or to me.

I refer to clause 1 (a) now. He says that if the Governor-General in Council is of the opinion.....

Mr Speaker :

I have to warn the hon. Member about the amendments to the two subsections which he has just been mentioning. I do not think he ought to discuss them in detail on second reading, otherwise he wouldn't be in order in moving his amendment.

Mr Fani-Kayode :

Quite, Mr Speaker. I am just going to refer to the principles involved because if I refer to them now it might be ground for the whole House for throwing away the Bill absolutely, and that is the single reason why I would like to refer to that section to see the nature of the amendment that the hon. the Chief Secretary is seeking. With your permission, Sir, that clause says "If the Governor-General in Council is of the opinion that it would be in the public interest to do so he may by order prohibit the importation of all publications published by or on behalf of any person or association of persons specified in the Order....."

Mr Speaker :

I think the hon. Member must agree that if he does this—he is almost entitled to do it now—but it is going into great detail on Second Reading and that detail ought, I think, be kept for his amendments if he intends to move them.

Mr Fani-Kayode :

I will avoid the details, Mr Speaker, and try to refer to the principle. Now the section which I have read out shows quite clearly that if the hon. Mr Ojukwu takes upon himself to write a book on, say, Communism today and once the book is banned in Nigeria (I know he is not a Communist—obviously he is not a Communist otherwise I should have chosen someone else) if the hon. Mr Ojukwu writes such a book today and that book is so vicious that the hon. the Chief Secretary of the Federation advises the Council of Ministers that the book should be banned and that book is banned, not only that particular book written by the hon. Mr Ojukwu will be banned but all other books written by him however good they might be. That is one aspect of it. That is the principal one.

Now, Sir, a gentleman was telling us in this House that he is supporting that opinion of thought. I have no quarrel at all with the hon. the Chief Secretary of the Federation. If he takes a book and reads that book and says that book is bad, but please do not condemn books unread. It is fantastic even to come to this House and suggest it. Gentlemen if we have a National Government in this country at this stage, if we have a Government composed of our own people absolutely and without any expatriate and that Government comes before this House and says that in the best interests of Nigeria certain books published by certain people should be banned we will all think deeply about it, we will feel sure that that sentiment issues because of national security.

Mr J. M. Johnston (Ibadan North) :

What if the expatriates are Russians?

Mr Fani-Kayode :

The hon. Gentleman will remember that we are still a British colony; Russia has not come in yet. The hon. Ministers of this House no doubt support the mover but let us look at this

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thing properly. Last week among the books banned there was one called "Terror in Kenya" I have not read it but this book presumably might, there is no doubt about it, deal with Mau Mau. I cannot imagine any other subject upon which it can deal. Now what is wrong with somebody writing something, however vicious, and letting us know what is happening to our brothers in East Africa. If that pamphlet is wrong why cannot the Government issue a counter publication against it to put us right. After all the hon. the Attorney-General will tell the mover of this Bill that the first principle of natural justice is "you should hear the other side". Do not just brush aside his case with the back of the hand. That is British justice, that is what we are taught. We are all brought up in the sense of the British justice and I challenge the mover of this motion to prove that he was brought up on a much more strict form of English law than myself. We are all brought up under a democratic system and that is why we guard it very jealously. We do not want communist or fascist brain washing in this country.

Now Gentlemen, I will not bore you but I have got a book here which is not yet banned. It is called "The Trial of Jomo Kenyata". There is a portion of it which deals with Kenya. It might or might not be in "Terror in Kenya" but if there is anything worse than the portion I am going to read out to you I shall have the shock of my life. I will read just a part of it for you to see exactly what kind of things are being hidden away from us. At page 245 it says "During the five month session of the court at Kapenguria and in the period that elapsed between the hearing of the appeal at the Supreme Court of Kenya the emergency steadily became more acute. After eight months of the emergency Mr Lennox-Boyd had given the House of Commons figures showing that from the 20th of October, 1952, to the 6th of July, 1953, 1,300 Africans had been killed, 540 wounded, 2,673 captured and 112,520 taken into custody; and it was at once pointed out. . . .

Mr Speaker :

Order. It really is going too wide on second reading to quote in detail statistics and passages from a book which might or might not be banned.

Mr Fani-Kayode :

Mr Speaker, Sir, I hope I will be given some freedom of expression because this Bill is very important and I am not quoting this other than to show an example of what might be expected. This is "Terror in Kenya" and it is right, Sir, for Gentlemen of the House to have all the facts within their grasp and to have examples of what kind of literature is being removed from our ken. With your permission, Sir, I shall continue.

Mr Speaker :

It is laid down that the Speaker must repress freedom of speech which in his opinion goes beyond the rules of order and I do think this does.

Mr Fani-Kayode :

Mr Speaker, Sir, I shall not quote any more but speaking from memory, Sir, I will say that over 100,000 Kikuyus were placed in concentration camps. Well, Sir, are we not entitled to learn these facts, to learn about them, hear them. I think we are entitled to read these things. If they are untrue the Chief Secretary of the Federation has to inform us setting out the facts against them. After all we should be able to know what is right and wrong. Why do you have to decide for us what is right and what is wrong. I think gentlemen should be treated with a certain amount of respect and Africans should not be treated for ever like school children. Hon. Gentlemen I am saying, and you will agree with me, that section 58 and subsection 1 and even clause 1 of the new Bill will surely be sufficient to protect us instead of giving such wide power that any book written by any body or any group of people or society will just be banned not because the book is bad or good but because the book comes from that particular society. Having in possession these books is also an offence. There is one aspect of the Law that the hon. the Attorney-General did not talk about. Now, if a book has been published under the name, for instance, "Kapenguria" and it is banned and tomorrow morning or next week the

Kenya. They are your own brothers like myself and the authors of the banned book have undertaken to publish and expose these evils. I am not saying that everything in the banned book is correct, but if they are not, challenge them with counter statements and counter-publications. It is so done in other countries. If the Russians issue a pamphlet which is wrong you have the Americans issuing their own anti-Russian pamphlets. Why ban it and thereby ban and muzzle our own method of thinking? We cannot tolerate that. If the Council of Ministers is genuine in advising the Governor-General to ban the book "Terror in Kenya" in the interest of all of us, why cannot the same Council of Ministers advise the Governor-General to ban inter-tribal football matches in this country which have brought about a lot of antagonism in this country? Why cannot they ban inter-tribal propaganda? Tomorrow the North may try to break away. We are all eagerly looking towards next year's decisions. Do not be surprised if next year you do not have Nigeria again; sections of the North may like to keep clear from the South. Let this Council of Ministers advise the Governor-General against everything tribal. It is not only "Terror in Kenya" that should be banned.

Mr Speaker, I would not like to waste the time of this hon. House because I have a series of amendments standing in my name and I hope I will be able to deal with them in detail when we come to the Committee stage, but meanwhile I only want to say that even the original law as it now stands is undemocratic and in future it may be possible either for the Government or for the floor Members of this House to introduce a motion calling for an amendment of that section of the law. I put it this way, if anybody or any organisation writes anything which is calculated to incite the people of this country against the Government I can support the banning of such a book. We cannot support a Bill against somebody discussing merely academic principles or somebody writing to tell us that our own brothers in Kenya are being shot and that Jomo Kenyatta is being crucified in Kenya. We will not have it. Inner parliamentary party discipline makes it necessary for every member of a political party to submit to a decision taken in his parliamentary party. But there is something more. If a Minister of a Government parliamentary party, working a complex executive, experiences difficulty among his colleagues, he should advise his parliamentary party member to have a free vote of Members on the floor of the Legislature to ensure consistency and loyalty to his party principles and ideals. The Council of Ministers is so complex that we cannot even be sure of the personal and individual views of the N.C.N.C. Members on this important and vital Bill. Therefore I call the House to reject this Bill except with my amendment as put down.

Sitting suspended for fifteen minutes.

Sitting resumed.

Mr J. M. Udochi (Kukuruku):

Mr Speaker, hon. Members, I rise to support the Second Reading of the Bill to amend the Criminal Code with very great reservation. I say so, Sir, because the Bill as it is presented embodies two principles: one principle which no reasonable man can quarrel with, another which no lover of this country can support. The principle which sets the provisions of sections 223 and 224 of the Criminal Code to give protection to some females of our country who have not got good morals is a very good one. Because, whether a woman is a prostitute or not, she is a citizen and therefore she is entitled to the protection of the law even if that law be the law against procuration.

For the second principle that seeks to give more powers to the Governor-General in Council as regards publications that are to be prohibited is one which our Government needs to consider more carefully. Mr Speaker, Sir, nobody would say that he or she would consciously support the spread of Communism in this country. We are all opposed to Communism. We don't want it and we will not support any Communist propaganda in this country, but our laws have made sufficient and ample provision towards that end. The Criminal Code,

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section 58, subsection 1, which these amendments seek to make an addition to, has made a very full provision for that end. I will not bother you by reading it for it has been read again and again; it makes provision for the Governor in Council in his absolute discretion to ban every book that he considers not in the best interest of this country—that is good law—and various Governments of this country and this Federation have at one time or another made very effective use of that provision. I would refer hon. Members to Vol. VII of the Laws of Nigeria, Subsidiary Legislation, where they will find evidence of the use our various Governments have made of those provisions already made by our laws. No serious student of world affairs will wish that the country should throw itself open to the influx of any and all kinds of literature; there must be some safeguard and our laws have made sufficient provision as I have said before.

The Criminal Code, section 58, subsection 1, that is the present law that has been made use of many a time. I am reading as I say from Vol. VII Supplementary Legislation on the Criminal Code and we find that at page 321 of that book, in 1927, the then Governor made an Order-in-Council prohibiting the importation of the following books:—

1. "The Negro Champion".
2. "The Negro World".
3. "The Gaelic American".

Well, Members will understand at once that those Negro books refer to books published by American Negroes. "The Gaelic American", I think, was an Irish publication—that is by Irishmen living in America when Ireland was still struggling for her independence. Those of them who went to America organised themselves and were trying to write books to inspire their brothers in Ireland to fight for freedom. It is the same thing in every part of the world, both White and Black, everyone is fighting for freedom because God created man free. So our Governor in Council in those days thought it was not wise for the people of Nigeria to read such books that may put ideas into their heads. They were quite right because being a Colonial Government the first law of nature is the law of self-preservation. They were determined to preserve the Government of Nigeria to themselves and themselves alone. They wanted to sit on the seat of Government all the time and they didn't want ideas being planted in the minds of the governed.

In 1929, the law was made use of again and what books do you think came under ban? They were:—

- "The Negro Worker".
- "The African Toiler".

Those were books also pertaining to African affairs. Books that may put ideas into your head or mine and so they were prohibited. Government thought it was wise to prohibit these books by making use of section 58 (1) of the Criminal Code which is the present law you are being asked to add to. In 1931 also, another use was made of that provision and the book then that came under review was "A Report of the Proceedings and Decisions of the first International Conference of Negro Workers". All the time it was books concerning the negro and his problems that our own Government in our own country thought that it was not wise for us to read. They were being banned.

In 1932, another use was made of that provision and "The Liberator", I think that was an American publication, came under ban. In 1932 as well, "The Lives and Struggles of Negro Toilers", that was the book that had to be banned because lives and struggles of Negro toilers was something too dreadful for negroes in Africa to read and so it was banned. I am reading from your own statute law hon. Members. In 1933, another use was made of the law. Then it was "International Press Conference". I must confess I do not know what that dealt with. That was banned. In 1934, another use was made and "Colonial News" was banned. It is all the time books about the Negro or Colonial affairs that were banned. In 1936 another book with a very striking title came under the sledge hammer of the Law. The name was "The

Tragedy of White Injustice". I do not know what that means but you can see that the title is heavy enough and was so forbidding that it was sufficient to ban it from the mere title. It was prohibited.

In 1949, "News and Views". I do not know what that means, but it must have contained something about Africans. In 1941 you have "The Trans-Pacific" and "Al Bayan". The first was the Japanese weekly Review called "The Trans-Pacific" published by the Japanese Advertiser in Tokyo. The second was an Arabic Newspaper "Al Bayan"; that might be in Egypt. You know, then, Egypt was struggling for her independence. To ban things that put new ideas into people's heads was what the old Government did.

You could see the trend of the ban. It was all against what would put ideas into your head. Now, the present Government has not stinted itself in the liberal use of that provision; they have also made use of the present Law; and what do we find? They made a very effective use of it. I quote from the *Gazette* of the Federation of Nigeria No. 33 of the 21st of July, 1955—a few days ago. Our Government saw many publications that were injurious and took it upon itself to make its own ban. Just watch the trend of the ban of the old Colonial Government and watch the trend of the new one. Here you have 22 publications that came under the sledge hammer of our present Law. First, we find that they are divided into two classes. Part (A) of the Order concerns the importation to Nigeria of any publication specified in Part (A) of the Schedule of the Order. The books, or publications, are: "This the I.U.S., 1953" published by the International Union of Students. The second is "For Real Social Security". That was published by the World Federation of Trade Unions.

Mr Speaker :

The hon. Member, speaking on the Second Reading, is perfectly entitled to say so many books were banned and the tendency was towards this or that direction; but to list them all one by one I think is not really relevant to this debate on the Second Reading.

Mr Udochi :

I am grateful to the Speaker and I stand corrected. Now, I feel that the new ban is directed against Communist literature, papers that are considered Communist papers. Nobody quarrels with such a thing but among them you find some that have nothing to do with Communism. Reference has already been made to "Kenya under the Iron Heel." You could see now the trend is not now on African Negro Toiler or African Worker, or anything that happened in America and so on. The trend is now against Communism. So that we see the power we give in our Law, section 58, can be used by any Government in power to suit its own purpose.

When the previous Government did not like the Colonial people to get certain ideas into their heads they directed their ban towards that end. The present Government does not like Communism; I am at one with the Government and I do not like Communism, and we direct our ban towards Communism. Another Government may come that will direct its ban towards some other direction, so that when we are making Law we should know that we are not making the Law for the present; we are making it for eternity. This House is composed of people of different shades of political opinions and they are the people who are making the Law. You may not be here tomorrow or the day after. Another man may come on the seat and he will make use of the Laws you have made. They are Laws made for this country and can be used by anybody.

Now, this particular extension we are being asked to make—I will not bother you by reading it because I may be going to detail—I will tell you succinctly the intention of the particular amendment. The intention is, where the old Law gives the Governor in Council power to ban some books—you cannot ban some books until you have read them because you will not know what is in them. It is only when you have read such books that you know what is in them and you can ban them. But the Governor in Council now seeks power to ban books that he has not read. The present amendment seeks power to proscribe authors and

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publishers—in the ordinary man's language, leaving all the legal quibbles aside—the intention of the present amendment is to ban authors, writers of books, and publishers of books. That is the intention in the ordinary man's language. The Governor can ban any book which he considers not good for this country. That power is there untouched, but he wants to go a step further; he wants you to give him power to ban special people—authors, writers. I will give you examples. Bernard Shaw was a great writer in England a few years ago. If Bernard Shaw wrote a book which the Governor in Council considers not good for Nigeria he bans Bernard Shaw. When he bans Bernard Shaw he bans all the books Bernard Shaw wrote before that date, he bans any books Bernard Shaw might write in future. That is the effect of the amendment you are being asked to pass.

We are all very familiar with the firm of J. M. Dent in England—publishers. If a publisher like that were to publish a book which the Governor-in-Council in his absolute discretion considers is not worthy of your sight he bans the publisher of such a book. Although it may seem very wide of the mark that means in effect that he will ban J. M. Dent, and if J. M. Dent has a good book on Algebra for the use of our boys in the schools, and anybody is in possession of that book, he is in the clutches of the Law. That in a nutshell is the effect of the amendment we are being asked to pass.

I will go on further to give an example in English literature. There was once an Englishman called Thomas Hardy. He was a very good novelist. At the end of his career as a novelist—he wrote so many beautiful books—he wrote a book which earns the condemnation of all civilised men “Jude the Obscure”. People thought that he struck at the very foundation of marriage, the marriage institution, and there was an outcry against such immorality. Well, Thomas Hardy retired. He was disappointed; he was annoyed; he thought he was an artist and as an artist he should have been allowed the licence due to his art. He retired, but he did not retire from literature. He retired and devoted the remaining part of his life to poetry—no more novels—and in that field too he wrote a masterpiece, “The Dynast”, which can be read by people today. With such laws as we are trying to enact in Nigeria, not only would Hardy be proscribed because he wrote “Jude the Obscure”, but all his former novels “The Woodlander”, “Return of the Natives”, everything written by him would be proscribed. This is a young country and it is not far-fetched to say that this is the Renaissance Age of Nigeria when there is so much thirst for knowledge. People want to know all things and everything. People want University in every part of the country, and we the legislators of our country are being asked to make it impossible for our Universities to procure books, nice and good books; to make it impossible for our University students to read anything from anywhere. Well, we want to proscribe Communism. What keeps the Governor-General from saying an organization or some people in Russia and their literature should be proscribed, as well as all their scientists? The world of literature, of science and art in Russia will be a closed book to Nigeria. You give him power to say that Communism and anything that comes from the Communists must be bad. Russia may be Communist, but the science in Russia is not Communist science. Knowledge is not sectarian. The principles of knowledge are eternal. Whatever is written by a Communist apart from his political opinion—whatever may be his political opinion—I tell you that some of the greatest writers in England are left-wingers and it will be interesting to you that every one of these books that has been banned in Nigeria is procurable in England. They were even published in London and everybody in the street reads them there today. It is the very idea that the African mind is always sub-human. The English boy can take up any book and read and see the contents and lay it down as trash, but give it to the African he swallows everything like a fish and he is led astray. If you go to London you will get these books to read but if they come to Nigeria you dare not read them. This is the effect of the amendment you are being asked to consider.

Our Law has made ample provision for the Governor in Council to prohibit the importation of any books that are not good. The Law is there plain, and it has been abundantly made use of—twenty-two books at a blow! The Chief Secretary, when speaking a few minutes

ago, said that as the Law stands at present one book must get into the country before they can decide whether it is a bad book or not. Now, he wants a book not to get into the country before it is banned. He wants to ban books by the very names; he does not want to read them. He says it is too burdensome to read a book in order to decide that it is a bad book. He wants power to ban books without even reading them because when you ban an author and no book of that author can come to the country, then you need not read those books. If Bernard Shaw had written a bad book all that he wrote should be banned without reading. That is the effect of the Law you are being asked to pass.

In our own society, what probable use might be made of this provision of the Bill. Those who have been following world affairs closely know that the most intelligent men, thinkers of all countries and all ages, have always been subject to political persecution. Thomas Mann who died a few days ago was a political refugee from Germany, and he was one of the best brains Germany has produced, but he lived most of his time in America because of political intolerance in Germany. He wrote so many beautiful and so many nice books. With this type of Law, as long as he disagrees with the German ruling power and has been packed off to America, the German authorities would ban everything Thomas Mann ever wrote—ban everything he may write in America. That is the effect of this Bill.

We are marching to independence. We will be independent in a few years to come, and then you will have a Council of Ministers manned by Nigerians, manned by a political party in power returned by the electorate. If that political party is fully armed with this Law and so many people were to leave the country because of the intolerance of that political party, and these people try to write letters to explain what is happening in their country, the political party may say "Oh, look at that young man, for goodness sake, we packed him off to Jamaica, but he still thinks of time and writes rubbish about us. Proscribe his name, the law is there." If there were any books he wrote before he went away they will be banned. If you have a copy of his book in your house you will quickly go and burn it.

Hon. Members, this is a thing we have got to consider seriously. The deal is not as innocent as it looks. Although one extremely desirable principle has been dovetailed to it, it is the most atrocious Bill anybody can think of passing in Nigeria today. As I said before, I am supporting the Second Reading with very great reservation, and that reservation is that section 2 of the Bill as it now stands should be expunged. We are prepared to support the other part of the Bill. With that section in it, with the powers we have already granted to the Governor-in-Council to ban all bad publications, any more addition that does not aim at banning books but at banning people, banning authors and publishers is going too far. Hon. Members, we do not have to ban authors; we read them, if we think they are wrong we reply to what they say. That is the way democracy works. This hush, hush business would not pay. So I say, Mr Speaker and hon. Members, that I support the Second Reading of the Bill because I am sure that our Government will take heed, and will be wise enough—to remove the offending section of this Bill. The grossly offending section of the Bill offends against the Charter of the United Nations, human liberty, liberty of conscience, liberty to read what you like, liberty to think as you like.

As I say, Sir, without any fear at all I know the Council of Ministers out of sheer pressure of work have allowed this thing to escape their vigilance and will be awakened by the unanimous voice of Members of this House that this Bill is unworthy of the twentieth century Nigeria. Section 2 is unworthy of this country, it is a disgrace on us that we who have been shouting freedom, freedom for everybody, freedom of speech, freedom of the press—goodness, where will we hide our faces—to say that we contribute to passing such a Bill. I say, Sir, the Council of Ministers will take it and I will not be surprised that by the time we come to the Third Reading of this Bill the offending sections will have disappeared.

Mr Specker, I resume my ceat.

[*The Criminal Code (Amendment)
Ordinance, 1955*]

18th August, 1955

[*Second Reading*]

Mr J. A. Wachuku (Aba):

*Mr Speaker, Sir, I rise to move a motion under Order 43 (2) to leave out the word "now" and at the end of the question, the words "upon this day six months" be added, that is that the Bill be read a second time upon this day six months. Mr Speaker, Sir, Members have listened very attentively to various speakers and particularly to the last speaker. I rise to oppose the Second Reading and in effect I am asking this House to set this Bill back to six months hence.

The last speaker has pointed out the difficulty which confronts our Members here. We have a section of the Bill which is good and I am sure every Member will support that. Then you have a section, the early part of it, which it is the intention of whoever drafted this Bill or who originated it, that after hon. Members have swallowed the first part we are likely to swallow the second and then we come to the third and fourth. But you have heard what has been said now. This Bill is a Fascist Bill, although there is a moral element introduced at the tail end of the Bill.

I would have brought an amendment in the Committee Stage but Sir, I feel that our young womanhood will not be corrupted so completely that none will be left pure the next six months. I feel if it is the intention of the Government to introduce the good portions they should detach them and introduce that section at the next session of this House. Our people will die and our moral will not deteriorate beyond recognition, but this first part of the Bill which in fact is the main purpose of the Government should be put back; in fact, there is more reason to it. The Government has been in the habit of sending out certain Bills suddenly; Members have no time to discuss the Bill and examine the implications thereof with their constituencies. Sir, I represent at least 396,000 people in my Division. There are others, say, from Owerri Division representing about half a million people, and there are various other people from the various provinces. Had we any opportunity to examine this particular Bill to tell our people, the implications of this Bill and the consequences of the Bill and to sound their opinion? No. And we are being called upon by this Government to take the responsibility of starting the initiative here. I will not take that responsibility.

My hon. Friend there has pointed out some of the implications in this Bill. He has shown you the series of bans that had been directed against the African trying to get back his heritage, and I am telling you now, Mr Speaker, Sir, that this very amendment is directed against the Africans, the Nigerians; this amendment is directed against all the Members of this House—the Lawyers, the Doctors, the Engineers, the Workers and the children of farmers—those University students in the Ibadan University College and in our secondary schools. They are the people who read these things, the ordinary farmers at home do not even read newspapers. Therefore, if tomorrow a book which you have never seen, perhaps you see the title and you would like to know what is in it—many people see the *Gazette* and not everybody goes into detail to see what is published in the *Gazette*. In the first place you will not receive it in time and by the time you receive it to know a thing is banned you already have the book and before you have time to look inside and know the contents the Policeman says this is one of the books banned and you are arrested. You are the legislator, you want to know what is happening elsewhere in different parts of Africa so as to guard yourself against such a thing occurring here. You remember the passes in South East Africa where you have to produce a pass in order to travel from one place to another. How do you get the information? You read from books. Those atrocities are written by people whose spirits and souls rebelled against such injustices. They put the thing down and naturally when you read that your soul rebels and you would not like such a thing to occur in your country. Some would say, oh this is dangerous, dangerous propaganda, you must not know it. Hence the Government, as my friend has pointed out, wants to ban the books and the authors so that anything he produces good or bad you must not see it.

* Speech not corrected by Member.

[The Criminal Code (Amendment)
Ordinance, 1955]

18th August, 1955

[Second Reading]

this time, but a person, that great singer Paul Robeson. He was banned to go beyond the territory of the United States, because of the security of the United States, as it seemed to the Government, was far more than singing across the borders of the United States. I am just showing you that history has recorded that Governments have the right to determine its security measures. It is all well and good to talk, but it is one thing to talk and it is another thing for people that have the responsibility of the security of the country to act. Where have we marched to? Yes, it is true we are still struggling. We are hoping and we are confident that one day we will come to our own as a nation, strong and formidable, but where have we advanced to? Even our communication system is still in *ad hoc* fashion in this country. You compare countries which have 3,000 years of continuous—I cannot say civilisation—continuous government of their own by their own. When people are talking of going to the moon after they have completed the atom bomb and the hydrogen bomb, they really mean it. But you and I cannot now talk that way. What can we produce? Not even a bicycle, and we want to confuse the source of our strength, the youths

Mr Speaker :

I would appeal to hon. Members to let me be the judge of that and not to interrupt themselves.

The Minister of Communications and Aviation :

You want to tell me that at this stage of our development, knowing the stage in which we now find ourselves, that we should not take precaution and safeguard the flowers of our youth? The first step is the mental discipline which any country must depend upon to build—mental discipline is very important. How many schools have we in this country? Universal primary education is not yet here, and yet we know that our young men and women are pressing more and more for education. We are responsible for this task. We are doing all that we can to see how we can overtake things and you want us to allow that mental discipline on which we depend to create a strong and formidable country to be ruined by allowing certain literature to come into this country. Some of you are historians and know that there is a great battle between the major countries of the world over Africa, not because these major countries of the world are necessarily interested in the welfare of the Africans. The Berlin Conference in 1885 supported the partition of Africa. You have a situation whereby Africa is involved. You have some powers that have and some powers that have not. There is battle of words amongst them, leading to what is known as psychological warfare and psychological warfare is to attack the mentality of the people who are involved. So once we accept the principle that a State is responsible for security it is necessary that in order to secure the people that State has a right and must be given the prerogative to determine in times of crisis what is necessary and what is not necessary for that security. I am happy, Mr Speaker, that not one of the speakers who have spoken in this hon. House endorses communism. I am gratified about that, not that I care very much about the “isms” but because I know that we have far more responsibility in this our country. All the “isms” which we need we have them here. We can develop our “isms” here without any further importation from abroad. Some Nigerians welcome it, some have found themselves in organisations where some young men feel we owe them something, we are responsible somehow, but we can only do what is possible at any given moment. They put their hands on various literature without knowing the historical implications, or what the author is trying to tell them. He thinks just on the face value and begins to exercise and experiment in his own organisation. The people on the other side know this very well because they have been confronted with such problems in their organisation. I think, Sir, that it is my duty to oppose this amendment.

I think, Sir, Mr Udochi when he spoke made one significant statement. He said that this Government^{’s} still the Government for the people by the people. After all if the Government is all wise, all knowing, there would have been no need for legislators. Why are they here? We must act; to save ourselves.

[Adjournment]

18th August, 1955

[Adjournment]

Mr Speaker :

It is a quarter to six and I am bound to suspend the debate. The debate now stands adjourned—to be resumed what day?

The Chief Secretary of the Federation :

Tomorrow.

Adjournment**Mr M. T. Mbu, Federal Minister :**

I rise to move "That this House do now adjourn".

Mr V. E. Mukete, Federal Minister :

Sir, I beg to second.

Question proposed.

Adjournment Debate**Chief Akintola :**

*It has been published to the whole world that one of the most important matters to be taken up before this session is the Gorsuch Report, and as it is the most important matter for us to take up, there should be a White Paper laid on the Table of this hon. House on the very first day of the session, so that the hon. Members may have time to study the White Paper carefully, so that they may know what the Government is thinking, and in order that they may be able to make an intelligent and constructive contribution to the debate. But as things are it would be unfair if the Government at the last moment, say a day or two before the debate, placed the White Paper before this House. Members will then debate subjects to which they cannot do justice for want of time. I therefore appeal to the Government to expedite the laying on the Table of this hon. House the White Paper on this subject.

I think that the Report is formidable enough—the appendices are formidable enough—and I think that if the Government would treat us fairly, we should be given ample time to study their whole policy, their whole attitude towards this Report, and that is the point that I propose to bring forward. I hope that the Ministers and the Council of Ministers will not rush us off in a way that we would not be able to do justice to the Gorsuch Report. They have already had at least seven weeks during which they have been studying this Report. I have got my own copy on the 8th of July, and it must have been with the Government long before then, and they have had time within which to have completed their White Paper on this subject. I do not intend to create any confusion on this. If the Members on my right are in possession of all the facts, we on this side are not in possession of such facts

I do not speak for the *Daily Service*—I write for the *Daily Service*.

I am addressing myself to the Government, and I am here to be told that a man like Benson is a part of the Government. You are not a Member of the Government and you are not competent to speak for the Government in this House.

Mr Speaker I appeal to the Council of Ministers to submit this White Paper at its earliest convenience.

The Chief Secretary of the Federation :

On behalf of the Government, Sir, I am happy to be able to assure the House that there will indeed be a White Paper (*Interruption*) I am tempted to say, Sir, that it will come all the quicker if we are interrupted less frequently, but perhaps that is too ungracious to somebody who has nothing to do but to make remarks of that kind. I know how eagerly the publication of the Government's conclusions is awaited by the Service in this country and I know that the eagerness of those whom we employ is undoubtedly shared by Members of this House.

* Speech not corrected by Member.

various countries, and they are constantly coming with new ideas and methods which are in keeping with the changes taking place. It is therefore very wrong for any one to say that the old law is adequate to prevent infiltration of communist literature into this country. It is not. Even a fisherman has to devise new techniques every so often, otherwise he will find that the old method is out of date and will never catch any fish.

Sir, the Government does not make laws for the purpose of making laws, or to cause unnecessary hardship to the people, but to protect the people and for the achievement of good government. Under the existing law the Government can exercise only a limited control over specific publications. The aim of this Bill is to remove such a limitation. Sir, what really surprises me is the apparent and general dislike of communism. It is difficult to reconcile such attitude with any idea to flood the country with literature disseminating communistic ideas.

Sir, I oppose this amendment and I appeal to the supporters of the Government of this House to oppose vehemently and vigorously, not only this amendment but all other proposed amendments which appear on the Order Paper.

Sir, I beg to oppose.

Mr Ayo Rosiji (Egba East):

*Mr Speaker, Sir, I whole-heartedly support the amendment. I would like to ask if I may the last speaker the reasons why he is so afraid of communism. If there is any talk about the evil of communism I should have expected the last speaker to have told us, educate us about all that is wrong about communism. The last speaker does not himself know, and I am not surprised if he does not know. He bans the importation of these books here and it is through these books that he can know what communism is. You are going to ask us not to follow a creed. If you do not know what the creed is you cannot tell us what it is all about. In any event I would ask this Government to stop treating us like babies, if I may say so. I found on the list of the books that had already been banned publications of the World Federation of Democratic Youths. I was one of the founders of that organisation. The organisation was started as a result of a conference held in London which was the World Youths Conference, and I was a delegate to that Conference. But will anybody in this House say that I am a communist? If you do not know, I know, and I am in the best position to know. I can tell you, I am not a communist. I would like to say that this Government should credit the people of this country with some intelligence. If we read books which are communist inspired or which are written by communists and are intended to disseminate communism, we can tell ourselves whether communism is a good or bad thing. I have read books about communism. The point is that our Government does not consider that the people of this country are capable of thinking for themselves. If we say that we want self-government, it is high time that this Government credit us with some intelligence. We have enough intelligence to do that in our brain, and to deal with our own people. In any event, how many people in this country read these books? How many people have time to read books? There is poverty in the place and people are running after their livelihood. I read communist books when I was in the University. Since then I have been running after my livelihood. Who runs after communism books? I have discovered since I have been practising in this country that the students who were most vehemently communists, when they were overseas, forgot everything about communism when they returned home and faced the realities of life.

I must say that if this Government realises that communism is a bad thing it should not try to suppress it in the way it is doing. What the Government is doing now is to drive it underground and that would be much more dangerous than anything else. The way to tackle communism is to go to the root of it and eliminate poverty, and eliminate all sorts of oppression. That is how to conquer communism.

I was saying a short time ago that the Government of this Federation should stop creating privileges for themselves. Once these privileges were stopped there would be no communism.

* Speech not corrected by Member.

[The Criminal Code (Amendment)
Ordinance, 1955]

19th August, 1955

[Second Reading]

in this place. You give yourselves £5,000 a year. (*Laughter*). Stop creating for yourselves privileges by which you buy articles at a cheaper rate. It is the difference between the mode of living of one class and the other that brings about communism (*Laughter*). You may laugh, but realities must be faced. It is this great difference that brings it about. In Nigeria we have no big capitalists. Those who call themselves capitalists are not capitalists. If you refer to overseas firms, it is there you get capitalists, but the indigenous people of this country who pose that they are rich are not rich. What they have is just enough for their living. Communism exists and thrives where there is a very big gap between the wealthy and the poor. It is that gap that the Government of this country must bridge. You do not stop communism by banning these books. If you ban these books the idea will still come over and I can assure you these books will still come into this country. What you have done is to have legislated, and that is all. They will come by devious means which are without the reach of the Government. In that event what would you do? If you don't know, there are laws made in respect of the importation of goods into this country, and you know yourself that goods do come. You know that they smuggle them in.

Now, Mr Speaker, Sir, I would like to recommend very seriously, and I do hope that Members on this side would not make a joke of this, that the eradication of communism should be tackled at the root and not by this superficial method.

Another odious thing about this Bill that the Government has presented to us is the probability of some officials in the Secretariat dictating to us what we are going to read in this country. The Bill simply leaves everything to the discretion of this official, whoever he is going to be, if he thinks that in the interest of this country such publications should not be allowed in this country he should ban them or ban such authors as not being in the best interest of the country. How does this patchy official know what the interest of this country is? He himself may see a very red book and not know that it is a communist book. He may see a book that is absolutely obnoxious and think it is the real red communist book. How does he know? I humbly would like to suggest to the Chief Secretary to this Federation that even if he is going to put into effect the clause which is already in existence in section 58 of the Criminal Code, he should set up a committee for the purpose of putting that section into effect, a committee consisting of people from all walks of life and shades of opinion. We do not want to go and take a real blue Tory and put him there and ask him to decide which books are communist books in this country. What we want is not the idea of just what is the extreme of the population but a mean and average that you can obtain only by putting together different shades of opinion.

I would like to ask why this Government is not satisfied with the provision already existing in section 58? That section gives this Government sufficient latitude to ban all these books. What the Government wants now to do is to say that once a book published by Mr "A" has been banned any other books published after that must be communist. It is a wholly wrong assumption. We may have a man who is a great mathematician or a great physicist but at the same time a communist, not a fascist; he may publish a book on communism which the Government considers a dangerous book for the reading of the public, but later he may publish a book which may prove to be the greatest contribution to the knowledge of physics in the world. Under this law that book must be banned in this country. I humbly say that this is most sweeping and it all means that Government wants to be lazy. What you have to do is to deal with every publication as it comes out. You do not want to take all publications *en masse* and say whatever is published by Mr "A" must be banned from this country. After all he may change his mind; he may have been a communist and then change to conservative and then start publishing books which are to the best interest of the Chief Secretary of the Federation.

If this law is allowed to pass it means that this country will deprive itself of the wealth of knowledge which people in other countries are enjoying, and this is not a time for us to do a thing like that. This is a time when everybody is actually after knowledge and we should be allowed to drink deep from the stream of knowledge which other countries can provide for us.

[*The Criminal Code (Amendment)*
Ordinance, 1955]

19th August, 1955

[*The Magistrates' Court (Lagos)*
Ordinance, 1955]

Members should allow Government to "feed us with something that is convenient to us", so that no irresponsible and dangerous books come into this country, so that we may not be too powerful or too free to accept all sorts of things that may be harmful and dangerous to us and our brothers, and the children that come after us. Sir, I beg to oppose this amendment.

Mr Speaker :

Order. Before I call on the Federal Minister, Mr Mbu, I want to draw the attention of the House to the fact that the new Member recently elected for Oyo North is present in the House. It is now too late for him to take the Oath of Allegiance according to Standing Orders and so he must be careful not to take any part in the proceedings and, of course, not to vote in any division.

Mr M. T. Mbu, Federal Minister :

Mr Speaker I rise to move that the question be now put.

The Minister of Works :

I beg to second.

Question proposed.

Question put and agreed to.

Mr Speaker :

Committee, what day?

The Chief Secretary of the Federation :

Next Monday, Sir.

THE MAGISTRATES' COURT (LAGOS) BILL—COMMITTEE

House in Committee.

Clause 4.

Question again proposed.

Debate resumed.

Mr L. J. Dosunmu (Lagos East):

Mr Chairman, I was on the last lap of my speech when it was time for adjournment and now, I wish to make the last point. It is good, Sir, that justice must be inexpensive and readily available. But I do not think, Sir, that we can achieve that end by employing magistrates at very low prices. When we talk of justice being inexpensive I understand that to mean that litigants should not be put into unnecessary expense. But it is doubtful whether that can be achieved if people have to go all the way to Supreme Courts before they get their rights accorded them. The result of employing unqualified men as Grades II and III magistrates is to make justice very expensive for the people of this country because invariably people have no satisfaction with the judgments of these courts and they have to resort to courts of appeal at great expense before they get justice. So I submit with great respect Mr Chairman, that if we are seeking the ideal which is to make justice readily available to the people and to make it inexpensive as well the answer is to employ, at the lowest rung where justice is readily available, an adequate number of magistrates or people qualified to dispense or administer justice. It has been said by a very learned man, the Attorney-General, that there is congestion in courts, particularly in Lagos, and that is why we have to resort to this inexpensive method of administering justice by employing people who are not qualified to administer justice. I am sure that the learned Attorney-General has never appeared in any of these lower courts but I can say this as a matter of experience that rather than relieving the congestion it is increasing congestion. I am sure nobody will deny this. A matter that will take a well trained magistrate to dispose of in two or three days will take these gentlemen ten days to clear.

[*The Magistrates' Court (Lagos)
Ordinance, 1955*]

19th August, 1955

[*Committee*]

I am not blaming them ; it is not that they do not want to work. The handicap is too much for them. A trained man looks into the pith of the matter, decides it and that is the end of it. But these untrained men devote a lot of time to unnecessary and immaterial points and that has the tendency of causing congestion. The congestion can well be relieved if you employ people who are trained. It is remarked that these men are adept in some form of native law and custom. That may be true to some extent. That does not mean that the trained men do not know the native law and custom as these men. If the proposal of the government is to restrict these men to administering native law and customs perhaps one can understand. But if you invest them with the power of sending people to prison on matters of English law, on matters of statutory law, then there the danger comes. At the outset when these gentlemen were recruited to the Bench the understanding I had was that they should be handling cases of divorce and small matters of dispute between husband and wife. But now they have got extended jurisdiction. Even these days they do not have jurisdiction to try these small matters. The Supreme Court has ruled that they have no jurisdiction in divorce cases in which they are expected to have specialist knowledge. The position in Lagos is that we have no court dealing with these small matrimonial matters which I suggest is a matter that should be within their province. Again it has been said that there is congestion in Lagos courts but as I have tried to postulate the answer would not lie in recruiting untrained men into the Bench. There is plenty of work for them to do, and if you want to confine their activities to small contraventions nobody will care. But when you give them extended power to send people to prison for felony, etc. then you incur our opposition.

The Minister of Communications and Aviation (Mr K. O. Mbadiwe):

Mr Chairman, I have spoken once to this Bill before the House but what has moved me to speak again is that a few days ago one of the papers carried the news indicating crises in the House of Representatives. I do not know why matters which arise in ordinary debate should be made a subject of such a display. Mr T. O. S. Benson is a legislator. He is entitled to exercise his own views and Members who are here are also legislators who are here to give their views and contribute their quota on any subject under discussion. But calamity-mongers and alarmists will not find their pleasure from this part of the House or in the Government. Never a time is the Government of this Federation firmer, stronger and healthier than we are today (*Applause*). I think the hon. the Minister of Land, Mines and Power made that clear that this Government is indivisible. We are taking up a subject and will make our contribution to this country. Alarmists cannot find pleasure in Government Bench and I am sure that the hon. the Mover has faith in this Government. The views of the House will be taken into consideration and we have given you the Government's assurance. After all you have been complaining that there is congestion in the courts. A person who goes to the court seeks to be redressed. You do not want that redress to last two years. In one of your news-papers today you will find that even the members of the public are calling for that. The views expressed by Members of this hon. House, their sentiments as the representatives of their constituencies, as the representatives of the Federation speaking for the thirty million people, these views certainly must be taken into consideration. Once the government gives the assurance to do that there is no need to continue endless debates and I am sure that the hon. the Mover of this amendment knows what to do because he has the full faith in the Government.

Mr Jaja Wachuku (Aba Division):

*Mr Chairman, Sir, I thought that the Minister of Communications and Aviation was going to say something on the amendment. I did not know he got up to speak most irrelevantly to this debate. He left the subject matter of the amendment and was telling us about a newspaper publication, crisis mockery. Sir, the amendment has asked this House to abolish Grades II and III Magistrates in the capital of Nigeria. Sir, I want to remind my hon. Friend about the legislation passed by his own party in power in the Eastern Region. There is a law, No. 10

* Speech not corrected by Member.

[The Magistrates' Court (Lagos)
Ordinance, 1955]

19th August, 1955

[Committee]

anybody who is not trained cannot sit on the Bench. Now we come to Lagos and say, the untrained should be allowed to sit on the Bench. What a contradiction Sir? Sir, it is extremely ridiculous. There can be no answer to this amendment and as the Minister has admitted that it is in accordance with the democratic policy of this House and the intention of the Minister to hearken to the advice of the Members of the House, I think the best thing is to show us that the intention was genuine and sincere. We do not want any more promises, we have had it all the time. Imagine what it will involve in setting up any new legislation—the amount of paper to be wasted, postage, you will find that the Government Printer is overcrowded with work. The money to be wasted in purchases of stationery and materials and the inconvenience and the Chairman having to summon a meeting here. Imagine the money to be wasted to come from the North, East and West to consider just one Bill and we could have done this now. The Minister asks us to wait till another Session to come and do what exactly we should do now. Sir, I support the amendment which has been ably proposed by my hon. Friend Mr Benson, although he claims to be Government Chief Whip which he is not, he is the Whip of the Government Party. He has put the thing in a very simple and straight-forward manner and I am sure if he has seen the legislation passed by his own Party in the Eastern Region at a particular time, no appeal to him could make him to be inconsistent because as a Chief Whip he should have whipped up his Ministers and other people to see that they do not go away with this. (*Laughter*). He would have told the Party that the Party never discussed this matter at all, what the East is doing the West does not know, because if they knew that this was their policy, it would have been discussed long before they came to the Centre to say that they throw their policy overboard and Lagos is suffering the humiliation of having unqualified men on the Bench.

There is only the last point, Sir, that I want to make. With the approval of the Opposition and the hon. Members on this side (it has been said that the East says five years minimum qualification), I am sure Sir, the Opposition would not mind if the Government were to say two years or even a year's experience at the Bar. We will go as far as that to assist the Government. Let there be a qualified man who has had one year's experience at the Bar who will be able to pick up matters to reach decisions better than the unqualified man, a mind untutored, a mind that is a vacuum and nature is above vacuum, not in law, because to learn the law you have to go through the right way. So, I am asking the Government to add this.

On the question of recruitment, I say Sir, the difficulty is not this. Let the Government accept this amendment and put on an advertisement and you will find that the applications will be more than required. There is one point which escapes my mind which I want to make now. The Minister of Communications and Aviation told us at the last Meeting of this House that the Department of Posts and Telegraphs could not meet its commitments because they lack qualified Technicians and we cannot get these people because there was not sufficient inducement and therefore he had to go globe-trotting in order to recruit them and we had to finance all. If it is necessary for the Government to give inducement to Civil Servants, young boys who have just left the University to be trained, how much more will it be necessary for you to give sufficient inducement to your own kith and kin in order to attract them to the Bench. You say the successful practitioners are not willing to go to the Bench. How do you expect a man who is earning more than £570 to come to a Bench, his condition of life, his services, he is used to certain standards, he has to buy books to refresh himself particularly in a country where there is no Library then when he sends a Bill for £100 to buy some books you find that you cannot even make your ends meet, and as a lawyer you run. You won't tell me to take a job like that. Give him the inducement necessary. If you can give a Civil Servant an inducement, give the Magistrates the necessary inducement and you will find them on the Bench. What is sauce for the goose may be sauce for the gander. Give the necessary inducement and see if the lawyers will not come to the Bench but most of us are more than ten years at the Bar and naturally will be more than qualified for Magistrates, junior or senior (*Laughter*). There are younger ones who want to get on, give inducement and put advertisement and I am

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definitely certain, many Members of the Bar will apply and there is this, Sir, this kind of humiliation that goes on some people applying for job to appear before your Civil Service Commissioner. Put the Attorney-General, put the Chief Justice and put some of the Judges and learned Members of the Bar, and they will go there to meet their equals and superiors, members of their fraternity, it is a tradition. But to go and meet somebody who does not know anybody to come and question me on irrelevant matters? People will not go there to listen to that kind of thing. It is one of the things holding back some members—the recruiting agency for Members of the Bar should be members of their fraternity. What most Members do not know is that the Bench and the Bar belong to a Guild, a fraternity. You know the Judge is not a Civil Servant as other Civil Servants or the Magistrate and the like. Their position is this, the law is a very strong arm of administration, it is the cement of society and what we call the application of public morality. As such, Sir, you find that the Government must ask the help of members of this Guild in the administration of justice and the running of Government. The dignity of the Members of the Bar must be maintained because it is the only learned and honourable profession (*Hear, hear*) no other one. And you remember last Session when the Attorney-General brought that even when you are called as a Crown Counsel you must be a Pupil Crown Counsel in order to maintain the prestige you must be able to be trained to work. Mere academic qualification is not enough, you must go through the routine to gain the practical experience. Members gain this at the Bar and when it comes to that, you bring people who do not even understand what they have studied to ask questions, they consider it a humiliation and therefore they do not come.....

The Chairman :

Order, Order. I would ask hon. Members not to interrupt the speaker. Much of our speech is being omitted. Really I think the proceedings are rather fast but it should not be disturbed by interruptions.

Mr Jaja Wachuku :

Mr Chairman, Sir, honesty and character is a fundamental, if you are going to be a member of the Bar and for the hon. Member to talk of honesty from that side is a revelation (*Laughter*). Mr Chairman, Sir, with this I support the amendment to the Bill.

The Attorney-General of the Federation :

This debate, Sir, has been an interesting and valuable one. But I think it would have been more interesting had we heard a little less from the lawyers and a little more from the laymen. Lawyers are notorious for talking shop but today and yesterday they have been talking closed shop. The last speaker revealed this in a frank and unblushing manner. He knows as well as I do that we have not got a sufficient field of trained lawyers with which to fill the Magistrates' Bench, unless, as he stated, we offer them an inducement, and what an inducement it would have to be! One lawyer from that narrow bench (*Laughter*) had the effrontery to say that he knew more of the recruitment in my Department than I do. The last speaker betrayed his appalling ignorance of the functions of the Public Service Commission (*Hear, hear*). The Public Service Commission sits for the selection of lawyers in my Department and the Solicitor-General or an experienced Senior Crown Counsel invariably assists. One of them not very long ago told me what happened. There had been very few applications. Only three were at all possible. Of those three who were invited to attend, one never bothered to come. Of the other two, one arrived having very obviously dined far too well (*Laughter*); the other was older than any of those re-engaged pensioners whose dates of birth have been read out. Lawyers are entitled to look after their interests; but it will be very much to their interest to close this shop against anybody except qualified lawyers, because then the price of lawyers will go up and if we wanted to obtain any of these gentlemen, we could only hope to do so for a salary which would be wholly out of proportion to those of others in service of the Government.

Chief S. L. Akintola (Oshun West):

*I just want a direction to the House, Sir. What we understood was that a Member could only withdraw an amendment with the leave of the House, and we thought that the Chair was on that—whether the leave was granted or not. We are open to correction; we just want guidance.

The Chairman :

More than one voice dissenting from the withdrawal was clearly audible to me and the rest of the House. I therefore had to put the question on the amendment that the words of the amendment should be left out. On that I collected the 'Ayes' and the 'Noes', and the 'Noes' had it; so the words remain part of the Bill.

Clauses 5, 6, 7 and 8 agreed to.

The Chairman :

Clause 9 is the next clause for which an amendment stands and I think we had better have a short interval now. Sitting is suspended for ten minutes. The House has to rise as you know at a quarter to twelve, (rather I will proceed on the adjournment at a quarter to twelve); if Members could come back say by ten-fifty, the sitting is now suspended for ten minutes.

Sitting suspended for fifteen minutes.

Sitting resumed.

The Chairman :

Clause 9. Does the hon. Member wish to move his amendments on page 2 of the Supplement?

The Attorney-General of the Federation :

On a point of Order, Sir. Does not the amendment amount to deleting the whole clause?

The Chairman :

Yes. That is true, I think. Two amendments are taken together. I better put the question on clause 10, that clause 10 stands part of the Bill and perhaps the hon. Member can make his case on that clause 10. Clause 10.....Mr Fani-Kayode?

Mr R. A. Fani-Kayode (Ife Division) :

*I do not get that, Sir. My amendment is to clause 9 (1), the first one. Unless the Chairman otherwise directs I prefer to take both clauses separately because they are not necessarily inclusive. For instance, clause 9 (1) might stand and clause 9 (2) might be removed, whereas if both are taken together they will both be defeated together without the chance of one being able to stand, as opposed to the other.

The Chairman :

The hon. Member is entitled to move his first amendment.

Mr Fani-Kayode :

My first amendment is to clause 9 (1) and it is my application to hon. Members of the House that that clause be totally left out. Clause 9 (1) reads as follows :

“The Governor-General may by notice in the *Gazette* appoint any person to be a Justice of the Peace in and for Lagos and may in like manner remove any persons who are appointed from the office of Justice of the Peace.”

Now, hon. Gentlemen, in order to appreciate the significance of the amendment I believe that we have to look into the duties, or the proposed duties of a Justice of the Peace. If hon. Members will look into clause 10 which follows, the duties of a Justice of the Peace are defined,

* Speech not corrected by Member.

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and the amazing thing is that you find that these gentlemen so appointed will be able to exercise magisterial jurisdiction. They have got powers as well to exercise powers similar to the powers that will be exercised by Magistrates, Grade III. Now, what is the necessity? We have all in this House attacked the need for appointing Magistrates, Grade III. The amendment has been defeated. But what is the necessity now for bringing more unqualified people to have magisterial powers? Now we have Magistrates, Grade III. We cannot help it now. It is part of our law. Why do you want to grant more powers? I shall read portions of clause 10 in order to let Members appreciate the point I am trying to make. "Subject to the provisions of this and any other ordinance, every Justice of the Peace shall, subject to any exceptions which may be contained in the notice of this appointment have (a)."

The Chairman :

Order. Order. That must be reserved for clause 10. You could imagine a person appointed to a post without any powers whatever. We are not entitled to discuss that until clause 10.

Mr Fani-Kayode :

But, Mr Chairman, Sir, I think although we cannot appoint a Justice of the Peace without any powers whatever, I do not believe that the hon. the Attorney-General, much as he might like passing or proposing ineffective and often very valueless legislation, will have the nerve to come before us in this House and propose the appointment of a Justice of the Peace without any power whatever. That is the point I am trying to make, Mr Chairman, that the Members of the House are entitled to know something of what these gentlemen to be appointed are supposed to do.

The Chairman :

You will get that in clause 10.

Mr Fani-Kayode :

I will leave off that part for the time being. Now, even speaking generally, I am saying that there should not be any appointment of a Justice of the Peace once we have Magistrates, Grade III. If we have to, then the argument of many gentlemen with whom I have discussed this point would arise : if there will be no Magistrate, Grade III now we could say these Justices of the Peace would look after petty, small matters, matters not exceeding £25, small affairs and all that kind of thing. But we have all this provided for, gentlemen without any knowledge of the law to go into these trifles. Again I am certain we will have the argument of the hon. the Attorney-General that it is necessary to appoint Justices of the Peace because there are not enough Magistrates, because qualified people do not come forward or ask to be appointed. But I do not see why the hon. Gentleman finds it difficult to bring progressive legislation. We are trying to go from a bad situation to a better one, and we are trying to reform, not only our constitution but our law at this stage of our history—we are passing through a stage of our history—and I think in a place like Lagos it is not only redundant but wasting revenue if anybody is appointed to act as a Justice of the Peace.

The hon. Gentleman will possibly in replying refer to half-baked amendments again and appalling ignorance of recruiting system of the Government—I shall not descend to Billingsgate with the hon. Gentleman, but I would like to point out that it is his duty to give us progressive legislation. That is what he is paid for. The hon. Gentleman is not paid to warm the chair of his office. He is paid to deliver the goods worthy of the Federation of Nigeria, and that is what we expect. We do not expect of him to come before this hon. House and say "oh, yes, we are waiting, this is the stage of our history, sometime in the future I shall bring some legislation which shall be worthy of the Federation". What has he been doing for the past six, seven or eight months? What has he been doing? (*One hon. Member: "A lot of work!"*) Yes, a lot of work. Unfortunately I shall say, with reference to this

you. Even now in the Western Region, where the party of the hon. Gentleman is the party in power, there have just in their recent *Gazette* published that anybody to be appointed as an Administrative Officer must be of legal profession. LL.B. That is the advertisement and more or less some of these lawyers who cannot do well in their legal duties are now seeking appointment as Administrative Officers. Well, Mr Chairman, Sir, the point is that I know my hon. Gentleman will not allow me to speak because I have been nailing some points into their heads. The point is that you have agreed that the Council of Ministers is our own make up—I know that you will not like it because the grapes are sour, that is the only thing. You people come here and make a lot of noise and display your intelligence that is meaningless to the people of this country—we know by that you are first playing to the Galleries.

One hon. Member:

On a point of Order : I think the hon. Member is not being relevant to the point.

The Chairman:

I was just going to call the hon. Member's attention to that fact.

Mr Adeyinka :

Well, my point is that in this question of Justices of the Peace there will be a time that some of these District Officers will be people of the legal profession and not only people with B.A. or ordinary layman as you have just referred to, or expatriate officers. It will be people of our own blood, and African descent. Well, when they are given these powers there will be nothing to quarrel about normally we want Africanisation of the civil service when we advertise the post for people to be appointed Administrative Officers with legal qualifications, this question of giving them wide powers will not come in. All these criticisms of giving power to the Justice of the Peace. I know my hon. Friend was referring to expatriate officers; he was not referring to the qualifications of the people to be appointed as Justices of the Peace. His mere contention is about expatriate officers without any qualifications and moreover he was referring to race distinction, which is wrong. We on this side of the House will support the hon. Gentleman if he can just produce a concrete evidence why a Justice of the Peace could not be appointed. With these few observations I beg to oppose the amendment.

Chief S. L. Akintola (Oshun West):

*I rise to support the amendment for this simple reason, that the constitution of an Administrative Officer as a Justice of the Peace in Lagos is absolutely unnecessary. It is unnecessary because the duties that would be performed by him have been more than amply provided for. What are the duties of the Administrative Officers who will act as Justices of the Peace. I invite the attention of hon. Members to section 10.

The Chairman :

I must remind Chief Akintola that I had to tell Mr Fani-Kayode that we must reserve our discussion on the powers to clause 10. There will be ample opportunity there.

Chief Akintola :

*Thanks, Sir. I am very grateful, but I am not referring to the section as such. But I can sum up what the duties are. Every one of the duties enumerated would be performed by the lay magistrate and according to the Attorney-General any number of lay magistrates could be appointed. They can perform all the functions of a J.P. Not only the lay magistrate in Lagos; in the Federal territory of Lagos you have a large number of magistrates who are trained in the law. Perhaps you will have about twelve in due course, or more magistrates who are trained in the law, in Lagos. Each one of them will perform the duties of a Justice of the Peace. And they do not go on tour. They are always here. Those who are concerned, the Police Officers can wake them up in their houses any time of the day or night. Now, with

* Speech not corrected by Member.

[*The Magistrates' Court (Lagos)*
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the lay magistrate performing the duties of a Justice of the Peace, with the magistrates who are trained in the law performing the duties of a Justice of the Peace, in the Federal territory you have also superimposed on top Judges of the Lagos High Court and Judges of the Federal Supreme Court, all of them have the same power, or even greater power than are assigned here. It may be understood in some apathetic areas why an Administrative Officer should be given the powers of a Justice of the Peace. He may be the lone star within twenty or thirty miles radius. There may not be a superior Police Officer who will act also as a J.P., or there may not be a magistrate. It will therefore be reasonable in such a case that the Administrative Officer be made a Justice of the Peace. But in Lagos what is the necessity for it? To come and sign summons, summons that could be signed in all the magistrates' courts, that could be signed by Lagos High Court, in the Federal Supreme Court, what are his functions in these? When a man is remanded in custody and he wants bail, it is the duty of the party concerned to go either to the Police or, if he is on court bail, to go to the magistrate concerned. Where comes in the Administrative Officer for Lagos? I know that the Attorney-General has been so indissolubly wedded with the past, but I hope sometime we are going to break the wedlock. There was a time when the Administrative Officer for Lagos was constituted a Justice of the Peace. But at that time his jurisdiction stretches to places like Badagry, like Ikeja, Ikorodu, Epe, where magistrates could not easily be found. Now it was reasonable at that time to constitute him a Justice of the Peace, but at the moment the warrant of the Administrative Officer in Lagos does not run even to Mushin. He is restricted to a small area where you have a preponderance of magistrates and other judicial officers who can perform the duties of a Justice of the Peace. I therefore appeal to the House to support this amendment, because it is absolutely unnecessary and because the duties that will be assigned to this officer should be effectively performed by more superior officers. And, further, if I may add it, the Administrative Officer is not a man who is learned in law—not necessarily. My good Friend who has just spoken has stated that for A.D.O.s somewhere it is provided that Administrative Officers must be LL.B. I do not know whether he is not reading an imaginary *Gazette*. Well, could it be produced here? If it cannot be produced, that is something that. . . . I read the *Gazette* everytime and I have never seen one in which it is stated that an Administrative Officer must be a man who is learned in law. In any case, if even that provision is made elsewhere it is not made in Lagos and the A.D.O. for Lagos need not be a lawyer. If he is not a lawyer why should he interfere with matters that are better handled by trained lawyers? Your magistrates can perform these functions although, as the learned Attorney-General has said, every argument is being produced by Members of the closed shop. This may be, perhaps, another instance of such an argument, but I think that the Pope of the closed shop is no less a person than the Attorney-General himself. You may aspire to any post in the Government of Nigeria, you can even be a Chief Secretary, you may even succeed to become the Governor-General but unless you are a lawyer you cannot become the Attorney-General of Nigeria. It is a closed shop. It is so locked up and the key is kept by the Attorney-General. (*Loud Laughter.*) (*One hon. Member: But he is broadminded.*) Yes, he is broadminded within the preserves of his own environment, and he keeps this environment so holy that the unholy footsteps of an untrained lawyer cannot get there.

I therefore respectfully submit that this is unnecessary and that this amendment should be supported.

Mr S. J. Mariere (Urhobo East):

Mr Chairman, Sir, I am very much surprised to listen to the arguments put forward by the Mover of the amendment. I therefore rise to oppose this amendment as proposed by the hon. Mr Kayode. The speaker appeared to have made so much noise about the appointment of a Justice of the Peace as if to say there is quite a lot in it. I want to inform this House that the office of a Justice of the Peace, to an ordinary man in the town, carries no pay. It is a man with public spirit, ready to serve only, that is required to be a Justice of the Peace.

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Debates in the Federal House of Representatives of Nigeria

Saturday, 20th August, 1955

The House met at 9 o'clock

Prayers

(Mr Speaker in the Chair)

Mr Speaker :

Any new Member desirous of taking the Oath will please come to the Table.

Oath

Oath of Allegiance was administered to the following new Member :—

Mr Lasisi Lakunle : Oyo North

Mr Speaker :

I have to announce that His Excellency the Governor-General has signified his intention to address the House at 10 o'clock on Monday next, the 22nd of August. I shall be glad therefore, if hon. Members will arrive in time to be in their seats by 9.50 a.m. on that day. The doors will be locked before His Excellency arrives.

Papers

Mr Speaker :

I have to lay on the Table of the House the report of the Standing Orders Committee on the draft new Standing Orders laid on the Table on Wednesday, 17th August. The report will be published in the Votes and Proceedings of today's sitting.

Presentation of Public Bills

THE FACTORIES ORDINANCE, 1955

The Minister of Labour and Welfare (Chief F. S. Okotie-Eboh) :

Second Reading—Wednesday, the 24th of August.

THE PORTS (AMENDMENT) ORDINANCE, 1955

The Minister of Transport (M. Abubakar Tafawa Balewa) :

Second Reading—Wednesday, the 24th of August.

ORDERS OF THE DAY

THE MAGISTRATES' COURT (LAGOS) ORDINANCE, 1955—COMMITTEE

(PROGRESS : CLAUSE 10)

House in Committee.

Question again proposed "That the words proposed to be left out, be left out".

Dr E. U. Udoma (Opobo) :

Mr Chairman, I had not concluded my remarks yesterday when the House rose, and all I was seeking to bring to the notice of this hon. House was that it is too much to give all these powers to Justices of the Peace, and that the issue of summonses, for instance, is the real function that should be performed by magistrates when duly appointed, and that with particular regard to the fact that we are going to have many lay magistrates to operate in Lagos. I did mention also, having regard to the fact that every Administrative Officer in the Secretariat is likely to be by operation of law a Justice of the Peace automatically, these officers usually are not very accessible. They live in Ikoyi, and if a man going to Tinubu Square to file a summons has to wait till an officer in the Secretariat is found to sign his summons, then I say woe betide

allowed to sit on the bench in the court with an Orderly pending the grant of his bail. At times you ask for bail at 9 o'clock in the morning, you will be locked up until 2 o'clock; the Registrar and the Police will say we are not going to allow this man to be released on bail until after the court is closed for the day, and at 2 o'clock, the Magistrate will be too much in a hurry to go home for lunch and I do not blame him because his lunch by that time will be getting cold. Now the next thing is that there will be nobody to approve the bail and the accused will be in custody until the following day.

Further, there are people who obstruct this bail; they are called "Charge and Bail." I think this set of people should be discouraged not only by the Court—but unfortunately there are some members of the Bar who encourage them. If you are a lawyer and you do not do it, they make sure that the accused remain in custody and you will be told that unless you go to "A" or "B" you cannot get the accused out of the cell. This should be discouraged.

Finally, the idea of a man bringing his conveyance should also be discouraged. If today I am charged for a common offence, say, negligent driving, I think a responsible man, financier business magnate, like hon. Ojukwu could stand surety for me. The Registrar will say "Go and bring the conveyance of your property or go to the bank and bring your bank balance sheet to make sure that you are quite substantial." I agree the law is no respecter of any person but conditions should be laid down that where an accused asks for bail, they should proceed automatically to release him on bail, by exercising common sense. The procedure, further, is this, Sir, you make your application for bail to the Police, they say, "Go to the Court Registrar for approval." If you go to the Court Registrar he says you should see the Chief Registrar and from the Chief Registrar to the Chief Magistrate. This goes on without end. It takes the whole day and that is why some of us who are a bit advanced in the profession do not bother ourselves in this bail business because it wastes a lot of time. I hope the Attorney-General will help us.

Clauses 58-69 agreed to.

PART VII

Clauses 70-73 agreed to.

Clause 74.

Question proposed "That clause 74 stand part of the Bill".

Mr J. I. G. Onyia (Asaba):

Clause 74. Mr Chairman, it is only a small point I wish to make and that is about the wide protection afforded the magistrates and Justices of the Peace. Knowing human beings as we do and their frailties, this wide power is likely to be misused in the hands of anybody who harbours some political prejudice against somebody else. I feel that the provision is wide and should be narrowed down.

Mr Benson:

I think, Sir, that, with due deference to my hon. Friend, this section is quite good as it is. We are asking for self-government and therefore any power given to the magistrates or Justices of the Peace will be used judiciously. It is our duty to make sure that the people we appoint to these posts do not harbour any political prejudice in their minds. Once that is done, Sir, I think it is all right. For myself in particular, if you come to my house you will see a photograph of Chief Awolowo and those of members of other parties. That cannot be done by those on the other side of this House. Once you are free from political prejudice I think we should leave this part for the Justices of the Peace. You can rest assured that it will be judiciously exercised.

[*The Magistrates' Court (Lagos) Ordinance, 1955*]

20th August, 1955

[*The High Court of Lagos Ordinance, 1955*]

Mr Onyia:

If one can read the minds of the people.

Mr E. C. Akwivu (Orlu):

Mr Chairman, this is a very small point, and I think we might through you, pray the Attorney-General to carry it to the proper quarters that as little slander as possible be committed under the protection of this provision. I think it has already been said that measures should be taken to see that this provision is made use of very cautiously and very wisely. It does not do the legislation itself nor the judicial system any good if people under that cloak advertise for certain individuals or condemn certain individuals. I do not think I need say more on that point.

Question put, and agreed to.

Clauses 75 and 76 agreed to.

PART VIII

Clause 77 agreed to.

PART IX

Clauses 78-80 agreed to.

House resumed.

Bill reported without amendment.

Bill read the third time and passed.

THE HIGH COURT OF LAGOS ORDINANCE, 1955—SECOND READING

The Attorney-General (Mr A. McKisack):

Sir, I beg to move that a Bill entitled "An Ordinance for the Establishment of a High Court of Justice for the Federal Territory of Lagos and for other purposes relating to the administration of Justice in Lagos" be now read a second time.

This, Sir, is the last but one of the Courts Bills that will be presented at this meeting. As I mentioned earlier, the Constitution requires us to set up our own High Court for the Federal Territory, and that is the purpose of this Bill. Accordingly, it is proposed that a High Court of Lagos, having jurisdiction in Lagos only, shall replace the present Supreme Court, which exercises jurisdiction throughout the country and in particular in the Lagos Judicial Division.

This Bill, like the one relating to Magistrates' Courts, is based on existing law, and here again, except in some matters of technical detail, the Government has not proposed any innovation. There is indeed very little scope for innovations in regard to a court which has unlimited jurisdiction. The Constitution does, however, put one or two limitations on the extensive jurisdiction of the High Court and so, in that respect, this Bill differs from the existing law. Under our Constitution, questions relating to the interpretation of the Constitution are, in certain circumstances, reserved for the Federal Supreme Court alone, so that is excluded from the jurisdiction of any High Court including this one.

The Bill follows the usual form in relation to laws setting up courts of unlimited jurisdiction. It constitutes the court in Part II and deals with the judges' powers and precedence. Salaries are required to be fixed by law under the Constitution. They appear in blank at the moment but when we reach the Committee stage I shall introduce an amendment to fill in the blank.

The general jurisdiction of this High Court, which will be much the same as that of the High Court of Justice in England, is set out in Part III. One hon. Member the other day raised the interesting point that the Magistrates' Court Bill failed to make provision concerning the law in force in the Federal Territory, and he pointed out that in our existing law it is provided

that the law of England, the Common law, doctrines of Equity and Statutes of general application up to 1900, shall apply. I should point out that the reason is that that provision is now to be found in the Interpretation Ordinance, and it has been put in there instead of in either of these Courts Bills because that was found the most convenient place having regard to the complications of our present Constitution, since we have to provide that in the Regions that law shall apply as regards matters in the exclusive and concurrent legislative lists. We, of course, as a Federal Legislature have no power to make such provision in regard to purely Regional subjects; that is being done by the Regional Legislatures, but we have to make provision as regards exclusive and concurrent matters. For that reason, because it extends to the Regions to some extent as well as to Lagos, we have to put it in that other Law.

The appellate jurisdiction of the High Court is dealt with in this Bill. Those provisions have mostly hitherto been found in the Magistrates' Courts (Appeals) Ordinance, but we have now put these provisions into this Bill in so far as they relate to the powers and procedure of the High Court once the appeal reaches the High Court, but we have not otherwise altered the Law.

I do not think that, apart, as I said, from a few technical details, hon. Members will find that there have been alterations. The matters of detail are set out in the objects and reasons and are in their nature of perhaps limited interest, since they refer to some particular writs that we had inherited from the English system of jurisprudence and which have been abandoned a good few years ago, and we have now thought to come into line with that in this Bill. These innovations are merely designed to simplify the procedure in respect of those particular writs.

There are also one or two other matters referred to in the objects and reasons which are not in the existing law. Those are matters which under the Constitution are expressed to be within the exclusive jurisdiction of the Federal Supreme Court. But the Constitution goes on to say that the Federal Legislature may, if it thinks fit, confer upon a High Court certain of those matters which would otherwise be within the exclusive jurisdiction of the Federal Supreme Court, and we have made provision accordingly in the Bill to give the High Court of Lagos powers in relation to certain of those matters. The matters are the granting of an order of *mandamus* or prohibition or an injunction against an officer or authority of the Federation. Another is jurisdiction in matters affecting consular officers. Those are, I dare say, matters that are not likely to arise very much, but the Constitution does provide that only the Federal Supreme Court can deal with them unless the Federal Legislature gives such power to the High Court, and the Bill makes provision accordingly.

The Government proposes to move two amendments in Committee. One, as I have already mentioned, will relate to the salaries of the judges, and the second one will be to delete, or to vote against, clause 91, the last clause in the Bill. That again is a technical matter which I shall mention when the time comes. I merely mention it now because it seems the clause is unnecessary and provision has been made elsewhere.

This Bill, Sir, I commend to the House and I trust that its provisions will not be found unwelcome.

Sir, I beg to move.

Mr Kola Balogun, Federal Minister :

Sir, I beg to second.

Question proposed.

Mr T. O. S. Benson (Lagos West) :

Mr Speaker, Sir, this Bill is a very good Bill and is accepted in principle, subject to minor amendments which can be debated during the Committee Stage. In the meantime Sir, I would like to make two observations. The first is the one dealing with the qualification of judges, and secondly the one dealing with the salary of judges. As far as qualification is

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concerned, Sir, I think according to Gorsuch one must have been qualified for ten years before one could be made a judge. Gorsuch report is not something which cannot be amended in this House to any condition suitable to this country and I think it is therefore better to make all these observations at this stage so that before we come to the Committee stage we can reason together and agree on what would be an amendment which would not bring any difficulty as the one that happened during the debate of the Magistrates' Courts (Lagos) Bill.

In the existing law Sir, I am now referring to Vol. VI, Laws of Nigeria 1948, Supreme Court Ordinance Cap. 211 page 200—Appointment of Judges :

“5 (1) No person shall be appointed to be a judge of the Supreme Court unless—

(a) he is qualified to practise as an advocate in a court in England, Scotland, Northern Ireland, or some other part of His Majesty's dominions having unlimited jurisdiction either in civil or criminal matters ; and

(b) he has—

- (i) practised as an advocate or solicitor in such a court for not less than five years, or
- (ii) has been a member of the colonial legal service for not less than five years.”

It does follow, Sir, that if you are either a practising barrister or you are a barrister or solicitor engaged in the civil service, you can become a judge after five years. Now in the present law on debate it is going to be ten years. I do not see, Sir, the reason why the qualification should be increased by one hundred per cent—five years before, now ten years. There are cases in England, and I shall bring these books during the Committee stage, of barristers who actually practised for seven years and became K.C. In this House there are qualified members of the Bar and very experienced in their practice; in this connection I would mention—although unfortunately hon. Mr Kayode is a member of the Opposition—yet I think we could reckon on people like him. Therefore, Sir, I would suggest that (five years in the old law and ten years in this one) we could come to a compromise by which we make it seven years. That is my first point.

My second point is the question of the salary of judges. We must bear in mind that judges are in a different category to civil servants. It does not matter who you are, once you are within the clutches of the Law the man who has got the power of life or death over you is the judge. I remember during a discussion somebody asked this question : “To which one would you give greater respect, a judge or a bishop,” and someone answered : “I agree that a bishop, by virtue of his profession should be given a very high respect, but when a bishop says you go to heaven you do not go. But when you appear before a judge and he says you are sentenced to death, off you go.” (*Laughter!*) I only wish to differentiate between the judges and bishops. In this respect I say, Sir, that judges should be given good salaries commensurate with the high office and dignity of their profession so that they will be able to do good work and avoid delay in courts.

Secondly, judges in this Federal capital should be given salaries, if not higher, but not lower than that given in the Regions so as to avoid good judges running away from the Federal capital into the Regions. It does not matter who you are, judges need money as anybody in this country to run their own homes and therefore if one Region is offering a judge £5,000 and here we say we are going to pay them £4,000 there is nothing to stop him, even if he were a European, running to the Region. If he is an African, once he is a Nigerian, he can go from any part of Nigeria to another part. That is why I humbly submit, Sir, that judges should be given good salary without any distinction.

Dr E. U. Udoma (Opobo) :

How much ?

Mr Benson :

That will be discussed when we come to Gorsuch.

We should not forget also, Sir, that as far as the Chief Justice of any Region is concerned, with due deference to the Civil Secretary, in order of precedence, he is next to the Governor of any Region, and the Chief Justice of the Federation of Nigeria is next in order of precedence to the Governor-General of this country and therefore, as for the Chief Justice, there is no reason why he should not, apart from the high salary given to him, he should not also be paid good entertainment allowance. He has the right also to entertain not necessarily Members of this Hon. House, but the country in general. He should be given the power, and when you give him the power it is the money you give to him.

An hon. Member :

Members of the Bar ?

Mr Benson :

Not only Members of the Bar, doctors, engineers, judges, magistrates, teachers, labourers, workmen—never mind if you are working even at the loco yard.

Apart from that, Sir, there is no reason why also as is being done in one country—I shall bring it forward during the debate too—the Chief Justice should not receive entertainment allowance and be lent a free car so that when he is out of office he passes the car and the other privileges to the next man who is taking over from him.

Mr Speaker, Sir, in conclusion, as I have said, this Bill is a very good Bill subject to those two suggested amendments, and I am happy that the salary of judges is going to be fixed at the Committee stage.

With all those observations on record to be taken notice of at the Committee stage, I support the Bill.

Mr A. Rosiji (Egba East) :

*Mr Speaker, Sir, I would just like to congratulate the Attorney-General on the production of this Bill. A Bill making this provision for the High Court of Lagos has done justice to the status of Lagos as the Federal capital of Nigeria. If I may tell my hon. Friend Mr Benson, who, surprisingly, is a lawyer, this court was established under the Constitution and I do wish that he had read his Constitution before he started talking here this morning. If I may say so, I would like him to learn some lessons this morning. (*Loud and sustained laughter as Mr Benson vacated his seat.*) This court was established under the Constitution and there are provisions relevant to the courts provided in the Constitution which I am holding here. I am very glad that the Attorney-General has found fit to provide fixed salaries for the judges of this court, but not only has he done that, the Constitution has also helped in fixing the qualifications of these judges. That is what my Friend the hon. Benson does not know. If he reads this Constitution he will find there that in section 142 "A person shall not be qualified to be appointed a judge of the court unless he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some parts of His Majesty's Dominions or he is qualified to practise as an advocate in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court". Well, this is the type of thing that distinguishes a lawyer from a layman. A person who finds that type of thing out is a lawyer, a person who does not is a layman.

Now, furthermore, I said once before that this Bill has made provisions for the court, provisions which suit the exalted position of Lagos. Now I am referring in this case to the salaries of the judges. My Friend again Mr Benson has said that the salaries should be fixed later, and he was asking the Attorney-General to please give the judges good salaries. If he will only read the papers and stop playing to the gallery he will find that the Attorney-General has put amendments in the Order Paper for today. What impresses me most here is that the salaries which are proposed for the Chief Justice and the judges of this court are higher than

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the salaries of any Chief Justice or judge in any of the Regional courts. Now, I was saying, Sir, that I endorse this Bill *in toto*, and I do wish that the operation of this court will meet with the success that it deserves.

Dr E. U. Udoma (Opobo):

Mr Speaker, Sir, I wish to join in paying tribute to the hon. the Attorney-General for having produced this Bill. It is the sort of Bill that we on this side would always be prepared to praise whenever it is presented to this House. Mr Speaker, Sir, although with regret we have got to observe that the old courts which had done so much to administer justice in this country will be passing away, and will be no more, we are happy to note that Lagos is being given a new court which will not in any way be inferior to what had been in existence before.

We would, however, ask that when the court will come to exist it will not be wanting in anything in the administration of justice, and that the judges of the court will not be inferior to any judge appointed in any of the Regions. Now, Sir, it is also to be observed that there is considerable advance in this Bill in respect to some of the provisions which have been put in. That, of course, cuts across the suggestion that has been made by the Attorney-General that the Government is not making any progress in its legislation policy and that this Bill is not a new law, that it is a form of adaptation. That is not quite correct, and I think perhaps he was induced to say that by reason of what he said in regard to the Magistrates' Courts Bill. In this Bill, unlike the Magistrates' Courts Bill, there is considerable advance, although in one particular respect I notice with regret that instead of advance we are left with uncertainty, and that is in regard to the grading of judges. Now, on the question of precedence among judges. In the old law, it was a matter of law as to how to regulate precedence regarding the grading of judges, but in this Bill that provision is absent; and I would therefore urge that that should be seriously considered, that precedence should be accorded judges according to their seniority. Mr Speaker, leaving this matter in the air is dangerous. If it is left uncertain it might well be that any person could be pitchforked from any colony to precede a judge who has been working for many years in this country; and that is the sort of thing that might bring about dissatisfaction. It is to be hoped that it will not be done in any event.

Now, Sir, it is also a matter for happiness to know that the old prerogative writs prohibition, *mandamus* and *certiorari* have been abolished. The process that is to take their place now is an Order of the Court. Until this month we were still under the old law which had been abolished in England years and years ago, and it is very progressive that this adaptation has been taken from the laws of England. It will facilitate the work of the court and instead of the clumsy method of applying for a writ of *certiorari*, one has to obtain an Order of the Court, so that the Attorney-General should be congratulated on that advance.

Now, the next thing I would like to say finally is to pay tribute to the work that has been done by the old Supreme Court, whose swan song we are singing today. The old Supreme Court has held the fort for many years during troublous times in this country. It has done everything possible to bring the country together. There was only one Supreme Court, but in its place we are having three different High Courts. That, of course, is going to affect the state of our own law in this country. You go to Lagos, the law of Lagos will be different. You go to the Western Region, the law in the Western Region will be different. You go to the North, the law in the Northern Region will be different, so that we are having three systems of law in one country, that is apart from our native law and custom, which varies with every climate and with every condition. Now, Sir, that is a deplorable situation but, of course, it is what we had asked for; we have got it, and we need not weep over it. The only hope that one would have to cherish in this matter is that the Supreme Court (Appeals) would do its best to maintain the thread—the only single thread of unity which will do much to unite the people of this country, and to make one stream of law flow, and flow throughout all the Regions. That is the only single thread that unites Nigeria today, the Supreme Court, and so we are having in Lagos a court for Lagos and Lagos exclusively, including, of course, the Cameroons,

(Hear, hear.) I think that is an innovation that should be praised. Furthermore the hon. the Attorney-General might have had in mind, of course, our friend the Magistrate, Grade III when he made this beautiful provision. (Laughter). Because that is a safeguard and I believe that with such innovations in our law we can have a Judicial Department and a system of justice that we can be proud of.

The second point I like to make is a question about transfer of judges from the Federal Territory to the Regions. I hope Government will have in mind the present status of those judges who might be transferred to several Regions, and make sure that their status is not lowered or their remuneration lowered by such a transfer. I think adequate safeguards should be made to ensure that wherever they go the salaries they will get will be commensurate with what they get here, and the same thing apply with equal force to magistrates. It will be very wicked if somebody who has to earn here, for instance, a sum of £2,000 as a judge or Magistrate or whatever he might be, is sent to another Region to earn £1,600 only because of the Regionalisation of Justice. I think the Government will do well to look into this when the issue of salaries is being considered. That is all I have to add to the bouquets already showered on my learned Friend the hon. the Attorney-General.

Mr S. W. Ubani-Ukoma (Aba) :

Mr Speaker, Sir, I associate myself with the sentiments already made and expressed by other Members of the House, but while making my observation on what has already been said I would like to point out that the Attorney-General has not been bold enough to make provision in the salary of the High Court Judge in the Federation. I have observed that he has made amendments to the effect of the question of the Federal Supreme Court. In certain sections in the High Court of Lagos Ordinance I have seen spaces there which are blank. I think it is the duty of the Executive to bring to the Legislature cut and dried policies, statements that would require debates on them. We would not like them to dish out to us uncooked feast. It seems to me that they have not been able to provide to this House what we have expected of them. For instance the position of a judge is such that he should have no fear of anybody, even politicians. He should not have even the fear of the Governor-General. He has got to discharge his duties efficiently, without fear of anybody, and as such I think the man in the position of the Attorney-General should have given us a figure that is commensurate with the duties that are being discharged by these people. I have observed in the past that the salaries of our judges were being equated with that of the Residents. That is an appalling position. The Resident is just an ordinary District officer raised to his position because of long service. A judge is in a different position. He should not be the one that should be expected to look on anybody for promotion because the position which he occupies is such that the public interest only is expected. A person that is accused of crimes depends for his safety on the decision of the judge and I would ask that good consideration be given to the salaries of our judges, for instance, in a place like England—we address our judges here in the same terms that are being addressed to the judges in England, we call them "Lord, Lord" for nothing here. We do not pay the money. I remember in England the Lord Chief Justice is paid £8,000. Judges of the High Courts I think are being paid £5,000, and even here our judges are being paid smaller amount of money than our Ministers of State. I see no reason why this should happen. Even in India a judge is paid £300 a month while the Minister of State in India is paid only £75. There is no reason why we should equate the salary of our judges with those of the Residents of the Provinces. And again, I would also call attention of the Attorney-General to the good provision he has made in trying to improve the procedure in the Court. That has already been said by my hon. Friends and I associate myself with the statement already expressed that he has done very well and we expect him to do more.

Another point is this question of revision of Magistrates' Court in criminal cases. We are grateful for this being added in the Statute Book and we ask him humbly to see to it that this provision is being made use of. There are many judges who would not make use of it

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even once a year, yet there are many cases to be revised by the judges and because the Magistrates do make mistakes, and in most cases more very difficult conditions are being levied on the person who attempts to appeal. I would ask him most humbly that he should send a circular to all the judges to be able to make use of this provision that has already been made. I do not want all this to be done only by the Federal territory of Lagos. I would like this to be a good example to be followed in the Regions.

The last thing that I would like to say is that the Region is a model to be followed. It will be a very grave lack of duty which should have been performed if it is left out for the judges in the Regions to have lower salaries. They all belong to the same profession; they discharge the same duties. I think that there should be a co-ordination of policy between the Federal territory and the Regions so that one judge may not find it more favourable to carry on in one section of the country. We all have one country and that country is Nigeria, indivisible in all things.

Mr Speaker :

I think it is now suitable to have a break. Sitting suspended for a quarter of an hour.

Sitting accordingly suspended for fifteen minutes.

Sitting resumed.

Mr D. N. Abii (Owerri):

Mr Speaker, Sir, I am happy to join in the praises which have been showered on the Attorney-General regarding this High Court for Lagos. But my observations are as to certain clauses.

No. 1 regards the important clause setting out that the Governor-General will create a precedence in the appointment of these judges. I think, when we come to the Committee stage clause 6 will be very well examined. I think judges could be appointed in order of seniority.

My other point goes to clause 26. As other speakers have pointed out, this clause states an important matter. Native law and custom must be regarded in our courts. As we praise the Attorney-General for producing this law, I would humbly put it down for our lawyers who from their speeches are very happy for this law, that it is necessary for them to establish a kind of research into our native laws and customs. (*Hear, hear*). It is not necessary to talk of native laws and customs without trying to make them regular. One of them has certainly said that it is necessary to make a code of native laws and customs for the whole country. We are looking up to them. There is no need coming into the House of Legislature like this praising what the Attorney-General has brought out without contributing for the utility of these laws to their country.

My other point of remark regards clause 27. I think that that clause has a progressive intention. It seems to have left the residual points of law for the Supreme Court. We all know that one of the mistakes in our present Constitution is the question of leaving residual powers for the Regions. The Attorney-General in making this—that certain points of law be reserved for the Federal Supreme Court—shows we have exactly taken a step to point it out that this country is one, and as one we must be ready to be governed by the same system of Government under the same system of law. As a layman I certainly praise him for that idea. Residual points of law should be left to the Federal Supreme Court. (*Hear, hear*).

My other point as a layman regards clause 34. I do not know how lawyers have very well praised that so much. Clause 34 in the Committee should be examined. If somebody in the lower Court has been convicted and it is found out that he should not be convicted, the appeal is lodged and after the appeal it is found that the man was justified, he has to be paid some costs. I do not understand why the costs should not be more than £4. In my

own opinion I feel that if costs in the court come to be so low both the lawyers and litigants will be interested to lodge appeals and appeals and for ever you have a list of appeals waiting in our courts. In my own opinion I think that the question of costs should be high enough so that when a man goes to appeal he examines his conscience to find out whether he is justified or not. In my own opinion some lawyers encourage their clients to send in appeals even though they know that they are going to lose in the appeal.

Another point I have is towards clause 35. They have certainly praised the Bill as a whole and I think it is not out of the way to add more praises to the Attorney-General for that clause. One of the lawyers has certainly remarked that this clause has always been in our laws but it did not appear to him that the judges have taken very great care in putting it into practice. If certainly the list of cases in other courts should be sent to the judge, I humbly ask that the judge should look into it because it has a lot to do. Some of our people have no money to go to the High Courts to lodge appeals. If, by the power of the judge, he can look into the matter and administer justice, the people of this country will be very happy.

It does not appear to me that the judges have taken very great care in putting it into practice. If the lists of cases in all the courts will be sent to the judge I humbly ask that the judge should look into it, although he has a lot to do. Some of our people have no money to go to higher courts to appeal. If by the power of the judge he can look into the list and administer justice the people of this country will be very happy not merely that this should be included in our law but that the judge shall take into consideration to put it into practice.

My other point goes down to clause 6 as a general remark. It is lamentable indeed that our judiciary should be regionalised. Coming to that, this law has put it right by establishing the High Court of Lagos, and recognise the necessity of leaving some points of law for the Supreme Court. I feel certain that in that way the Attorney-General has given us something to think of next year when we shall come to the amendment of the Constitution. The country is one, the people are one and the law should be one and their Government should also be under one system so that we may know that the principal factor in nationalism is being applied in our own country.

Lastly I come to the question of payment to the judges. The lawyers have remarked that. As the representatives of the common man we are not at all annoyed at any salary that will be given to the judges. But I remark with emphasis that the judges must be worthy of their pay. They are supposed to be above board; by this I mean above "influence". The evil of influence should not connect the judges of this country. There is no question of one man committing a crime and another man committing the same crime but because one man is a big man he can come across and influence the judge and gets out of it while the poor man who has no means of seeing the judge will be punished. There may not have been such cases but it is possible. We are not saying that it has been or not, but it is possible. It is possible that the evil effect of influence may have a lot to do with judges. When a judge is given a salary enough for him he should see that justice is administered. With these observations I support the Bill.

M. Nuhu Bamalli (Central Zaria) :

Mr Speaker, both sides of this House paid tribute to the Attorney-General. I think it is only natural that we too should contribute our own quota. Sir, I have got one or two things to say. I should like to endorse one hundred per cent the statement made by the hon. speaker who has just sat down about the clause dealing with native law in its relation to our lawyers. I should appeal to our lawyers that in dealing with native laws they should be a bit more humane and less mechanical. (*Hon. Members: Explain*). I will explain. These native laws and customs are not things that I think the lawyers are the best people to deal with. We, the people, I think, are better and even more informed about these native laws. I will

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go back, Sir, to my appeal of the 17th of August and appeal to the Attorney-General about the appointment not only of stenographers but also of competent interpreters, both in the Magistrates' Courts and the High Court. The usefulness of interpreters especially, in all courts of Lagos, can never be over-emphasised. I have a very recent case to illustrate my argument, Sir. When I came to Lagos on the 16th of this month I met somebody who came from Plateau Province in the Northern Region. He came for an appeal in the Supreme Court. He was appealing against a sentence of five days' imprisonment. He was sentenced for contempt of court because he was found driving without licence and when he went to court, I do not know how it happened, he was not found guilty on the count of driving without licence but he was later sentenced to five days' imprisonment for contempt of court. He appealed to the Magistrates' Court at Jos, according to him, and he was advised to come and appeal at the Supreme Court in Lagos. He came and I saw him at the Supreme Court. I asked him "Can you speak English?" He said "No". "Can you speak Yoruba?" He said "No". "Can you speak Ibo?" He said "No". He could only speak Hausa. I told him it is a pity, he might be imprisoned in Lagos. After the House yesterday Sir, I went to the town. I met that man and asked him how his case went. He replied "I have just come out of prison". (*Laughter*). It is a great pity. The elder brother of this very man is an hon. Member of this House. I asked the man how he explained his appeal in the court and he replied he could not explain but there was an interpreter there who was a Yoruba. Imagine, Sir, how a Yoruba man can understand a Hausa man and translate his statement in the third language (English) to the judge! It is impossible, and for that very reason, I am appealing that the hon. the Attorney-General should give very due consideration to this matter of appointment of interpreters not only in the Magistrates' Court or in the High Court but in all courts in Lagos. Lagos is centre of gravity. People are coming to Lagos from every part of the country and the percentage of those who can understand the judge directly and the judge can understand them directly is very negligible compared with the population of this country. With these few remarks, Sir, I support the Bill.

Mr D. E. Okereke (Owerri):

Mr Speaker, while I pay tribute to the Attorney-General for this magnificent production, I feel it is my duty to call the attention of all men and women of this country to the effects, implications and complications of regionalising our judiciary. This regionalisation of the judiciary and of the public service is one of the sorry things for this country; and I am taking this opportunity to appeal to those of our hon. Ministers and those of our hon. Gentlemen and to the men and women of this country who will be privileged next year to represent us at the review of our Constitution. I suppose next year, we hope, there will be a review of the Constitution: and I want to put it to them as a duty that they owe this country to bring about one Nigeria, one judicial system, and one civil service.

Mr Speaker:

That is quite outside the Lagos High Court Bill.

Mr Okereke:

Thank you for the correction, Mr Speaker. Having driven my point home, I am happy to say that this Bill is a good one for the Court of Lagos, and I say further, should be a good one for all the country.

Question put, and agreed to.

Bill accordingly read a second time.

Bill committed to a Committee of the whole House.

House in Committee.

PART I

Clauses 1 and 2 agreed to.

PART II

Clause 3 agreed to.

Clause 4.

Mr T. O. S. Benson (Lagos West):

Mr Chairman, Sir, I would just like to make myself clear to the House because it does appear that the hon. Mr A. Rosiji although he is a member of the Bar does not follow me or understand what I was saying. I am quite aware of the fact that the qualification of judges is contained in the constitution and that their salary is contained in the Gorsuch. All I am saying is that it should be included in this High Court of Lagos Bill so that if he is sent anywhere in Nigeria, anybody for instance in Tanganyika or in London without referring to any section of Nigerian Law can take up this High Court of Lagos Bill and could see there what is his qualification and what is his salary.

The Attorney-General of the Federation :

I considered that and I appreciate that, but we cannot really repeat in one of our Ordinances what is laid down in the Constitution. It would have no legal effect. The Constitution overrides any law that we can make. What if somebody were to move an amendment? For that reason I have scrupulously avoided putting in this Bill what is already in the Constitution.

Question put, and agreed to.

Clause 5 agreed to.

Clause 6.

Mr R. A. Fani-Kayode (Ife):

*Mr Chairman, Sir, the only point I would like to make in respect of clause 6 is on the issue of precedence. It is a small point and it is provided for in section 9, subsection (1) and section 9, subsection (2) of the old Supreme Court Ordinance. The old section said:

“The other judges shall take precedence after the Chief Justice in the following order, namely

- (a) Senior Puisne Judge
- (b) The second, third and fourth Puisne Judges,
- (c) the Puisne judges according to the date of their respective appointments.”

In our new Bill the clause reads as follows :

“The Chief Justice shall take precedence of the whole judges of the court and the other judges shall take precedence after the Chief Justice in accordance with the direction as may be given by the Governor-General acting in his discretion”.

I believe, Sir, that it gives opportunity for pitchforking a junior man to take precedence over a much more senior man and we have to safeguard the position. I am suggesting that we stick as much as possible to the old order of precedence. I know there are senior puisne judges under this man but at the same time I think the date of appointment should be the date of precedence. That is why I want my amendment to read “line 3, leave out from the word ‘accordance’ to the end of line 4 and insert the words ‘with their seniority on the bench’.” The new clause will then be “The Chief Justice shall take precedence of the other judges of the court and the other judges shall take precedence after the Chief Justice in accordance with their seniority on the bench”. I do not think the Attorney-General will have much quarrel with this amendment but maybe he can give us some reason why the departure was made from the

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old law. If not, I think it is best and I think the House will possibly agree that it will be best to encourage the senior man to retain the seniority on the bench. Mr Speaker, I beg to move the amendment.

Question proposed.

The Attorney-General of the Federation:

Sir, the reason for the words used in this clause is that the Government thought it best to follow the wording which was used in the same context with reference to precedence in the Federal Supreme Court. There the method of determining the precedence among the judges was laid down in the Constitution itself and is in similar language. Section 138 subsection (4) of the Constitution says "The Chief Justice of the Federation shall be President of the Federal Supreme Court, and shall take precedence of all the other judges of that court, and the seniority of the other judges of that court shall be determined in accordance with such directions as may be given by the Governor-General acting in his discretion."

We have reproduced the same language in the Bill. The reason for that is that precedence is determined, of course, according to seniority on the bench. That is a principle that will never be departed from, but nice questions can arise which it is unwise to try to define in the law. For example, if one of the judges in the Western Region decides he would like to move to the Lagos High Court, does he then go to the bottom of the list in spite of having been a judge in another place? Another point is, where certain judges are appointed on the same day—and that can happen with the Lagos High Court, who is senior? And so on. That is why it is put in these general terms, in order that we may have, first of all, uniformity of the rules in that respect applying both to the Federal Supreme Court and the Lagos High Court, and in order that these minor questions can conveniently be set out in writing as and when they arise but are not really suitable for inclusion in the law without going into great detail, which would be undesirable. So I think the wording used here should follow that in the Constitution relating to the Federal Supreme Court, which is the most appropriate. But the general principle will be seniority on the bench.

Mr J. A. Wachuku (Aba):

*Mr Chairman, Sir, though the Attorney-General has explained the reason for it in the first place what he read out in the Constitution dealt with the Federal Supreme Court. Here we are dealing with the High Court of Lagos, and there is another important point which he raised—that is where judges are appointed on the same day. In that respect I think it will be a question of going into their records to see the best of the lot and their better and so on. But invariably seniority can still be determined: all of them cannot be appointed at the same time or at the same minute. Maybe the same day but one can be appointed one minute after the other. There must be a difference somewhere but the most important point is the question of their record. There may be some judges who are more efficient than others. We can understand that. That will be a question of purely departmental matter in which case the Chief Secretary will be the best adviser to His Excellency on that matter. But the point here is if we leave it as it is it will lead to frustration. There will be a time when somebody will be just left and a junior person taken above his head and this leads to frustration. In the past there have been complaints where Nigerians who, as far as the people of this country are concerned had held the posts of judges creditably, having hopes of such judges coming to take certain positions and then suddenly we discover that somebody has been brought from outside the country. Then we find that instead of someone being the senior judge someone else is sent from somewhere like Jamaica. Nobody will know. That is what we are afraid of. We would like this to be put down that they take precedence according to the date of their appointment on the bench in order to give our people a chance. The Attorney-General has tried to explain it but we are not quite happy about that and since the Supreme Court Ordinance governs the Lagos

* Speech not corrected by Member.

Supreme Court we should put quite clearly the order of precedence. The Attorney-General told us the other day that all these things are adaptations and no new principles are being introduced. I do not know why section 6 should be so divergent from section 9 of the old Ordinance because we are not introducing reforms. But in this particular respect there is now reform and we feel that that reform will work adversely to the interests of the judges appointed here and we will be most grateful if the Attorney-General will reconsider this particular point and let us take the precedence in accordance with our Supreme Court Ordinance. When we come to general reform when we find it necessary we will reform all as a whole. We cannot be reforming for the High Court Ordinance and not reforming for the Magistrates' Court Ordinance: there will be inconsistency.

Question put, and negatived.

Original question put, and agreed to.

Clause 7.

The Attorney-General of the Federation :

Sir, I beg to move the following amendment which has been handed in at the Table. In sub-clause (1), clause 7, in line 2, after the words "sum of" to insert the words "three thousand two hundred and forty". This, Sir, fills in the gap which is in relation to the salary of the Chief Justice of the High Court of Lagos.

I have a second amendment which sets out the salary of the judges of this Court and this figure, Sir, £3,240, is the one we considered appropriate in this case, and, though that is not necessarily the deciding factor it happens, of course, to be the one that was recommended by the Gorsuch Commission. But what we have also had regard to in particular is the fact of the relationship between the salary of this Chief Justice and the salary of the Chief Justice of the whole country, the Federal Supreme Court Chief Justice, which, as you will see from the amendment proposed is to be £3,750. Naturally, the office of the Chief Justice of the High Court of Lagos, which is a much smaller Court than the Federal Supreme Court, carries a lower salary and this is the one we considered appropriate.

Question proposed.

Question put, and agreed to.

The Attorney-General of the Federation :

The second amendment, Sir, is at line 3 of the same sub-clause (1), immediately after the words "sum of" to insert the words "two thousand six hundred and forty". That will mean that the salary of a judge, as distinct from the Chief Justice of this Court, will stand at £2,640, and in fixing this particular figure we have been guided by the same principles as those I referred to in regard to the Chief Justice.

Question proposed.

Mr Wachuku :

*Mr Chairman, Sir, this figure falls far below the salary of a judge say in the Western Region. I understand that in the Western Region the judges' salary is £3,000 and for Lagos, the Federal Capital, to have a judge receiving £2,640 when somebody of an identical rank just outside the borders of Lagos receives £3,000 is inconceivable. Ikeja is in the Western Region Sir, and the judge in Lagos who meets with the Western Region judge at the boundary there is paid £2,640. I think this creates such a discrepancy that I feel, Sir, that the Attorney-General should reconsider this matter and make the figure to be the same as the figure in the adjacent territory. They are too close and the comparison will be very, very obvious. The Attorney-General should reconsider the figure so that people will not feel that the Regions offer more attraction for people to go to.

* Speech not corrected by Member.

[The High Court of Lagos
Ordinance, 1955]

20th August, 1955

[Committee]

Yesterday, Sir, in the Magistrates' Court Ordinance when we were discussing it I mentioned that we need inducement to Africans to become Magistrates and the Attorney-General took me to task. I still say it here. The judges, most of them, Sir, who may be Africans, we know their commitments. The family in this country is not only the father and wife and the children, but the family comprises the father, mother and children and their relations to the third and fourth generation and so on. Therefore the duties of a judge in this country in relation to the Nigerian society is more onerous than those of a judge who is not a Nigerian because according to the standard a family is a small unit. But a judge here, although he is sitting on the bench, he is not a trader; he will be educating his own children but is also compelled according to native law and custom to educate his own relations and therefore he should be given a salary commensurate with his responsibilities, in a community where the cost of living is so high. Those Nigerians who may become judges here will have a very heavy commitment and I feel this should be revised; at least the standard should be nothing less than £3,000 a year. That will then help the judges to balance their budget and then have something to put away for the training of their dependants consistent with our traditions and custom.

Mr L. J. Dosunmu (Lagos East):

Sir, I agree entirely with my learned Friend the hon. Mr Jaja Wachuku. Before the hon. the Attorney-General moved the amendment I was wondering myself why it never occurred to the Government to insert the figure before now. There can be no doubt that the gap between the salary of the judge and that of the Chief Justice in the Lagos High Court is wide. But that is not the end of the matter.

It seems to me that Government has just accepted the figure suggested by Mr Gorsuch, £2,640. In the old days of Provincial Administration in the order of precedence the judge of the Supreme Court came next to the Resident who represented the Governor in the Provinces. By offering a judge of Her Majesty's Court a salary a little over £2,500 is, to say the least, lowering the status of a judge of Her Majesty's Court.

The status of Her Majesty's judges is high indeed, and I do not think I am putting it too high if I say that next to the Chief Executive of the State who is the Governor-General and perhaps the Chief Secretary of the Federation, the salary of the Chief Justice should rank. I agree that at the moment we are not discussing Gorsuch, but if you look into the Gorsuch Report you will find that the Chief Justice has been put into what he calls Group IV. Gorsuch has suggested about eight groups, and he has chosen to put (and that is what it seems the Government has accepted), to put Her Majesty's judges in Group IV. Above the judges you have Civil Servants who are in Groups I, II and III.

I do not think words can be found strong enough to convey the impression that this salary is by all forms of judgment inadequate, most unsuitable and unsatisfactory. If we have a careful look at it you will discover that this salary is even lower than the salaries of some Deputy Heads of Departments.

Mr Chairman, I just cannot express my feelings on the point, but I am putting it to this House that the suggestion of the Attorney-General that Her Majesty's judges should receive £2,640 needs a second consideration. As it has been pointed out by the Leader of the Opposition on one occasion in this House, it is open to everybody to become perhaps the Governor or Governor-General if he is lucky in the Civil Service, but it is not open to everybody to become Her Majesty's judge. You are required to have some special qualification and a certain amount of experience in the profession before you ever attain that high office.

One other important consideration is this, and I venture to suggest that that should be the guiding principle in fixing salaries of judges who, as the hon. Mr Benson suggested, should be in a class by themselves. As far as it is possible it should not be open to them to look for promotions elsewhere. As far as it is possible we should make it not possible for them to have hopes of becoming something higher than a judge, other than perhaps Chief Justice.

[The High Court of Lagos
Ordinance, 1955]

20th August, 1955

[Committee]

When one has either by reason of experience or learning become a judge of the Supreme Court I think he should feel satisfied that he has almost got to the highest. Once he is there he should have contentment, rest of mind and satisfaction, if I may say so. Mr Chairman, if you offer them salaries such as will make them aspire to promotions elsewhere, then there is not that contentment that is most desirable in a judge of the Supreme Court. We cannot shut our eyes to the fact that in other parts of the Federation there are judges and Chief Justices earning considerably more than this.

The Chief Justice of the Western Region is earning £3,500. The Judges in the Western Region earn £3,000. Why should the judges of the Lagos High Court either by reason of inadequacy of salary or anything of the sort ever aspire to the post of judge in the Regions? I think the salaries of the judges should be equal. The salaries of the judges, irrespective of what part of the Federation they are serving in, I think should be the same.

Mr Kolawole Balogun, Federal Minister :

Mr Chairman, Sir, I want to say that in discussing a matter of this nature, especially when it relates to judges, the most important thing to emphasise is not so much the salary angle. This is a most important career in which people who are engaged in it think more of other things than money. I want to make that point very briefly.

Most especially, Sir, when we are talking about what to pay to judges in a particular territory I think it would be a red herring to think of what is paid in other Regions. The devil itself knoweth not the thoughts of man. We do not know what motives are directing the minds of those who are paying what they are paying in the Regions, but the Government of this Federation, which is in a position to see the whole panorama of the Public Service here, is the body to judge what is reasonable to pay to a particular group of the Public Service.

I do not think that it is a proper argument to tell us, Sir, what they pay in the Western Region. They know what reason they have for fixing the salary which they pay in the way they fixed it, but the Federal Government also knows what is reasonable and has considered what is reasonable in this respect in regard to the whole of the Public Service before fixing the salary which has been fixed.

And what is more, Mr Dosunmu himself has referred to the Gorsuch Report. Surely when the first amendment was moved there was nobody in this House who was opposed to the figure that was put—£3,240—and it is the same principle, one of the principles that determined the first salary, that determined this one. I cannot see how anybody can be opposed to this thing that has been put down here and in that respect, Sir, I would like to say that this amendment should be supported and that the question, Sir, can now be put.

Mr Benson :

Mr Chairman, Sir, I would like to sound a note of warning. Sir, any Bill affecting the High Court of Lagos or affecting the Federal Capital for that matter should not in any way be inferior to what has been passed in the Regions. (*Applause*). When it comes to the salaries of workers, judges, Civil Servants, etc., Sir, where they cannot give people in Lagos the same salary it should be higher but not lower. (*Applause*). We are the people, Sir, in the Federal Capital here. The Federal Capital includes Hausas, Yorubas, Ibos, Edos, Itshekiris, Shawshaws and everybody ; Englishmen, Frenchmen, Irishmen and Spanish men.....

The Chairman :

Order, Order ! It is a quarter to twelve and I am bound to interrupt business. Committee to sit again when ?

The Attorney-General of the Federation :

Monday, Sir.

House resumed.

[Adjournment]

20th August, 1955

[Adjournment]

Adjournment**Mr V. E. Mukete, Federal Minister :**

Sir, I beg to move that the House do now adjourn.

Mr Kolawole Balogun, Federal Minister :

Sir, I beg to second.

Mr Mukete :

Mr Speaker, Sir, with your leave I beg to make the following announcement on the business of the House for next week.

On Monday we shall proceed with any business left over from today. After that we shall have the second reading and all further stages of the Bill for the Lagos Town Planning (Amendment) Ordinance. That will be put by the Minister of Land, Mines and Power.

Then there will be the second reading of the Bill for the Income Tax (Amendment) (No. 3) Ordinance by the Financial Secretary and the second reading and all further stages of the Bill for the Patents, Designs, Copyright and Trade Marks (Emergency) (Repeal) Ordinance by the Minister of Trade and Industry.

Tuesday, Private Members' Day. The business for that day will be announced on Monday.

On Wednesday any business left over from Monday will be continued with and that will be followed by the second reading and all further stages of the Bill for the Factories Ordinance by the Minister of Labour and Welfare. After that there will be the second reading of the Bill for the Ports (Amendment) Ordinance by the Minister of Transport.

On Thursday the White Paper on the Report of the Salaries Commissioner will be discussed. (*Applause*). There will be official motions by the Chief Secretary and the Financial Secretary. Announcements for business after that will follow later.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Mr Speaker, I am informed that the printing of the White Paper containing Government's Conclusions on the Report on the Public Service of the Federation is sufficiently far advanced for copies to be placed in the Papers Office before 9 o'clock tomorrow morning—tomorrow, Sunday, morning. (*Applause*).

Adjournment Debate**Mr T. O. S. Benson (Lagos West) :**

Mr Speaker, Sir, and hon. Members, I am now speaking not only as the Chief Whip of the N.C.N.C. but also as a Government Whip along with my colleague on the other side of the House, hon. Dandago. Now my point is that it would be better for us as gentlemen to be here at 10 a.m. or 9 a.m. to avoid the ringing of the quorum bell and during intervals. If ten minutes is not sufficient we can ask Mr Speaker and our Ministers to increase it to fifteen minutes, but it is not good if we have been given recess that the quorum bell should be ringing without Members being in this House. The consequence would be that if Members are not in the House the work of the House would be delayed and we shall be compelled to go into long hours, say till 2 or 3 a.m., and Members who are from the Provinces may not be able to leave Lagos in time. It follows that if you are not here and work must be completed then we shall have to stay and have it completed. I feel, Sir, that I have spoken for all the Members

[Adjournment]

20th August, 1955

[Adjournment]

The Minister of Works (Alhaji Inuwa Wada):

Mr Speaker, Sir, the motion that has been moved on the adjournment by the hon. Mr Benson is one that all hon. Members ought to pay heed to. (*Applause*). We are all here primarily to transact business that is before us. There are many of you who come from far distances and also many of you who have left behind very much work which is waiting for you. I know you are all anxious to finish your work as quickly as possible and get back to your homes. It is important that at any time Mr Speaker is here a quorum is formed in the House.

Mr Speaker himself, we must pay due regard to. It is not good for us to allow him to be waiting for us. We should be here to wait for him. (*Applause*). So, hon. Members we are appealing to you by saying that at 9 o'clock on Fridays and Saturdays and at 10 o'clock on other week days and during the short recesses we are given if the time is up we should please be in our seats and transact our business. (*Applause*).

Adjournment

Question put, and agreed to.

Adjourned accordingly at six minutes to twelve o'clock until 10 a.m. on Monday, the 22nd of August, 1955.

[Written Answers]

20th August, 1955

[Written Answers]

QUESTIONS AND WRITTEN ANSWERS

*Question—***W.160. Mr D. O. Enang :**

To ask the Minister of Communications and Aviation:—

Whether he is aware that, in consequence of the growing population of the area, the volume of mails handled in Obubra Division has increased and as a result delivery of letters is considerably delayed; and what steps he is taking to provide additional staff to make quick delivery possible?

*Answer—***The Minister of Communications and Aviation :**

The introduction of a service of town delivery by Postmen will be considered when the streets in Obubra have been named and the houses in the streets have been numbered.

*Question—***W.162. Mr Z. B. Olokesusi :**

To ask the Minister of Trade and Industry:—

How many Industrial Training Institutions in Nigeria are sponsored mainly by the Federal Government; and if none, why?

*Answer—***The Minister of Trade and Industry :**

The following Industrial Training Institutions are operating in Nigeria, which were originally sponsored by the Central Government. In certain instances responsibility for their operation has been transferred to Regional Governments under the terms of the new Constitution:

Seven Textile Training Centres at which instruction is given in hand-loom weaving, spinning and dyeing. One Mechanical Textile Training Centre at which instruction is given in mechanical weaving, in the construction and design of cloth, and in machinery maintenance. Three Pottery Training Centres, which provide training in modern methods of production.

Seven Trade Centres, where training is given in a variety of trades.

Three Boatbuilding Yards at which Nigerians are trained in the construction of creek and river craft from local materials.

In addition, the Electricity Corporation, the Nigeria Marine, the Coal Corporation, the Nigerian Railway, the Department of Posts and Telegraphs, and the Department of Public Works all run courses in technical training planned to increase the skill and earning power of their employees.

*Question—***W.165. Mr Z. B. Olokesusi :**

To ask the Chief Secretary of the Federation:—

How many aliens are residing in Nigeria, and how many of them are in Government employment?

*Answer—***The Chief Secretary of the Federation :**

Accurate population figures can be obtained only by means of a census. A census was carried out in Nigeria between the years 1952 and 1953 when the figures of aliens residing in Nigeria was 4,555.

The number of aliens employed by Government is very small but precise figures are not available to the Federal Government, in view of the fact that Regions now have their own Public Services.

[Written Answers]

20th August, 1955

[Written Answers]

*Question—***W.204. Mr E. O. A. Dada :**

To ask the Minister of Land, Mines and Power :—

In view of the fact that Mushin is becoming increasingly important as a residential area for workers in Lagos, will the Government take steps to extend electricity to the area and so deter thieves and cut-throats who at present abide there at night ?

*Answer—***The Minister of Land, Mines and Power :**

The extension of electricity supply to this area is included in the development plans for the Lagos network. In the year 1955-56 new sub-stations will be available for such a supply when revised development plans (including road plans) which are in the course of preparation have been completed.

*Question—***W.205. Mr A. Rosiji :**

To ask the Chief Secretary of the Federation :—

What are the minimum qualifications required of Secretary-Typists ; how many are engaged in the Federal service, and how many of them are Nigerians ?

*Answer—***The Chief Secretary of the Federation :**

The minimum qualifications for transfer, direct appointment or promotion to the grade of Secretary-Typist are the possession of a Middle VI Certificate at least, or its equivalent, and the ability to do shorthand at a speed of 120 words a minute and to type at a speed of 50 words a minute as evidenced by possession of the certificate of the Royal Society of Arts, or of an approved commercial training institution in the United Kingdom, provided that, in addition to the necessary speed certificates, an officer is qualified for the post in all other respects including a good command of English. There are at present 80 Secretary-Typists employed by the Federal Government, of whom 4 are Nigerians.

*Question—***W.207. Mr A. Rosiji :**

To ask the Minister of Trade and Industry :—

How many persons were prosecuted and found guilty in the last two years of fraudulent practices in business in which people outside Nigeria were victims ; and what steps is the Government taking to stop or minimise such practices ?

*Answer—***The Minister of Trade and Industry :**

It is presumed that the question refers to the prosecution of persons in Nigeria. On that assumption the answer is that in the last two years, 251 persons have been prosecuted and found guilty of fraudulent practice in business where the victims were persons outside Nigeria.

The Nigeria Office in London and the Department of Commerce and Industries in Nigeria, publicise the existence of a trade advisory service, open to all merchants, through which status reports upon the financial standing and business reputation of traders established in Nigeria may be obtained.

At the same time, the Department of Commerce and Industries, by visits of its Commercial Officers to the main centres of trade throughout Nigeria, endeavours to educate merchants in their business responsibilities and obligations.

There is also provision in the Estimates to enable witnesses to be brought from abroad to assist in the prosecution of persons in Nigeria accused of serious fraudulent trade practices.

- (a) 407 applications, 8 awards.
(b) 688 applications, 91 awards.
(c) 7 applications, 3 awards.

[Written Answers]

20th August, 1955

[Written Answers]

Question—

W.208. Mr A. Rosiji :

To ask the Minister of Trade and Industry:—

What are the duties of the following officers in the Department of Commerce and Industries:

- (1) Deputy Director (Industries),
- (2) Principal Engineer,
- (3) Principal Industrial Officer,
- (4) Senior Industrial Officer,
- (5) Industrial Officers ;

what industries are they engaged in ; and what profits did those industries yield in the last financial year ?

Answer—

The Minister of Trade and Industry :

The Deputy Director (Industries) is responsible through the Director of Commerce and Industries and the Permanent Secretary to the Ministry of Trade and Industry:—

(i) for providing me with

(a) technical and commercial appreciations of such large-scale industrial projects as the Federal Government may from time to time consider financing ;

(b) appreciations of the impact of large-scale Regional projects on the Federal economy ;

(ii) and for advising me

(c) on industrial legislation and regulations ;

(d) of changes in the rate of customs or excise duties applicable to industrial products and reagents ;

(e) on the application of the Aid to Pioneer Industries Ordinance.

(iii) He is required to direct a programme of applied research on processing methods and local materials.

(iv) He is required to prepare economic appreciations of specific commercial projects resulting from this research.

(v) He directs a technical information service on industrial matters for Nigerian and expatriate entrepreneurs.

(vi) He directs the industrial extension service operating within Federal territory.

In the execution of these duties, the Deputy Director (Industries) is assisted by the following staff:—

One Principal Engineer,
One Principal Industrial Officer,
One Senior Industrial Officer,
Five Industrial Officers,
Fourteen Technical Officers.

The particular duties of these officers are:—

Principal Engineer.—Responsible for the purely technical aspect of planning industrial development and for supervising the activities of a Designer/Engineer, two Assistant Mechanical Engineers, a Drawing Office staff and certain technical officers concerned with textile development and research.

Principal Industrial Officer.—Responsible for economic investigations into industrial projects and for general supervision of the subordinate staff of one Senior Industrial Officer and five Industrial Officers. This Officer also co-ordinates the activities of the Textile Development Section with those of the rest of the Industries Branch, and maintains liaison with the Regional Departments of Industries and the Regional Development agencies.

[Written Answers]

20th August, 1955

[Written Answers]

*Question—***W.221. Mr H. O. Akpan-Udo :**

To ask the Minister of Communications and Aviation:—

Where in each Region and the Southern Cameroons are Meteorological Stations situated ; and what proposals he has for the establishment of additional stations in view of the expansion of Civil Aviation in the country ?

*Answer—***The Minister of Communications and Aviation :**

Meteorological Stations manned by full time Meteorological staff are situated as follows:—

Eastern Region.—Enugu, Calabar, Port Harcourt.

Northern Region.—Sokoto, Katsina, Nguru, Gusau, Kano, Potiskum, Maiduguri, Yelwa, Kaduna, Jos, Bauchi, Minna, Bida, Ilorin, Lokoja, Makurdi, Ibi, Yola.

Southern Cameroons.—Tiko, Mamfe, Bamenda (opening in April 1955).

Western Region.—Ikeja, Ibadan, Ondo, Benin City, Warri, Oshogbo (opening September 1955).

No firm proposals have been made for the establishment of additional full time meteorological observing stations but this matter is being considered in connection with the development of Civil Aviation in Nigeria at a Conference being held by the Minister of Communications and Aviation with representatives of Regional Governments in May 1955.

*Question—***W.223. Mr N. N. Onugu :**

To ask the Minister of Communications and Aviation:—

Why the daily mail service between Nsukka and Enugu, previously at the expense of the Nsukka County Council, has now been cut down to a thrice weekly service ; and will Government consider reverting to the former arrangements ?

*Answer—***The Minister of Communications and Aviation :**

From the 1st of November, 1947 this service was conducted by mail contractor. In November 1954, it was decided to dispense with the services of a contractor owing to the failure to obtain a reasonable contract price. From that time the mail has been carried by Departmental transport and I regret it has not been possible to maintain the former frequency of services. However, this is essentially an interim measure pending a full investigation into the carriage of mails under contract.

On the question of whether the operation of the service should revert to Nsukka County Council, in principle I have no objection to this arrangement which originated when there was only a Postal Agency at Nsukka and the carriage of mails was therefore the responsibility of the local communities. If the Nsukka County Council is prepared to continue to carry the mails now that the Postal Agency has been converted to a Post Office, it should submit a contract price when tenders for this service are next invited.

*Question—***W.228. Mr F. E. Ofor :**

To ask the Chief Secretary of the Federation:—

How many Sergeants, Corporals, Lance Corporals, First, Second and Third Class Constables of the Nigeria Police Force have resigned since the introduction of the 45 years age limit in 1952 ; how many recruits have been enlisted during the same period and what is the cost of their training ?

[Written Answers]

20th August, 1955

[Written Answers]

*Answer—***The Chief Secretary of the Federation :**

It is presumed that the hon. Member is referring to section 14 (1) of the Police Ordinance (Cap. 172) as amended by section 6 of the Police (Amendment) Ordinance (No. 14 of 1952), which provides that:—

“Any constable of good character who has completed or is within six months of completing his period of enlistment may, with the approval of a superior police Officer, re-engage to serve for a further period ending on the date which he attains the age of 45 years.”

Since the introduction of this new condition of service on 1st April, 1952, one Corporal, one Lance Corporal, three First Class Constables and six Third Class Constables, have been permitted to resign from the Force. These resignations were of men who had not completed their current term of engagement and who were allowed to leave the Force on compassionate or other grounds; they were not related to the introduction of the new conditions of service.

Members of the Nigeria Police Force usually leave the service not by resignation but by retiring “Time Expired” or being discharged “Time Expired” at the end of their period of engagement. It is presumed that the hon. Member’s intention is to ascertain how many members of the Force who might otherwise have re-engaged, have left the Force “Time Expired” as a result of the new provisions introduced by section 6 of the Police (Amendment) Ordinance, 1952. I regret that no records are ordinarily kept of the reasons why members of the Force do not elect to re-engage, but I can assure the hon. Member that inquiries carried out by the Inspector-General of Police over a trial period of six months from July 1952 to January 1953 showed that the number of members of the Force whose decision not to seek re-engagement was due to the change in conditions of service was very small.

Since April 1952, 3,391 recruits have been enlisted either to meet the large increases in establishment that have been approved since that date or to replace annual casualties. The cost of their training has been approximately £70 per recruit.

*Question—***W.229. Mr F. E. Ofor :**

To ask the Chief Secretary of the Federation:—

How many members of the Nigeria Police Force have been convicted by a Court of Law for bribery and corruption, stealing and obtaining money by false pretences or other charges pertaining to fraud, since 1952 ?

*Answer—***The Chief Secretary of the Federation :**

Between 1st January, 1952 and 31st March, 1955, 117 members of the Nigeria Police were convicted of corruption, stealing, false pretences and other offences of dishonesty.

*Question—***W.234. Mr A. E. Ukattah :**

To ask the Chief Secretary of the Federation:—

Whether he is aware that there are two constables at Umuahia-Ibeku jointly living in a small room of the dimensions 8 feet by 10 feet in Police quarters; and will he take steps to provide more suitable accommodation for the constables concerned ?

*Answer—***The Chief Secretary of the Federation :**

Owing to increases in establishment of the Police in the Eastern Region during the past three years and the fact that there was inadequate provision of funds in the Regional Estimates to provide the necessary accommodation, Constables have been required to double up in single quarters. For this, they receive half lodging allowance.

[Written Answers]

20th August, 1955

[Written Answers]

Funds are being provided in the 1955-56 Federal Estimates to increase the existing housing accommodation and the situation will be improved when additional quarters are built.

Question—

W.235. Mr A. E. Ukattah :

To ask the Chief Secretary of the Federation :—

Whether he is aware that the Police strength at Umuahia-Ibeku is seventy at present ; and in view of the importance of the town as Provincial Headquarters, will he cause the Police establishment there to be brought up to the normal strength of one hundred ?

Answer—

The Chief Secretary of the Federation :

The authorised establishment for Umuahia-Ibeku is seventy-nine. It is considered that this establishment is sufficient.

The Police detachment at Umuahia-Ibeku is at present under strength, but recruits are being trained at the Southern Police College and will be posted to Umuahia-Ibeku to bring the detachment up to strength when their training is complete.

Question—

W.239. Mr N. A. Ezonbodor :

To ask the Chief Secretary of the Federation :—

Whether he is aware that of all the Divisions in the Delta Province, Western Ijaw Division is the only one without a prison ; and to state when a prison will be built in that Division at one of the following places : Burutu, Forcados, Bomadi, Ojobo and Patani ?

Answer—

The Chief Secretary of the Federation :

Yes, Sir, I am so aware. The policy of Government is to have a few large central prisons in which trade-training can be given, and stricter discipline enforced, rather than to open small prisons which are uneconomic to maintain and in which corrective training is limited. There was formerly a prison at Forcados but this was closed in 1949 as the average lock-up did not warrant the expenditure of staff and money involved. Experience since then has shown that the Western Ijaw Division is adequately served by the prisons at Warri and Kwale, and the Government does not intend to open a prison at Burutu, Forcados, Bomadi Ojobo or Patani.

Question—

W.241. Mr N. A. Ezonbodor :

To ask the Chief Secretary of the Federation :—

Why sufficient attention has not been given to the training of prisoners in Warri Convict Prison in woodwork, shoemaking and tailoring ?

Answer—

The Chief Secretary of the Federation :

The Government has given particular attention to the establishment of prison industries. In Warri prison there are at present fourteen shoe-makers and sixteen carpenters under training. It has not yet been possible to arrange for the training of tailors.

Question—

W.242. Mr N. A. Ezonbodor :

To ask the Chief Secretary of the Federation :—

Whether he is aware that, owing to there being no police posts in Bomadi, Ojobo and Patani in Western Ijaw Division, suspects are taken to Warri for interrogation, where they do not understand the language spoken ; and to state when police posts will be established in those places ?

[Written Answers]

20th August, 1955

[Written Answers]

Answer—

The Chief Secretary of the Federation :

Suspects taken from Bomadi, Ojobo and Patani to Warri are interrogated, if necessary, through the medium of an interpreter as is customary in other places in Nigeria where the peoples of the area have several different mother tongues.

It is not proposed to establish Police Posts at Bomadi, Ojobo or Patani as the present lack of communications would not permit the frequent inspections necessary for small, isolated posts.

Question—

W.243. Mr N. A. Ezonbodor :

To ask the Minister of Natural Resources and Social Services :—

In view of the importance of the fishing grounds of Delta Province, what arrangements are being made to instruct the people in better methods of fishing ?

Answer—

The Minister of Natural Resources and Social Services :

New fishing techniques recommended by the Federal Fisheries Department are passed on to Regional Governments who are responsible for the instruction of people in the Regions in improved fishing methods.

Question—

W.244. Mr N. A. Ezonbodor :

To ask the Minister of Natural Resources and Social Services :—

Whether he is aware that no awards of scholarship for Higher Education have been made to applicants from Western Ijaw Division ; and what arrangements are being made to enable applicants from the area to receive awards ?

Answer—

The Minister of Natural Resources and Social Services :

(a) No, Sir.

(b) Applications from the Western Ijaw Division as from all other Divisions outside the Federal territories of Lagos and the Southern Cameroons will receive consideration in competition with others for Federal Scholarships if they are serving or intend to qualify for service in Departments for which the Federal Government is responsible. Notice No. 303, published in *Official Gazette* No. 8 of the 10th of February, 1955, contains full particulars of the qualifications required for applicants for Federal Scholarships.

Question—

W.245. Mr N. A. Ezonbodor :

To ask the Chief Secretary of the Federation :—

Whether he is aware that the flight of steps leading upstairs in Warri Prison cells is badly constructed and fit only for use by prisoners intending suicide ; and when a safer flight will be provided ?

Answer—

The Chief Secretary of the Federation :

No, Sir, I am not so aware.

The stairs in question are structurally sound although they are narrow. Some worn treads require replacing ; sheet metal is being used at present to reline them until new plates arrive. The question of replacing the present iron staircase with one in concrete is being considered.

[Written Answers]

20th August, 1955

[Written Answers]

*Answer—***The Minister of Transport :**

By the term Bota Wharf it is presumed reference is made not to the wharf alone but to the whole of the undertaking connected with it.

The wharf is at present equipped with two electric powered cranes of recent manufacture and modern design capable of lifting up to seven tons and three tons respectively. A former hand operated German crane is at present being converted to electrical drive and this will lift $4\frac{1}{2}$ tons when completed. A further three ton crane is on order and will be delivered during the next few months. The crane capacity at Bota will then be fully adequate and indeed as much as the present wharf can take.

In the Port Area itself there are three warehouses principally used for the import of direct general cargo and one large transit warehouse for intermediate cargo and produce. Storage capacity of the warehouses is 3,500 tons or 140,000 cubic feet.

There is also a Queen's warehouse and adequate dump space for non-pilferable cargo and goods of a heavy nature which can be stored in the open without fear of damage. The entire area is enclosed and served by Port Security Police and Customs Officers are in regular attendance at all warehouses.

Latrines, showers and cooking facilities and a shelter from inclement weather are provided for the labour force.

The majority of the above mentioned facilities have come into being since the 1st January, 1953, and I consider them to be adequate to deal with such cargo both incoming and outgoing which may be envisaged in the foreseeable future.

During the last two years some £30,000 has been spent by the Cameroons Development Corporation on the provision of these facilities and I understand that no further improvements are contemplated at the moment.

I am informed that all Shipping Companies using the port have expressed themselves as satisfied with the services provided and the turnround of shipping is as good, if not better than that at most other West Coast Ports.

Victoria Pier which is outside the jurisdiction of the Corporation has been condemned as unsafe for some considerable time now; no facilities exist there for cargo or shipping nor would it be possible for either one or the other to be dealt with in view of a complete lack of cranes, storage accommodation and depth of water to permit lighters to proceed alongside what remains of this former pier.

In 1948, it was decided that the Cameroons Development Corporation should operate the wharf as a public wharf. An agreement was accordingly entered into between the Governor—(now Governor-General) and the Cameroons Development Corporation, as a result of which the Corporation undertook to give full respect to the handling of cargoes from ships, save that first priority was given to the handling of banana ships. There are therefore no plans at present for improving the wharf at Victoria. The facilities provided at Bota should be sufficient for the traffic offering for several years to come.

*Question—***W.253. Mr F. E. Ngale :**

To ask the Minister of Trade and Industry :—

If there is any trade agreement between the Nigerian Government and the only two trading firms in the British Cameroons (John Holt & Co. (Liverpool) Ltd., and U.A.C. Ltd.), and if he is aware of the trade monopoly by these two firms?

*Answer—***The Minister of Trade and Industry :**

There is no agreement between the Nigerian Government and Messrs John Holt and Co. and the U.A.C. affecting trade in the British Cameroons.

[Written Answers]

20th August, 1955

[Written Answers]

In addition to these two firms, Messrs Paterson, Zochonis and Co., Messrs Vivian, Younger and Bond and the London and Kano Trading Co. Ltd. operate trading stations in the territory. There is no trade monopoly and no restriction on any firms operating within the Federation establishing branches in the British Cameroons.

Question—

W.255. Mr F. E. Ngale :

To ask the Chief Secretary of the Federation :—

Are there any African Civil Servants working in such important sections of his office as Security and Defence, External Affairs, and Political ?

Answer—

The Chief Secretary of the Federation :

Yes, Sir. None now serving is of or above the rank of Assistant Secretary although there have been such in the past and will be again. There are not yet enough Nigerian senior civil servants for me to guarantee that there will always be some in each branch of my office. Like their expatriate colleagues, Nigerian officers are assigned where their qualities and abilities are most needed at the time.

Question—

W.257. Mr J. Mboyam :

To ask the Minister of Communications and Aviation :—

Whether he is aware that the stock authorised for Ndop, Banson, Ndu, Nkambe, Wum and Batibo Postal Agencies is inadequate for the respective populations served: and, in view of the remoteness of Bamenda Post Office, if he will consider larger imprests for these Post Offices ?

Answer—

The Minister of Communications and Aviation :

A general revision of Postal Agency stocks is at present under consideration. I can assure the hon. Member that the claims of the Postal Agencies he mentions will be carefully examined.

Question—

W.258. Mr R. N. Takon :

To ask the Chief Secretary of the Federation :—

In view of the prevalence of crimes committed on the Nigeria-Southern Cameroons border at Nfum, will Government consider establishing a police post there ?

Answer—

The Chief Secretary of the Federation :

The Government does not propose to establish a Police post at Nfum.

Nfum is connected by motor road with Mamfe where there is a Nigeria Police detachment of 32 rank and file. It is considered that such crime as there may be in the neighbourhood of Nfum and in the vicinity of the boundary between the Eastern Region and the Southern Cameroons can be adequately investigated and dealt with by the Police stationed at Mamfe.

Question—

W.262. Mr G. O. D. Eneh :

To ask the Minister of Transport :—

If he is aware of the deplorable state of railway coaches in the Eastern Region ; and what steps he is taking to ameliorate the position ?

[Written Answers]

20th August, 1955

[Written Answers]

IMPORTS OF ALCOHOLIC BEVERAGES THROUGH SOUTHERN CAMEROONS PORTS

	1952		1953		1954	
	Quantity Liquid galls.	Value £	Quantity Liquid galls.	Value £	Quantity Liquid galls.	Value £
Beer	78,000	36,745	174,379	79,810	213,000	97,000
Brandy	164	541	50	211	30	125
Gin	1,587	2,442	2,747	4,028	1,949	2,800
Rum	21	34	164	228	116	168
Whisky	1,748	3,653	2,638	5,553	1,900	4,000
Wines Still	672	824	1,134	1,866	527	1,200
Wines Sparkling	55	259	111	537	18	54
	82,247	44,498	181,223	92,233	217,540	105,347

Question—**W.271. Mr G. O. Ebea :**

To ask the Minister of Communications and Aviation :—

Whether he is aware of the applications sent from Ishan Division, about six months ago, for telephones to be installed in the applicants' homes, and when the wishes of the applicants may be met ?

*Answer—***The Minister of Communications and Aviation :**

The Posts and Telegraphs Department is unable at this stage to undertake the requested extension of telephone services in Ishan Division. As I pointed out in my White Paper on Policy and Reorganization in the Posts and Telegraphs Department no further development can be carried out until extra staff is forthcoming. The White Paper contains specific proposals to solve the staffing difficulties at present faced by the Department and as soon as these are put into effect I shall be able to initiate plans for development.

Question—**W.274. Mr G. O. D. Eneh :**

To ask the Chief Secretary of the Federation :—

In view of the fact that the present Police quarters and office at Ubiaja are rapidly deteriorating, will Government not consider replacing them with permanent buildings ?

*Answer—***The Chief Secretary of the Federation :**

It is hoped in due course to replace all existing semi-permanent Police buildings with permanent structures, but it is not possible to give Ubiaja any particular priority.

Question—**W.278. Mr G. O. Ebea :**

To ask the Minister of Land, Mines and Power :—

Did the Shell D'Arcy Company discover any oil deposits in Ishan Division, Benin Province, during their operations in the area, and what quantity of oil was discovered ?

*Answer—***The Minister of Land, Mines and Power :**

The drilling of a deep test well has recently been completed north-west of Benin City. This well reached a depth of about 6,400 feet and traces of oil were discovered. The quantity of oil recovered was insignificant, amounting to about six barrels, together with 500 tons of salt water.

[Written Answers]

20th August, 1955

[Written Answers]

Question—**W.280. Mr E. C. Akwiwu :**

To ask the Minister of Transport and Works :—

If he is aware that all the bridges along the Port Harcourt-Owerri-Onitsha and Port Harcourt-Anara-Okigwi trunk roads are dangerously narrow and weak and unsuitable for present-day volume and weight of road traffic; and what immediate steps he proposes to take?

Answer—

The Minister of Works :

Yes, Sir.

A contract is now being arranged for the replacement of four major bridges, two of which are between Onitsha and Owerri. These bridges are to be completely reconstructed to carry heavy lorries on a twenty-two feet wide carriageway. The remaining bridges on the Port Harcourt-Owerri-Onitsha road and Aba-Owerrinta-Umuahia-Okigwi roads are now being surveyed with a view to their reconstruction in the 1955-60 Development period.

Question—**W.281. Mr E. C. Akwiwu :**

To ask the Financial Secretary of the Federation :—

How much did the Conferences for the Revision of the Nigeria Constitution in London and Lagos respectively cost the Central Government, and how much was spent on each of the political parties there represented?

Answer—

The Financial Secretary of the Federation :

The cost to the Central Government of the London Conference on the Revision of the Nigerian Constitution was £22,715. It is not possible to say what share of this total expenditure was spent on each political party, without scrutinising the very large number of vouchers containing details of payments made. Even if this was done it would not be possible in many cases to isolate every item of expenditure which would be regarded as having been spent on one political party alone.

The cost to the Central Government of the Resumed Conference held in Lagos was £14,475. Again, for the reasons stated above, it is not possible to say how much of this total can be attributed to each political party.

Question—**W.282. Mr E. C. Akwiwu :**

To ask the Minister of Communications and Aviation :—

What are the immediate plans of the Government for the improvement of telecommunications in Orlu Division?

Answer—

The Minister of Communications and Aviation :

As I have made clear in my White Paper on Policy and Reorganisation of the Posts and Telegraphs Department, it is not possible for the Department at present to undertake any further development in view of the severe shortage of staff. However I have made proposals which will, I am confident, remove this difficulty and I will then be in a position to initiate future development plans.

Question—**W.283. Mr E. C. Akwiwu :**

To ask the Minister of Transport and Works :—

How soon he proposes to appoint a substantive Area Store Manager for the Public Works Department at Port Harcourt?

[Written Answers]

20th August, 1955

[Written Answers]

Answer—

The Chief Secretary of the Federation :

No, Sir.

Licences must be signed by the Motor Licensing Authority appointed by the Principal Licensing Authority. If however, the hon. Member can provide me with evidence of undue delay in the issue of Vehicle, Stage or Hackney Carriage Licences at Abeokuta I shall cause an investigation to be made.

Question—

W.296. Mr J. A. O. Akande :

To ask the Minister of Natural Resources and Social Services :—

What is the number of students of the University College, Ibadan, who sat for the examinations in B.A., B.Sc., General or Honours, within the last five years ; how many were successful ; and how many have taken a course for the Diploma in Education in the United Kingdom within the same period ?

Answer—

The Minister of Natural Resources and Social Services :

1. The following are the figures required :—

Examination	No. of Students Sitting for Exam.	No. successful
(a) B.A. (Honours)	9	6
(b) B.A. (General)	72	59
(c) B.Sc. (Special)	7	6
(d) B.Sc. (General)	78	51

2. As the course leading to the Diploma in Education of the University of London is taken abroad, there is no accurate record available of those who have gained this qualification. In the past five years 31 graduates, not all of whom took their degree at the University College, Ibadan, have attended this course as Central Government scholars.

Question—

W.297. Mr J. A. O. Akande :

To ask the Minister of Natural Resources and Social Services :—

What is the number of students of the University College, Ibadan, who sat for the 1st and 2nd M.B. examinations within the last five years ; how many were successful ; and how many have completed the final medical degree examination in the United Kingdom within the same period ?

Answer—

The Minister of Natural Resources and Social Services :

(a)	88
(b)	57
(c)	9

Question—

W.300. Mr E. O. Oyediji :

To ask the Minister of Land, Mines and Power :—

Whether he will take steps to arrange with the Electricity Corporation of Nigeria for electricity to be extended to the following towns in Oshun Division :—

Egbedore and Aiye-Dade ?

[Written Answers]

20th August, 1955

[Written Answers]

*Answer—***The Minister of Land, Mines and Power :**

The provision of electricity supply for Egbedore and Aiye-Dade at present does not appear to be an economic proposition, and in consequence the Corporation has no plans for an extension of supply to these areas.

*Question—***W.304. Mr D. O. Enang :**

To ask the Minister of Works :—

Whether he will consider converting the road branching from Trunk Road A.11 and continuing thence to Obubra into a Federal trunk road ?

*Answer—***The Minister of Works :**

No, Sir.

*Question—***W.305. Mr J. U. Udom :**

To ask the Chief Secretary of the Federation :—

Whether he will consider granting 2nd-class travel facilities on railway trains to Army Sergeants, Corporals, Class I tradesmen and non-commissioned officers, in view of the fact that their counterparts in the Police Force enjoy these facilities ?

*Answer—***The Chief Secretary of the Federation :**

The conditions of service for African Other Ranks in the Royal West African Frontier Force have been drawn up by West Africa Command in terms that are acceptable to all four West African Governments. Alterations can therefore only be made with the concurrence of the other West African Governments and subject to the provision of funds by the respective Legislatures. I am, however, prepared to examine the conditions of service of African Other Ranks of the R.W.A.F.F. in so far as they relate to travel privileges on the Railway, and if I find that there is a good case for improving these conditions I shall make appropriate recommendations for consideration by the Army Advisory Council of West Africa.

*Question—***W.306. Mr J. U. Udom :**

To ask the Chief Secretary of the Federation :—

Whether he is aware that electric lights have not been provided in African Military Quarters at the Command Workshops in Kaduna, Enugu and Zaria ; and what measures he is taking to remedy this ?

*Answer—***The Chief Secretary of the Federation :**

Yes, Sir, I am so aware.

The Military Authorities are at present engaged on a comprehensive long-term rebuilding programme. The new quarters will be provided with electricity.

*Question—***W.308. Oba A. Aiyeola :**

To ask the Minister of Transport :—

What proportion of railway wagons on traffic duty during the Greater Beiram Festival is allocated to

(a) groundnuts

(b) rams ;

and in view of losses sustained by consignors of rams owing to the insufficient number of wagons provided, will measures be taken to reserve for them a sufficient number of wagons ?

[Written Answers]

20th August, 1955

[Written Answers]

Answer—

The Minister of Transport :

During the forthcoming Greater Beiram Festival it is proposed to allocate approximately 900 wagon journeys for the carriage of Nigerian groundnuts. This in terms of rams means the transport of some 81,000 animals. It is anticipated that this will completely meet the demand as was the case last year. The Railway Administration has no knowledge of any loss sustained owing to insufficient wagons being supplied as alleged. Evidence of a plentiful supply of wagons is borne out by the following extract from the *Daily Service* of 11th August, 1954:—

“Thousands of Moslems throughout Nigeria went to pray yesterday in celebration of the Greater Beiram Festival, and in Lagos it is believed that the number of rams slaughtered exceeded those of the past years. Rams are cheaper now than in the past five years. The prices range between three and five pounds, and many an ordinary man-in-the-street was able to buy.”

Question—

W.309. Oba A. Aiyeola :

To ask the Minister of Transport :—

What effective steps are being taken by the Nigerian Railway management to alleviate the inconvenience to transporters of local foodstuffs between the North and the South, caused by a shortage of wagons ?

Answer—

The Minister of Transport :

Local foodstuffs are being railed in ever increasing quantities and during the current year a monthly average of 44,705 tons have been moved as against an average of 43,942 tons last year. With the arrival of additional locomotives now on order, the figure will show a steady increase.

Question—

W.310. Oba A. Aiyeola :

To ask the Minister of Transport:—

In what manner, quoting figures, are the various Reserve Funds of the Nigerian Railway expended since 1950 ; and how much of these funds has been spent to improve the conditions of the Railway staff ?

Answer—

The Minister of Transport :

1. (a) The Railway Reserve Fund was created by an appropriation from surplus revenue earned, in order to strengthen and stabilise the finances of the Railway to meet adverse conditions when they should arise. The Reserve Fund has remained at £1,000,000 since 1950, but it is intended to increase it to £3,000,000 by the appropriation of £2,000,000 from revenue surpluses.

(b) The Investment Depreciation Reserve is an equalisation fund. Railway Investments are revalued each year at the middle market value on 31st March. The Investment Accounts are adjusted to the market value and the amount of appreciation or depreciation is transferred to the Reserve. There has been no expenditure from this fund in the years 1950-54. The fund stands at £347,058.

(c) The Pensions Reserve Fund represents provision made for the payment of Railway African Staff pensions and is funded. The following expenditure has been incurred from this fund in accordance with the regulations.

[Written Answers]

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[Written Answers]

							Gratuities	Pensions
							£	£
1950-51	28,390	38,430
1951-52	37,258	41,460
1952-53	..	..	..	..	..	..	40,594	54,669
1953-54	..	..	..	..	..	..	52,480	77,475
1954-55	..	..	..	..	..	..	60,000	90,000*
							<u>£218,722</u>	<u>£302,034</u>

* Estimated: the accounts for the year are not yet closed.

RAILWAY REVENUE SURPLUSES

2. On 1st April, 1950, there was a deficit of £124,522 standing in the Net Revenue Appropriation Account: the results of succeeding years were as follows:—

1-4-50	Deficit brought forward	..	..	..	..	..	£124,522
1950-51	Deficit incurred	..	..	..	..	..	327,214
1-4-51	Deficit brought forward	..	..	..	..	..	451,736
1951-52	Surplus earned	..	..	..	..	..	495,103
1-4-52	Surplus brought forward	..	..	..	..	..	43,367
1952-53	Surplus earned	..	..	..	..	..	2,175,639
1-4-53	Surplus brought forward	..	..	..	..	..	2,219,006
1953-54	Surplus earned	..	..	..	..	..	2,735,846
	Appropriated to Capital Receipts Account for Railway Development	..	..	..	..	..	4,954,852
		..	..	..	..	..	3,000,000
1-4-54	Surplus brought forward	..	..	..	..	..	£1,954,852

It is expected that a surplus of £3½ million will result from operations during the year 1954-55: before the accounts for the financial year are closed it is proposed to appropriate a further sum of £2,000,000 to Capital Receipts Account for Railway Development and rehabilitation and a similar sum to the General Reserve Fund.

3. Expenditure incurred in the improvement of the conditions of the Railway Staff is not charged to Reserve Funds but to the Revenue or Capital Accounts as the case may be. The extent of such expenditure is shown in the following tables:—

REVENUE EXPENDITURE

Expenditure	1950-51	1951-52	1952-53	1953-54
Salaries, Wages and Allowances	2,793,707	2,882,626	3,482,685	3,820,224
Contributions to Pensions Reserve Fund, Pensions Compensation for injuries, etc. ..	396,201	395,267	422,427	433,758
Medical Services	22,332	20,605	28,484	40,873
Upkeep of Mess Rooms and Rest-houses ..	13,414	12,328	14,808	13,220
Training Schemes	17,769	17,920	23,613	49,659
Recreational Welfare	877	1,150	1,279	7,580
	<u>£ 3,244,300</u>	<u>3,329,896</u>	<u>3,973,296</u>	<u>4,365,314</u>

CAPITAL EXPENDITURE

<i>Expenditure</i>	1950-51	1951-52	1952-53	1953-54
Quarters for Railway Staff	£ 113,749	£ 151,785	£ 94,347	£ 76,522
Improved Sanitary Facilities	334	207	681	8,091
	£ £114,083	151,992	95,028	84,613

*Question—***W.311. Oba A. Aiyeola :**

To ask the Minister of Transport :—

If he will consider introducing diesel engines for shunting in goods yards in order to improve upon the speed with which wagons are marshalled in those yards ?

*Answer—***The Minister of Transport :**

Diesel shunting locomotives are to be ordered for work on the wharves at Port Harcourt and Apapa.

The Nigerian Railway is now receiving six further steam shunting locomotives of increased capacity and these, together with those steam locomotives released in due course from wharves will ensure a sufficient reserve of steam shunting engines for some time to come.

When further shunting locomotives for railway purposes are required, consideration will be given to the employment of diesel units as an alternative to steam.

*Question—***W.312. Oba A. Aiyeola :**

To ask the Minister of Transport :—

How many Scale B. 3 Officers (Traffic Inspectors, Workshop Foremen, Permanent Way Inspectors, Running Shed Foremen, etc.) are in the Nigerian Railway ; how many of them are British expatriates or Anglo-Indians ; and are there no more Nigerians qualified for these posts ?

*Answer—***The Minister of Transport :**

(a) Excluding officers seconded to the Nigerian Ports Authority on the 1st of April, 1955, there are 180 officers on scale B. 3 on the permanent and pensionable establishment of the Nigerian Railway.

(b) 109, including 38 on contract or on loan from British Railways, are expatriates.

(c) 71 are Nigerians. The Railway is providing suitable training both in Nigeria and overseas to ensure that this number is progressively increased.

*Question—***W.313. Oba A. Aiyeola :**

To ask the Minister of Transport :—

What are the details of the Loans Account of the Nigerian Railway ; and what interest accrues to that Account ?

*Answer—***The Minister of Transport :**

(a) It is assumed that the questioner is referring to the loans made by the Government of

[Written Answers]

20th August, 1955

[Written Answers]

Nigeria to the Nigerian Railway for the construction and development of the Railway. These loans are as follows :—

	£
From Unredeemed Loans	12,852,620
From Redeemed Loans	4,409,095
From Surplus Balances of Nigeria	4,195,473
	£21,457,188

Interest on these loans at 3½ per cent per annum is paid by the Railway to Government in half-yearly instalments.

Further advances have been made by the Federal Government in anticipation of loans for development purposes as follows :—

<i>Head of Estimates (Federal)</i>			<i>Nature of Loan</i>	<i>Amount £</i>
<i>App.</i>	<i>Part</i>	<i>Sub-head</i>		
1	II	76	Capital for Rehabilitation and Extensions to Present Line	3,250,000
1	II	77	Purchase of Railway Engines	500,000
1	I	17	Re-equipment of Railway Workshops, Zaria	250,000
1	I	18	Purchase of Additional Rolling Stock	290,000
				£4,290,000

The balance of these approved advances has been drawn by the Railway in March 1955. Interest is payable to the Government of the Federation at the rate of 3½ per cent per annum on those approved under Appendix 1, Part II, and 3¼ per cent on those approved under Appendix 1, Part I.

The total of such interest charges paid by the Nigerian Railway for the year 1954-55 was £824,501-11s-4d.

(b) The Railway Administration makes advances to members of its staff for the cost of postal tuition courses and for the purchase of motor cars and bicycles. These advances are made in accordance with Government Rules and bear interest at the rate of 3 per cent per annum.

At 31st March, 1954 the balance of such advances outstanding amounted to £134,678 : the interest earned during the year 1953-54 was £3,095.

Question—

W.314. Oba A. Aiyeola :

To ask the Minister of Natural Resources and Social Services :—

How many Nigerians, in particular women, have been awarded scholarships for courses of study to qualify them for appointment as Verbatim Reporters in the Government service ?

Answer—

The Minister of Natural Resources and Social Services :

None, Sir.

Question—

W.315. Mr J. O. Igwe :

To ask the Minister of Trade and Industry :—

Whether the site of the Cement Factory at Nkalagu has been acquired ; and what is the acreage of the land so acquired ?

[Written Answers]

20th August, 1955

[Written Answers]

*Answer—***The Minister of Trade and Industry :**

The Nigerian Cement Company Limited was granted a mining lease for an area of approximately 6,950 acres in the vicinity of Nkalagu under Mining Lease No. 9804 of 4th March, 1955.

*Question—***W.316. Mr J. O. Igwe :**

To ask the Minister of Trade and Industry :—

How many private companies have applied to Government for permission to establish cement factories in the area surrounding the proposed Nkalagu Cement Factory, where limestone is abundant, and how many have been granted the permission ?

*Answer—***The Minister of Trade and Industry :**

No applications to establish cement factories in the area surrounding the proposed factory at Nkalagu have been received by the Federal Government.

*Question—***W.317. Mr R. A. Fani-Kayode :**

To ask the Chief Secretary of the Federation :—

How many officers and non-commissioned officers in the Nigeria Regiment are South African nationals ?

*Answer—***The Chief Secretary of the Federation :**

None, Sir.

*Question—***W.318. Mr O. C. Agwuna :**

To ask the Chief Secretary of the Federation :—

Do the provisions of the General Orders apply to the civilian workers of the War Department ?

*Answer—***The Chief Secretary of the Federation :**

No, Sir.

*Question—***W.319. Mr O. C. Agwuna :**

To ask the Minister of Labour and Welfare :—

Since domestic servants are not regarded as members of the Public Service as defined in page B 231 of the *Nigeria Gazette* dated 3rd September, 1954 and so do not come within the terms of reference of the Gorsuch Salaries Commission, will the Government consider the need for a bill of rights for this class of worker ?

*Answer—***The Minister of Labour and Welfare :**

Domestic servants enjoy the same rights of organisation and collective bargaining as workers in other fields. There can be no question of according them any special privileges and concessions not enjoyed by other classes of workers. Nevertheless, because of the difficulties of organisation and wage negotiation faced by domestic workers, Government, as a result of recommendations made by the Labour Advisory Board, drew up in 1949 a "General Guide to Conditions of Service of Private Domestic Servants in Lagos and Colony Area" (Public Notice No. 105 of 1949).

A review of this General Guide is at present under consideration.

[Written Answers]

20th August, 1955

[Written Answers]

*Question—***W.320. Alhaji Mohammed Munir :**

To ask the Minister of Transport :—

In view of the frequent motor vehicle accidents often resulting in loss of lives at the railway crossing on the Kofar-Nassarawa road in Kano, will he consider providing a gate there ?

*Answer—***The Minister of Transport :**

I have no evidence to support the allegation that accidents involving motor vehicles are frequent at Kofar-Nassarawa, but I am requesting the General Manager to look into the point raised by the hon. Member.

*Question—***W.321. Mr P. O. Eleke :**

To ask the Minister of Communications and Aviation :—

How many towns in the country at present without telephone facilities will be provided with them in the financial year 1955-56 ; and is Okigwi Township one of them ?

*Answer—***The Minister of Communications and Aviation :**

I am unable to state how many towns will be provided with telephone facilities in the financial year 1955-56. As I have pointed out in the White Paper on Policy and Reorganisation in the Posts and Telegraphs Department, there is a general shortage of staff in the Department and until this situation has been remedied, it is impossible to proceed with plans for development. I am confident that my proposals in the White Paper will very soon remove the existing staff difficulties.

*Question—***W.322. Mr P. O. Eleke :**

To ask the Minister of Natural Resources and Social Services :—

Are awards of Central Government scholarships made on a Divisional, a Provincial or a Regional basis ; and how many awards have been made during the past two years in respect of

- (a) Okigwi Division,
- (b) Owerri Province, and
- (c) the Eastern Region ?

*Answer—***The Minister of Natural Resources and Social Services :**

No, Sir.

Figures are not available showing the Provincial or Divisional origin of candidates awarded Federal Government Scholarships. 122 Central or Federal awards were made to candidates from the Eastern Region in the years 1953 and 1954.

*Question—***W.323. Mr P. O. Eleke :**

To ask the Minister of Natural Resources and Social Services :—

What steps he is taking to check the illegal practices in, and sales of, poisonous drugs by unauthorised persons in this country ?

[Written Answers]

20th August, 1955

[Written Answers]

available to carry out such surveys. However I am confident that this situation will be remedied when my proposals contained in the White Paper on Policy of Reorganisation of Posts and Telegraphs Department have been implemented.

Question—

W.334. Mr P. H. Okolo :

To ask the Minister of Communications and Aviation :—

What plans he has for the building of more Post Offices in Onitsha Province, say, one at Otuocha to serve Aguleri, Umuleri, Nteje, Nando, Awkuzu and Igbanan, and another at Ihiala to serve Okija, Ozubulu, Orsu, Mogbu, Azia, Isseke and Mbosi ?

Answer—

The Minister of Communications and Aviation :

Most of the places mentioned do not even possess Postal Agencies, and it is suggested that as a first step towards obtaining full Postal facilities the communities should apply through the proper channels (*i.e.*, District Officer) for a Postal Agency. The Postal Agency serves as a yardstick by which the Posts and Telegraphs Department can measure the volume of postal business in a town, and if after a few years the volume of postal business is sufficiently large the Department will consider converting the agency to a Post Office of full departmental status.

Ihiala already has a Postal Agency and active consideration is at present being given to the opening of a Post Office at Ihiala. The other towns mentioned which already possess Postal Agencies (*i.e.*, Nteje, Awkuzu, Ozubulu, Orsu, Azia) have not yet built up a sufficient volume of Postal business to warrant conversion at this stage.

Question—

W.335. Mr P. H. Okolo :

To ask the Chief Secretary of the Federation :—

How many of the thirty-six superscale posts in the Nigeria Police Force are held by Africans ?

Answer—

The Chief Secretary of the Federation :

One, Sir.

Question—

W.336. M. Abubakar Garba :

To ask the Minister of Communications and Aviation :—

Whether he is aware of the great demand for telegraph and telephone facilities in Gombe, Azare, Masau, Jama'are and Ningi ; and what steps are being taken to supply the facilities ?

Answer—

The Minister of Communications and Aviation :

There is a great demand throughout Nigeria for the extension of telegraph and telephone facilities but the Department of Posts and Telegraphs can do nothing to meet this demand until the existing shortage of development staff has been remedied by the implementation of my proposals on the White Paper on Policy and Reorganisation in the Posts and Telegraphs Department. I can assure the hon. Member that when the Department is once again in a position to formulate plans for development the claims of Gombe, Azare, Misau, Jama'are and Ningi will be given due consideration.

Question—

W.337. M. Abubakar Garba :

To ask the Minister of Land, Mines and Power :—

What arrangements are being made to supply electricity to Bauchi, Gombe, Azare, Misau, Jama'are and Ningi ?

[Written Answers]

20th August, 1955

[Written Answers]

*Answer—***The Minister of Land, Mines and Power :**

The Corporation has no plans for the extension of electricity supply to the areas mentioned, as at present it would appear that such proposals would not be economic.

*Question—***W.338. M. Usumanu Kalgo :**

To ask the Minister of Communications and Aviation :—

Whether he is aware of the pressing need for telecommunication facilities to link Sokoto, Argungu, Birnin Kebbi, Yelwa, Kontagora and Zungeru ; and if he will take action in the financial year 1955-56 to supply these requirements ?

*Answer—***The Minister of Communications and Aviation :**

I am aware of the needs for telecommunications facilities at the places mentioned by the hon. Member, but I regret I cannot undertake, on behalf of the Department of Posts and Telegraphs, any further development commitments in the immediate future. There is a serious shortage of staff in the Department and I have proposed in the White Paper on Policy and Reorganisation certain measures to remedy this situation. When these have been put into effect, I shall be able to initiate a full programme of development.

*Question—***W.339. M. Usumanu Kalgo :**

To ask the Minister of Works :—

Whether he is aware of the deplorable condition of the bridges on the Trunk "A" road stretching from Zungeru and thence to Kontagora, Yelwa, Jega and Sokoto, in particular the dilapidated condition of the bridges at Koko and Takware in Gwandu Division ; and if he will take the necessary steps to have these bridges reconstructed in 1956 ?

*Answer—***The Minister of Works :**

No, Sir.

The answer to the second part of the question is that the road from Zungeru to Tegna is a Regional responsibility. The route from Tegna to Sokoto is a trunk "A" road. The bridges from Tegna to Kontagora are already of permanent construction. Those from Kontagora to Sokoto, however, will be replaced when the present examination of costs has been completed, but it is expected that some will be replaced this year. The ferry at Jega will not be replaced by a permanent bridge until more detailed particulars of the site have been provided. These have been requested.

*Question—***W.340. M. Usumanu Kalgo :**

To ask the Minister of Works :—

Whether he is aware that an embankment was constructed at Jega over twenty years ago for the purpose of a bridge across the Jega River ; and will he now take the necessary steps to supply that bridge ?

*Answer—***The Minister of Works :**

Yes, Sir.

Estimates have been requested to construct permanent bridges on trunk road A. 15 from Kontagora to Sokoto ; this will include the construction of a permanent bridge to replace the ferry at Jega. Provided staff and funds can be made available it should be possible to construct the bridge in due course. There are no records explaining the purpose for which the embankment was originally constructed.

[Written Answers]

20th August, 1955

[Written Answers]

*Question—***W.341. Mr D. N. Abii :**

To ask the Minister of Works:—

In view of the importance of Owerri Division for palm produce and cocoa, will he consider converting the road stretching from Owerri and thence to Udo and Umuahia into a Trunk "A" road, thereby providing a short link between Lagos, Bende and Aba ?

*Answer—***The Minister of Works :**

No, Sir.

You are invited to see my reply to Written Question No. 180 which is similar.

*Question—***W.342. Mr G. O. D. Eneh :**

To ask the Minister of Labour and Welfare:—

What Government Departments have at least ten per cent of their labour as ex-servicemen ?

*Answer—***The Minister of Labour and Welfare :**

Due to the reorganisation of Government Departments which has taken place consequent on the introduction of the new Constitution the returns of ex-servicemen employed by Government Departments are incomplete. However the latest available figures, though incomplete, indicate that the percentage of ex-servicemen employed in all Government Departments is not less than ten per cent.

*Question—***W.343. Mr G. O. D. Eneh :**

To ask the Chief Secretary of the Federation:—

What educational and vocational facilities are ex-servicemen enjoying throughout Nigeria ?

*Answer—***The Chief Secretary of the Federation :**

Numerous educational and vocational training schemes for ex-servicemen were instituted at the end of the war. They were discontinued when it became apparent, through lack of support, that there was no longer any demand for them. No special arrangements now exist but ex-servicemen enjoy the same educational and vocational training facilities as their fellow citizens and in suitable cases the Nigerian Ex-Servicemen's Welfare Association is prepared to assist by arranging apprenticeships and entry into various training establishments.

*Question—***W.345. Mr A. Adeyinka :**

To ask the Minister of Communications and Aviation:—

Whether he will consider establishing Post Offices with telegraph and telephone facilities for the following places in the rural areas of Ibadan Division:—

- (a) Omo Adio,
- (b) Ago Owu,
- (c) Ikereku Town and District,
- (d) Iroko,
- (e) Lalupon,
- (f) Offa Igbo,
- (g) Lagun,
- (h) Badeku, Osegere and Egbeda,
- (i) Moniya and Ikaparapo,
- (j) Amosun, Olonde Akanla ?

[Written Answers]

20th August, 1955

[Written Answers]

Answer—

The Minister of Communications and Aviation :

Postal Agencies already exist at Ago Owu, Ikereku District, Iroko, Lalupon and Moniya. The volume of postal business at each of these agencies is well below the level which would justify their conversion to a full post office status. If the volume of business increases in the future, consideration will be given to their conversion.

With regard to the other places mentioned, it is suggested that as a first step the community should apply through the proper channels for the establishment of postal agencies.

Question—

W.346. Mr J. I. G. Onyia :

To ask the Chief Secretary of the Federation :—

How many of the following non-Nigerians were granted permits, temporary or permanent, to enter this country within the last ten years :—

- (a) British
- (b) American
- (c) Irish
- (d) French
- (e) German
- (f) Dutch
- (g) South African
- (h) Indian
- (i) Pakistani
- (j) Japanese
- (k) Lebanese ;

of these, how many were civil servants or employees of each firm or company trading in this country ; and how many were admitted for the purpose of establishing new trading companies ?

Answer—

The Acting Chief Secretary of the Federation :

It is regretted that all the information required by the hon. Member is not available. Statistics of arrivals in Nigeria, classified by nationalities, have been maintained only since 1951. I have obtained from the Federal Government Statistician information about :—

- (a) Arrivals into Nigeria, 1951-54, classified by nationality ;
- (b) Arrivals classified by type of permit granted ; and
- (c) Arrivals classified by country of embarkation and by reasons for entry.

This information is too voluminous for reproduction and inclusion in the Supplement to Votes and Proceedings but I shall be very happy to make it available to the hon. Member in my office if he so wishes.

Question—

W.347. Mr J. G. Adeniran :

To ask the Minister of Communications and Aviation :—

If he is aware of the delay, owing to the long distance involved, in transmitting letters and telegrams from the Postal Agency at Opeji Railway Station to Igboora Postal Agency ; and will he consider opening a Post Office at Sanusi Railway Station to make quicker mail services to Igboora possible ?

Answer—

The Minister of Communications and Aviation :

As the hon. Member is aware the carriage of mails between postal agencies where no post offices are situated *en route* is the responsibility of the local community themselves, and in these circumstances local arrangements should be made if quicker services are required.

[Written Answers]

20th August, 1955

[Written Answers]

As regards the opening of a post office at Sanusi Railway Station, the potential volume of postal traffic does not, at present, justify the opening of a full post office. If, however, this potential increases, consideration will be given to the request in the development programme.

Question—

W.348. Mr D. O. Enang :

To ask the Minister of Communications and Aviation :—

Whether he will consider issuing the necessary instructions for Obubra Post Office to open on all Public Holidays and Sundays for the purpose of receiving and despatching telegrams ?

Answer—

The Minister of Communications and Aviation :

Arrangements have now been made for Obubra Post Office to open on Sundays for telegraph business and the sale of stamps.

Question—

W.349. Mr D. O. Enang :

To ask the Minister of Works :—

In view of the importance of the following roads as evacuation routes for foodstuffs, will Government consider converting them into Trunk Roads "A" :—

(a) Abakaliki-Ofrekpe-Obubra, and

(b) Abakaliki-Abaomege-Itigidi-Ediba-Obubra ?

Answer—

The Minister of Works :

No, Sir.

Question—

W.350. Mr D. O. Enang :

To ask the Minister of Communications and Aviation :—

Whether he will consider introducing the trunk telephone system to Obubra Division, to link that area with Abakaliki and other parts of the Eastern Region ?

Answer—

The Minister of Communications and Aviation :

I regret that the Department of Posts and Telegraphs is not able to undertake further development commitments at present owing to a general shortage of staff. When the situation have been remedied by the methods proposed in the White Paper on Policy and Reorganisation, I shall be able to press forward with plans for development.

Question—

W.351. M. Sule Share :

To ask the Minister of Communications and Aviation :—

Whether he is aware that Pategi/Lafiagi Division in Ilorin Province has no telegraph and telephone facilities and, in view of the importance of the facilities for administrative and commercial purposes, if he will include in his programme for 1955-56 a Posts and Telegraphs Office for the area ?

Answer—

The Minister of Communications and Aviation :

I regret that the Posts and Telegraphs Department cannot undertake further development commitments until the present severe shortage of staff under which the Department is labouring has been remedied. I have made proposals to this end in the White Paper on Policy and Reorganisation of the Posts and Telegraphs Department. When these have been put into effect I shall be able to press forward with development plans.

Debates in the Federal House of Representatives of Nigeria

Monday, 22nd August, 1955

The House met at 9.50 o'clock

Prayers

(Mr Speaker in the Chair)

ADDRESS

BY HIS EXCELLENCY THE GOVERNOR-GENERAL

MR SPEAKER AND HONOURABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES :

Under section 81 (1) of the Constitutional Order in Council, I am granted the right to come to this House and to address you. I have exercised this right today, not because I have any special matter to lay before you, but because, as I hope you will agree, it is fitting that soon after my appointment as Governor-General of the Federation of Nigeria I should meet you formally and introduce myself to you. Had I not chosen to come at this time to address you, I should not have had the opportunity of meeting you formally until I open the next Session of the House in some months' time. In view of the place which your House occupies in the Constitution, I think it would have been a mistake to wait until then.

In order, however, that there should be no misunderstanding of my purpose in coming here to meet you, I have chosen to come a few days after the resumption of the Session, as I do not wish it to be thought that whenever your sittings are resumed, the Governor-General will address the House.

This House is the most important part of the federal system of democratic government which is being established in this country, and upon the example which is set here will depend to a large extent the standards of debate and procedure in other democratic bodies throughout the length and breadth of the land. I would like to make a few observations on the subject of Parliamentary Government.

Under section 77 of the Constitutional Order in Council this House may regulate its privileges and powers and those of its Members, subject only to the proviso that they shall not exceed those of the "Commons House of Parliament of Great Britain and Northern Ireland or of the Members thereof". Now this makes this House at once the heir to a very proud tradition of Parliamentary democracy built up in the United Kingdom over the centuries. The powers and privileges of the House of Commons are considerable and the House is rightly jealous to preserve them. But, like all powers and privileges which are founded on justice, these have corresponding obligations and the House of Commons is equally jealous to see that those obligations are properly discharged by the House and by its Members. I should like to say a little more about this in a minute or two, but first, it is appropriate that I should take this opportunity to speak with appreciation of the great services

which have been rendered to Nigeria (as they have to other British territories) by the House of Commons, its Speaker and its Officers. The House of Commons of Westminster is so often spoken of as "the Mother of Parliaments" that this happy phrase is perhaps no longer as successful in conveying its meaning in vivid form as once it was. But the House of Commons has indeed cared for the new Legislatures overseas as would a mother and we should be grateful for the wise and generous upbringing we have had.

The obligations that are the counterpart of powers and privileges rest, first on all, upon the Government. It is the duty of the Government to be forthcoming about its policies and to give the representatives of the People due notice of what is intended to be done in the name of the People and for their benefit. Equally, it is the duty of the Government to give reasoned explanations of its actions and to afford the People's representatives adequate opportunity for examining and criticising what is done in their name and these obligations extend not only to those who make up the Government properly so called but to their supporters in the House. Far be it from me to advocate that every supporter of the Government should make his voice heard on every occasion. That would be to bring the business of the country almost to a standstill and many supporters of the Government may do good service in Committee and outside the House and be effective members of the Legislature without often making themselves heard on the floor of the House. But for each there will come a time when he has something of value to contribute to the deliberations of this Assembly and he should then give support to the Government as he is best fitted to do.

Then there are the obligations of the Opposition. It is the duty of the Opposition to probe and to search, and it is this that gives the democratic form of Government its great advantage over totalitarianism, whether Fascist or Communist; for under such regimes the Government in power stifles all criticism and inquiry: and assumes dictatorial authority. That is not the way in which these Parliamentary institutions, which you are adopting, have developed and I trust they will never be so perverted.

But it is a matter for all, both Government and Opposition, to preserve the courtesies and amenities of debate and I have been pleased to learn that so far in this House standards in this respect have been well maintained. It is often a temptation in any discussion to descend to the personal and to the abusive; but this form of argument is probably as damaging to the individual speaker's own dignity as to his opponent, and the cool, quiet, cutting thrusts of the good debater are much more effective than the bluster and angry ripostes of the man who has lost his temper and descends to personalities. So may I advise that you guard jealously the reputation for orderly and reasoned debate, which you have gained in the past.

This does not mean that the Opposition should not oppose or criticise the Government or the work of individual Ministers—nor that Government

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[Governor-General's Speech]

Members should not defend their policies resolutely. It would denote a lack of public spirit and a failure to carry out their duty if Members on either side did not feel strongly about their policy. Reasoned criticism moreover is always helpful and keeps the Government of the day on their toes. That Ministers should have to justify their actions publicly is most valuable and that Civil Servants should have to provide their Ministers with the facts and suggest arguments supporting action taken is an excellent exercise. But in playing their part the Opposition should not be solely destructive in their criticisms—they should aim at producing facts and reasoned arguments in support of their point of view. As Mr Herbert Morrison says in his recent book, *“Government and Parliament”* I quote: “It is in accordance with the spirit of our Parliamentary democracy that the Government should be prepared to listen to and to consider Opposition arguments and representations”. He goes on to say “It is also the duty of the Opposition fairly to consider arguments seriously advanced by the Government” and explains how many Acts of Parliament incorporate phrases and ideas suggested by both sides of the House. So one comes to the conclusion that by the interplay of differing and opposing thoughts and ideas emanating from both the Government and the Opposition benches, a synthesis of opinion is reached which combines the highest common factor of sound sense of all parties.

Much of the success of any debating Chamber, but more especially of a Parliamentary body such as this, depends on its Chairman. Honourable Members will agree with me that this Federal House of Representatives has been immensely fortunate in having as its first Speaker such an eminent Parliamentarian as Sir Frederic Metcalfe. Sir Frederic, besides having a charming personality, has been brought up in the traditions of Parliament. Having spent many years as a member of the Clerk's Office. Just before he came here, he completed six years in the onerous post of Clerk to the House of Commons. I am sure that under his tuition the intricacies of Parliamentary procedure will be made clear and easy to you, the rulings of Erskine May will be lucidly interpreted and that Sir Frederic himself will spare no pains to make the organisation of this House a model for Nigeria. I understand that there have been difficulties about staff to carry out some of the reporting and clerical work of the House, but I have no doubt that these difficulties will be overcome.

Nigeria has progressed rapidly in many ways in the past few years. Revenue and expenditure of public money have increased rapidly; development schemes of all kinds have been pushed ahead, and great educational advances have been made everywhere: politically much of the responsibility for government has already been transferred to Nigerian shoulders. Very much remains to be done both by the Federal and by Regional Governments, but I have no doubt that in the next few years further progress in all directions will be made, and these years lying before us may well be some of the most

vital in the country's history. I have been here only for a short time, and it would be premature therefore for me to make definite observations on the political scene.

There is one point however which distresses me, and to which I shall be bold enough to refer: that is the apparent bitterness of some of the exchanges which take place on platforms and in the press between the political parties. It seems to me as a newcomer that the energies expended in this party warfare are being lost to Nigeria as a whole—at a time when the efforts of able men can ill be spared for these political encounters. I suggest that such energy should rather be concentrated upon ways of hastening the development of the country's economic resources, and upon the firm establishment of the political and constitutional organisation of Government, which Nigeria will require in the future. The party system has no doubt come to stay, and may rightly be considered an integral part of the British democratic system, which is your model; but I am sure that all who love this country would like to see the cruder manifestations of party antagonism moderated, and all men of goodwill working together for the advancement of their fatherland.

A second point which I should like to recall to your attention is the country's need for men with the technical training for the more mechanical professions and trades. You have many distinguished and able doctors and lawyers, but few engineers, chemists and scientists. Now the facilities for technical education have been, and are still being enlarged; but I am told that the young people coming forward for this kind of education are too few. It is, of course, true that some nations are more interested in the professional arts than in the technical skills, but I believe that a young nation requires all sorts and conditions of experts and technicians to serve it and I would suggest that you, as leaders of Nigeria, should turn your minds to ways and means for attracting young people to enter the technical schools.

There is a third and last observation in which I believe you will all agree with me. The speed of the recent advance towards self-government has been very rapid and, from the evidence which has come to my notice so far, it does not seem that Nigerianisation has been able to progress equally fast. I have no reason to suppose—and this is a matter to which I have given particular thought and attention during the short time that I have been with you—that the failure of Nigerianisation to keep pace with political advance towards self-government is due to anything more than the greatness of the demands that have necessarily had to be made upon the human resources of this country. It is the desire of the British Government and of the Governments of the Federation and of the Regions to speed up the process of Nigerianisation. Already the policy has been clearly laid down that no expatriate should be recruited to this country's service if there is a Nigerian who is capable of filling the post. This policy will be scrupulously carried out, and here I have a personal responsibility—which I can assure you I shall not

[Governor-General's Speech]

22nd August, 1955

[Oral Questions]

forget—for such appointments are made only with my approval. But so often at present there are no Nigerians whose standard of professional or technical accomplishment is adequate for the posts that are vacant. I am convinced therefore that for the next few years whole-hearted efforts must be made to train the men and the women who are needed for all branches of the Civil Service. It will be my endeavour to do all that I can to assist such a programme. Here I must emphasise that if the indigenous Civil Service, which is our aim, is to give Nigeria the administration it requires, those entering it need not only the professional and technical qualifications required for the various branches, but personal integrity, a high sense of duty, and those standards of performance which can only be acquired by practice and experience.

But I have kept you long enough from your deliberations. Mr Speaker, I hope shortly to have the pleasure of offering hospitality to Members of the House, and of making their acquaintance personally.

I pray that God may guide your discussions and that your decisions may be for the lasting benefit of the peoples of the Federation.

Papers

Mr Speaker :

Order, Order ! Papers. I have to announce that the following printed paper already circulated to hon. Members is deemed to have been laid upon the Table :—

Conclusions of the Government of the Federation on the Report of the Commission on the Public Services of the Governments of the Federation of Nigeria, 1954-55.

Ordered :

That the said Paper do lie upon the Table.

QUESTIONS AND ORAL ANSWERS

Question—

***O.134. Mr F. U. Mbakogu :**

To ask the Minister of Trade and Industry :—

What is the respective value of building materials imported in each of the years 1950-55 ?

Answer—

The Minister of Trade and Industry :

The hon. Member is referred to the Annual Trade Reports for 1950-52, and to the Trade Summaries for December 1953, December 1954 and May 1955, where he will find the answers to his question. Hon. Member is further referred to Standing Order No. 12 (9).

Question—

***O.138. Mr F. U. Mbakogu :**

To ask the Minister of Trade and Industry :—

How many cars were imported into Nigeria in the years 1951-55 respectively, and of these how many were American cars ?

[*The High Court of Lagos
Ordinance, 1955*]

22nd August, 1955

[Committee]

the same. As this is a matter of national importance therefore, no amount of emphasis will therefore be over-exaggerated. I have been grateful, Mr Chairman, to see that this Government has done something worthy of its name.

Mr Chairman, we all know that one of the more often repeated complaints of the ordinary person, by whose vote and by the Grace of God we are all here, is the question of administration of justice. Well, I know that the Government of the Federation believes that apart from making the judicial absolutely independent, good remuneration makes the administration of justice better discharged. The better the magistrates discharge their duties, the happier all the people will be. In Islam, one of the main things to do when appointing a judge is to make sure, absolutely sure that the man to be appointed is above temptation, the temptation of being corrupt to which poverty contributes to a large extent. Now, Mr Chairman, we are no God to avoid any poverty overtaking any person, the only thing we can do is to recommend something that is most suitable as regards payment so that poverty does not overtake our judges, and that is what this Government is doing. As long as we want to serve the interest of the people, which is the main reason why we are here, we must, among other things, pay our judges adequately. On this particular question of amendment before the House, I am most pleased to say that this amount of money—£2,640, proposed by the Federal Government of Nigeria is adequate, and I believe it is adequate enough to attract any man who is public-spirited to take to this profession (*Applause*). I have no doubt that these judges will not be dissatisfied nor would they be embarrassed because their contemporaries in other Regions are paid higher; other Regions may have something which they know better for proposing a salary quite higher than that. Here the question of jurisdiction must be taken into consideration. Judges in other Regions of Nigeria have got to work in larger areas and therefore, are liable to handle more cases. Their areas of jurisdiction are greater and may entitle them to higher salaries. Under these circumstances, I beg to support the proposed salary which has been put forward by the Government whole-heartedly. Sir, I beg to support.

Mr J. M. Johnson (Ibadan North):

Mr Chairman Sir, I am very much in sympathy with our legislator-lawyers here; and I find that whenever a debate is going on in this House, they are always at their best when anything affecting lawyers' interests like increase in pay or preferential treatment for the gentlemen of the honourable profession is tabled. I do not see the reason why we should waste the time of this House over further increases in the pay of judges. I suppose, Sir, that our experienced Medical Officers and Medical Practitioners in the Federation rank equally high in our esteem as our judges and I feel that "incentive price" should not be paid for justice. If you feel that you want justice to be given by a judge, I think he should be paid adequately and that is what we have before us now—an adequate amount of remuneration for the onerous task a judge undertakes.

Hon. Phillips (Member for Ijebu-Ode) who enlightened this House last week by saying that fifty per cent of the magistrates in this Federation were corrupt to the best of his knowledge, but when he got up this morning he forgot to tell us the percentage of corrupt judges—I hope we have none. If according to his argument that if a judge is paid certain salary it may amount to an encouragement of bribery, I do not see why if even you add to the present salary, the corruptible recipient of this new salary cannot still be corrupted. Recently we had an enquiry in Ibadan and this was in connection with Native Court Judges who were alleged to be corrupt. But the elderly judges tried to prove to us that whilst they were taking 5s and 10s as bribes, the educated, high-powered motor-rider judges take ten times that amount. (*Laughter*). I think, Sir, that if anybody has a corrupt mind, it does not matter how much you pay him he will still be corrupt. (*Applause*). If a judge has public spirit and he wants to discharge his duties to this Federation, I think the sum of £2,600 should be sufficient to keep that judge above corruption. I say that I am in sympathy with the role of judges; I said before that their duties are onerous; you must remember that a judge is not a frequenter of public houses. A judge

[The High Court of Lagos
Ordinance, 1955]

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lives a quiet life owing to the nature of his calling, unlike the doctor who goes about and who more often than not throws parties every week. A judge does not have to keep a large circle of friends who may be frequent callers on him. I would even say that his is a job that he should be proud to discharge without fearing much and needing too much. I am sure that if we have the judges here with us today, they will agree with those of us who feel that they are adequately paid; certainly they will not rank on the side of the lawyers we have here with us.

Last week, Sir, the lawyer Members on the other side of the House led by the Leader of the Opposition said that they were not in the mood to apply for and were not aspiring to becoming magistrates, but today I heard nobody from that bench telling us that they would not like to be judges. I am appealing to hon. Members here whether or not they are lawyers, that we should not display sentiment over this matter. These gentlemen are, in my opinion, adequately remunerated. Our lawyers, irrespective of party, are doing their best to lead us to believe that only the matter of judges' salaries should occupy the legislators' time. We have been too long over this question of salaries, so please take into consideration what a Medical Officer gets. I think it is under £900; but we have not at any time come to this House to ask that this much-needed band of public-spirited workers should be paid three times that amount. If a judge is sick, naturally the man who takes care of him is the doctor. We should regard as impracticable the argument of the hon. Gentleman who said that there would be an exodus of lawyers, judges and magistrates to the Western Region. We know how many of these gentlemen the Western Regional Government can afford to pay, and we know that they have already reached their employment limit. If anybody goes to the Government of the West in the hope of getting a respectable judiciary job, unless he is a legislator who can afford the risk, he will be very sorry.

I know some of these lawyers who only went to England for nineteen months to qualify. Furthermore, Mr Chairman, Sir, I know lawyers here who left originally to take to the profession of medicine. What happened? After they had spent three or four years they found it difficult to pursue the course further, and they took to law. These are the very people who swell up the Opposition front bench; they attach so much importance to the word "honourable" that they forget that they are only "honourable" by Act of Parliament. To us commoners they appear to be capable enough. I leave it to other Members who may feel so strongly over the matter of our corrupt magistrates to air their views, and I hope there will soon be a Commission of Inquiry over these alleged corruptions. This is too dangerous for the country. I support the amendment of the Attorney-General whole-heartedly and I think others will not be carried away by the lawyers who, we all know, have the gift of the gab.

Chief S. L. Akintola (Oshun West):

*Mr Chairman, this is a very, very important point, and I would like it to be elevated to the standard that it deserves. Now, there are two principles on which I would like to base our discussion of this particular amendment. Judges in more urban countries are placed on a different pedestal altogether and their remuneration is not based on what you call "the Civil Service Salaries Structure". It is based on a totally different consideration and in this country if we are to follow the example of our predecessors and of more advanced countries, we must divest our mind completely of what obtains in other sections of our Civil Service. If we don't, we are going to run ourselves into some difficulties as our good friend, the last speaker, has actually run himself into difficulties. He said, left to him, that the sum of £2,600 odd is adequate for a judge of the High Court of Lagos, and he based his argument on the fact that a lawyer can qualify for his profession having done about eighteen months in England. He forgot to enlighten us how many months it took him to become a contractor (*Laughter*), and I know for certain that the speaker all his life has been nurturing the hope that he will soon one day wear a lawyer's wig. He has been dreaming that dream thirty odd years now and has not succeeded in crossing the Victoria Beach. I think it was Montaigne who said, "if you cannot

* Speech not corrected by Member.

attain to greatness the best thing to do is to rail at it". He is a gentleman who has been aspiring all his life to become a lawyer, and has not been able to do so.

I am going to confine myself to the question of judges but the last speaker discussed the judges' salary and in discussing him I can come to the point but I am just following the honourable example of our learned contractor. If you go by this argument that because it takes a short time to become a lawyer, and it takes him a short time to become a judge, therefore his salary should be £2,600. In the name of all that is good, in the name of everything that is fair, how many months does it take Okotie-Eboh to be a Minister (*Laughter*), what training had he for the job? How many months did it take hon. Mbu to become a Minister, what University did he attend? If you take that into consideration, our Ministers should not receive anything at all. The main consideration is, you can become a Minister in about half a minute and if we judge by that, you should not be paid at all. On what is the salary of a judge based? My good friend who has just spoken on my left has carried me a long way and I cannot agree with him, but as is usual with him he always argues normally, his emphasis is always correct until he gets to the top. My learned Friend on this side, he always argues well, I am certain the goalkeeper is always watching him. Before he kicks in he looks at the goalkeeper, when the goalkeeper bullies he kicks off the goal. He has been telling us that a judge should be well paid, he must be able to maintain the dignity of his office, and he ended by saying that the amount proposed here is adequate. Adequate, on what basis?

When you take a man occupying a corresponding position in the business world today, take a business executive, what is £2,600 to a business executive? Happily their counterparts are drawn. Looking at me, some people might say, I am quite sure that he is just saying that £2,600 is nothing, it does not carry a man anywhere today—a man in the position of a judge, I am not talking of a man in my position. A judge to whom the whole country looks for justice, just, pure and simple justice; £2,600 is a very small amount to him.

The work of a judge carries with it also dignity and when you talk of dignity you don't live in a vacuum, you must compare yourself with your counterparts everywhere. We don't say that what is paid in the West, or the East or the North should not be accepted as a standard, but it should not be accepted as a standard because here is the Federation of Nigeria, the Federation of the whole country. We must be a standard here rather than accepting a standard from elsewhere which other Regions should look up to. If a judge from the Federation of Nigeria goes abroad and a judge from either the North, East or West goes abroad, we don't want the judge of the Federation to be regarded as an inferior judge. If you pay the man £2,600 as against £3,000 elsewhere, we are actually degrading our own judge of the Federation. (*Shame, shame*).

You remember here, my hon. Friend who has been whispering here was in the habit of saying that the Gold Coast is a small country, why should a Minister in the Gold Coast receive £3,000 a year and the Minister in Nigeria receives less? Why don't you exchange the same courtesies in your justice?

An hon. Member :

If wishes were horses.....

Chief Akintola :

Beggars would ride, but our point is our judges should not be compared to beggars. They should be dignified people who should not beg. The last speaker said that the Government of the Western Region has exhausted itself and cannot take in any more judges, therefore pay the judges here anything because they will have nowhere to go. That is a fallacious argument; if we keep our judges, not because they like to but because they have nowhere else to go. That is very unfortunate. We must be able to give them satisfaction and I will appeal to the House on one point. The last speaker played on the sentiment of hon. Members. He wanted a

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lawyer politician to go as advocate for the judges and the other Members of the House who are not lawyers should be grouped on one side. There is nothing of that kind in this hon. House. Whether we are lawyers or doctors or whatever professions we follow, we owe a common allegiance to the people of Nigeria and we are not here as lawyers. We are here as representatives of our own people. When you start creating barriers as between clans and clans in this House, you will not only be unfair to the Opposition but even to your own members. Whatever may be the political line of demarcation between us there is something that some people don't know. The strongest trade union in the world is the honourable profession of law to which we belong (*Hear, hear*), and even if they come with the last show-down, when we consider the legal profession, whether hon. Benson likes it or not, he will vote with me because we belong to the same fraternity. I am sure that the Minister of Trade and Industries will do as well. And we must not keep the judges as if they belong to a different world. If you take your new salary proposals, the top people in the various departments, now you compare their pay under the new set up with the amount you are offering to the judge. Compare what you pay to the Head of the Public Works Department, how does it compare with what you are paying to the judge now? Is it fair if you compare the Medical Department and all other Departments with the new salaries structure, the new proposals, if you compare with what you now offer the judge, you are going to discover the ambiguity of the result. I therefore appeal to hon. Members to forget their sentiments, to forget that this is a matter that the Opposition is interested in. I would like you to think carefully of the responsibility that a judge carries. Will he be able to discharge this responsibility whole-heartedly with the proposal now made in contrast to the ones he is being given elsewhere. You must remember too that the judges you employ here, their field of choice is not only the West, or the East or the North, the judges of the Federation are still in the Colonial Service. They may be taken to Malaya or Hong Kong or be taken anywhere at any time. Compare what obtains in the Gold Coast with what obtains elsewhere. I am quite sure that the last speaker has not given thought to that. Whether they can be attracted to the West or not is a different matter if what you offer in the West is not sufficient to induce them, what is offered in other parts of the Colonial Empire may induce them and it will be a great loss to this country if judges who are already conversant with our laws, our native law and custom will be lost to this country, when the practical business of this country is taking shape, just at the time we need them most.

I respectfully submit that this particular amount suggested is far from being adequate. At least if we cannot excel what the best paid judge in a Region is being given, we must not offer anything less than that.

The Minister of Labour and Welfare (Chief F. S. Okotie-Eboh):

Mr Chairman, Sir, I rise to contribute very briefly to this debate. First, Sir, I would like to say that reasonable people will always concede reasonableness to their fellow men and the fact that this Government has fixed the salary of judges as such should show that it was done in all honesty of intention, and if we want to assess justice at a price of money in this country then we are trying to follow a political party that brings money on everything and money means everything to them. (*Laughter*).

Sir, we honestly believe that justice cannot be bought at the price of money and whether a judge is going to be paid £10,000 a month or not will not make any difference to him if he is a person who has been swayed by politicians, by lawyers or by people of influence or money consideration. I therefore feel, Sir, that we are perfectly right in fixing the salary as such and we believe that the recipients will have the satisfaction necessary to dispensing justice and that they will not run away to any Region because of £3,000.

Now, Sir, in answer to the question of the Leader of the Opposition as regards the reference which he made to an hon. Minister colleague of mine asking what qualification we have that we are appointed Ministers, I will say straight away that the same qualification that Mr Awosika had when he was appointed, the same qualification that Mr Akintola had when he was Minister

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of Labour and as a matter of fact he was not as successful as myself (*Applause*), and it will interest the House to know that during the tenure of office of Mr Akintola as Minister of Labour he spent more time in Ogbomosho and Oshogbo than he spent at his desk.

The Chairman :

This is wide of the amendment.

The Minister of Labour and Welfare :

Much play has been made about qualification and all the rest of it, and the honourable profession of the lawyers. We quite agree that we should respect lawyers in this country and we feel that they are learned men; but the fact that a society is honourable does not make members of that society honourable. John Ploughman was right when he said that eggs are eggs but some are rotten. It will not take somebody a university qualification to know that the Leader of the Opposition is among the most rotten lawyers in this country.

Chief Akintola :

Mr Chairman, Sir, I seek your protection. It is unparliamentary to refer to an hon. Member as a rotten lawyer.

The Chairman :

I ought to rebuke the hon. Minister for that remark. It is wrong to use unparliamentary language against Members.

The Minister of Labour and Welfare :

Mr Chairman, Sir, wartime lawyers that abound in this country are not.....

Chief Akintola :

With due respect, Sir, I shall press for a withdrawal of that statement.

The Chairman :

I thought I have sufficiently rebuked the Minister and I think we might allow him to continue.

The Minister of Labour and Welfare :

The point remains that even this morning in this House Sir, His Excellency made a speech asking for decorum and decency of language in this House. I would expect, Sir, that people who want to command respect should watch their language and realise that people who live in glass houses should not throw stones. Sir, we have not, I think, accepted Gorsuch, but we have laid the Paper before this House and it is going to be debated on Thursday. We have settled the question of judges and therefore it will be preposterous for anybody to come now to start challenging a Bill which is definitely based on the Gorsuch recommendations to the Federal Government. The figure quoted we feel is adequate. We say, Sir, that justice as is being practised at the moment by the Federal judges even at a reduced salary is so satisfactory to the people of this Federation and we are satisfied that even with the present increase that is given to them they will be better enabled to discharge their duties to the people. Their salaries have been fixed and they have got the support of the Members of this House to say that the salary that has been fixed is adequate at least to administer full justice and I can assure you as Minister of Labour that there is not going to be a time that the judges will form a trade union like the lawyers in this House advocating the case of magistrates to enable them to butter their bread in the profession. Mr Speaker, Sir, I beg to support.

Question put, and agreed to.

Clause, as amended, agreed to.

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Clause 8 agreed to.

PART III

Clauses 9-27 agreed to.

PART IV

Clauses 28-34 agreed to.

Clause 35.

Mr F. O. Mbadiwe (Udi):

Mr Chairman, Sir, I would like the following insertions to be made to clause 35 (2) (b). It begins in these words

"(2) Upon receipt of such list the judge may if he thinks fit call for a copy of the record of any case included therein, and, either without seeing such record or after seeing such record as he may determine, and either without hearing argument or after hearing argument as he may determine, may, in relation to the judgment, sentence or other order of the magistrate,—

(a) subject to any enactment fixing a minimum penalty, reduce the sentence or modify the order in such form as he thinks fit ; or

(b) annul the conviction, in which case the person under detention shall forthwith be set at liberty, or in the case of a fine such fine if already paid shall be refunded to the person fined, or,".

Here I want the insertion "in case of sentence adequate compensation paid to the convicted person for inconvenience caused to him".

The Chairman :

Order. The hon. Gentleman has not given a notice of amendment. He is perfectly entitled to say that he objects to any portion of the clause, but he cannot bring forward an amendment without giving notice.

Mr Mbadiwe :

Mr Chairman, Sir, I feel that if a convicted person, once his sentence is quashed or annulled by a higher court, that person automatically was convicted innocently and if a fine should be refunded to a person so fined, I think a man subjected to all sort of indignities, disgrace, inhuman treatment, all sorts of treatment, should be compensated by the judicial department. I am not afraid of what the learned Attorney-General is going to put up in defence of this clause, but once a man is being dragged into prison yard and found guilty perhaps for an innocent offence which later on is quashed by a superior judge, at least the judicial department when the man is set free, should write a letter of apology for the inconveniences that man has already suffered. Because when a man has been sentenced to imprisonment, before his case is even tried in the Supreme Court he has already finished his term of sentence of imprisonment and it is no use to say that your conviction is quashed and you are set free after he has been able to undergo a lot of disgrace inside the prison yard carrying night soil. A man who has been sleeping comfortably in his bed made to sleep on ordinary plank; go to bed at 4.30 p.m. in the afternoon for an offence he had not committed. Once the High Court says he is not guilty, it means he was convicted innocently. I think this man should have at least a letter of apology from the court for convicting him innocently. I draw you to a case which happened at Port Harcourt. One progressive and prosperous trader had a case of making gunpowder and he was convicted and sentenced to imprisonment for eighteen months. As hon. Members who come from the Eastern Provinces will remember, he was one of the big magnates we have. When this man was convicted he was asked to remove night soil and when he was set free (the High Court quashed the conviction and the man was set free) he returned to his home to find his business shattered, his properties stolen; and after two months of being set free he died because of heart failure. I think there must be provision that once a man is set free as being innocent of the crime for which he was convicted there must be a sort of compensation or a letter of apology written to him for a wrong sentence.

Mr A. Rosiji (Egba East):

*Mr Chairman, Sir, I feel that I have to support the last speaker on the point which he made. We know that any society only strives the best it can to attain justice. In many cases justice is not done due to no fault of the judge and in some cases due to no fault of even the prosecution. In such a matter where it is later found that there has been a miscarriage of justice and somebody has suffered on that account, it is only proper that his suffering should be ameliorated, not completely—it cannot be completely ameliorated—but it can to some extent, in any event by some form of compensation in the form of money. It is, I must say, comfort for a man who has been unjustifiably put into prison, and the very fact that he is so compensated and that the public knows about it, will add to the vindication of his character. I would like on this point to try to disabuse the minds of hon. Members in this House about some dangerous speeches which have been made here in respect of corruption of judges. I would like it put on record that in my number of years of practice—seven years or a little over—I have not met any judge who is corrupt, and I want to say that the judges we have in this country are of the highest integrity. (*Hear, hear*).

Mr D. K. Onwenu (Port Harcourt):

No.

Mr Rosiji :

I am surprised that the hon. Onwenu says “No”. He knows nothing about the court; he knows nothing about the judges, and we who have this experience are saying “Hear, hear”. It is a dangerous speech to make because it undermines justice and dignity which judges should have in this country. Mr Chairman, I would, in supporting further the last speaker, say that where there was such a miscarriage of justice as envisaged in the speech of the hon. Mbadiwe, the Attorney-General should please see to it that provision is made in the Estimates for such compensation to be paid. There should be some provision in one of our laws in this High Court Law allowing such compensation to be made. I have no doubt that when discretion is being exercised in the payment of this compensation the Attorney-General and the judge concerned will look into the matter very minutely so that they pay off this compensation in the most fair manner because there are many crooks in this country; people will try to put up a case and try to show that they are innocent of the offence they have committed. The Attorney-General deserves experienced men in regard to people like that and they will be able to do what is best in the circumstances.

Mr Chairman, I am recommending to the Attorney-General (he does not look my way at all as if he is not interested) but it is a matter which affects everybody in this country. I am not going to give example of the rich man in Port Harcourt but the man who is poor, who is not rich. He has no money, he only has integrity and once that integrity is assailed what else has he? Better for him to die than live without honour which is the only wealth he has.

Mr T. O. S. Benson (Lagos West):

Mr Chairman, I am only surprised that the hon. Rosiji, a member of the legal profession, should support such a statement. However, having regard to the fact that he is only seven years old at the Bar one can understand.

Mr Rosiji :

How many years have you at the Bar?

Mr Benson :

Ten. We are talking about the competence of magistrates. We are now being asked to put a condition here by which we are going to pay adequate compensation or money to somebody who is fortunate to be discharged by the High Court. That is asking for too much and I

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am sure that the Attorney-General will be the last person to support such a statement supported by the junior members of the Bar on the floor of this House. We are talking about the competence of magistrates here and now for the legislators to put a condition by which we are going to pay compensation to those who are discharged will be a sanction that the magistrate is incompetent and therefore that condition should not be supported and I am happy that the hon. Member sitting on my left has not submitted any amendment and therefore I think the question can now be put.

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

Original question put accordingly, and agreed to.

Clause 36.

Mr A. Nwachuku (Afikpo):

It is difficult to reconcile clause 36 (1) with clause 36 (2). Sub-paragraph (1) says "... no appeal shall be dismissed summarily unless the appellant or the legal practitioner appearing for him has had a reasonable opportunity of being heard in support of the same". And sub-paragraph (2) says "Whenever an appeal is summarily dismissed, notice of such dismissal shall forthwith be given to the Attorney-General and to the appellant or to the legal practitioner appearing for him". I am saying that sub-paragraph (2) is unnecessary and should be expunged. It will not only be sane and dispassionate but it will also be equitable to allow the appellant or the legal practitioner appearing for him to be heard before an appeal is finally determined.

The Attorney-General of the Federation :

I think, Sir, the hon. Member is under a little misapprehension. This is a provision for summary dismissal of an appeal where there is no sufficient ground for the judge interfering. When that happens he is bound by sub-clause (1) to give notice to the appellant or legal practitioner so that he is given the opportunity to be heard. The person in question may or may not take advantage of that opportunity. If he does not, it is for the judge to give him notice that the appeal has been dismissed; otherwise he will not know where he stands, and also that the prosecution may know what is happening.

Question put, and agreed to.

Clauses 37 and 38 agreed to.

Clause 39.

Mr L. J. Dosunmu (Lagos East):

Mr Chairman, I like to take this opportunity, Sir, to call the attention of the hon. the Attorney-General to clause 39 (a) (iii) and to suggest whether he will not consider amending this particular subsection. Under the subsection it will be noted that when a man appeals against his conviction not only has the judge the power to alter the fine or leave it as it is; he is also entitled to reduce or increase the sentence. The point that I intend to bring out, Sir, is this. If a man appeals against his conviction only, I do not think that he has put himself to the risk of the judge interfering with his sentence. The judge may confirm the conviction, but the case should be rare where the judge should interfere with the sentence under such circumstance. I am going to cite two instances. Two accused persons were convicted in the magistrate's court and each was sentenced to a term of nine months' imprisonment. One of them appeared to be satisfied with the conviction and did not lodge an appeal. The other man appealed against his conviction and not sentence. The judge in the High Court not only dismissed his appeal but he enhanced the sentence to two years. So you see the spectacle of the man who is taking the chance of testing the correctness of the judgment having more sentence, but if we look at the same subsection, section 39, under subsection (b), you will find a special provision for someone appealing against his sentence only. I do not quarrel with that provision. If you are querying the sentence that it is too much, you are taking a risk. You may go up to a higher

court and if the higher court thinks otherwise it will enhance the sentence and you get more as a result. But where a man just says it is the conviction that he is appealing against, I think it is too hard, not only that he gets his appeal dismissed but also the court takes it as an opportunity of enhancing the sentence. I should have thought, Sir, that the latter section that I referred to is a sufficient provision. To go further and give the judge the power, not only to dismiss the appeal but also to increase the sentence or reduce it, I think, is too much. I have cited an instance and I am sure that it cannot be the intention of this provision to prevent people from lodging appeals. Once such a thing continues the impression an accused person or members of the public gather is this; the High Court wants to discourage appeals. Why do you have to suffer more after paying for notice of appeal, paying for the solicitor who appears for you in the Supreme Court, paying all other fees, and in the result the appeal will be dismissed and opportunity is taken to increase the sentence. As I said, the point I want to make is that where a man chooses to query his sentence, he must have what he calls for when he gets to the High Court, but a man who appeals against conviction has not asked the learned judge to interfere with the sentence. I think it is too hard for the judge to take another view, as different from what the trial magistrate did, and just increase the sentence. If the Attorney-General agrees I think next time he must give consideration to see this thing.

Mr J. I. G. Onyia (Asaba) :

Mr Chairman, I rise to say that the provision is essential. It will help to eliminate the frivolous appeals going on among litigants.

The Chairman :

I will now suspend the sitting for a quarter of an hour. If we can all get back in a quarter of an hour, we may be able to do some more business.

Sitting suspended for fifteen minutes.

Sitting resumed.

Question put and agreed to.

Clauses 40 to 49 agreed to.

PART V

Clauses 50 to 57 agreed to.

PART VI

Clause 58.

Mr Onyia :

Mr Chairman, I can see that in all these Bills provision has been made sufficient to protect judges and what not, and about the business of the day. (*Laughter, Sustained Laughter*). I see that no provision whatsoever has been made to protect the people coming to court and having a lot of their time wasted. I said it the other day here that in the provinces we have a lot of experience of people being congregated together at a centre, at the expense of their business. I deplore really that in this Bill there is no attempt to reduce this congregation or congestion of cases scheduled for hearing which are never heard at the appointed time. This is the only observation I want to make.

Question put and agreed to.

Mr Onyia :

Clause 65, Sir.

The Chairman :

Well, I will put the question that clauses 59 to 64 stand part of the Bill. Chief Akintola?

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Chief S. L. Akintola (Oshun West) :

I just have one observation to make on these general provisions dealing with the powers of a judge in court and chambers.

The Chairman :

Is it 59 ?

Chief Akintola :

Yes, clause 59.

The Chairman :

I propose the question then that clause 59 stand part of the Bill.

Chief Akintola :

*There is one point which is not unconnected with a matter already raised here that where a man accuses another man of a criminal offence, if eventually the accused is discharged and acquitted and if he found that there was no justification whatever for the prosecution, he can take an action against his accuser for unlawful prosecution. He may be able to get damages for that. Now, that is never so with the Crown because, on the assumption of the general legal principles that the Crown does no wrong, even after a man has been prosecuted by the Crown and discharged and acquitted, he hardly has any remedy. But I must say I am not saying that the remedy should be given against the Crown, for that is not possible. I respectfully submit that the judge should be given power, which does not exist at the moment, to have the Police to disclose the names of the informants. At present it seems the judge has no power. The Police witness will only get there and say "On information received, we went and searched the house of A and we found so and so", but the judge has not got the power to press him further to say from whom he got his information, and as a result of that an accuser or informant who might even be ill motivated always seeks shelter under some form of anonymity and the judge appears to be helpless. If the man cannot extract any compensation from the Crown if somehow the name of the informant or his accuser is made known after he is discharged and acquitted, he can seek remedy against the informant. I therefore feel that it will help justice if a form of provision like that could be made in our law.

The Chairman :

I am not very satisfied that that comes under this clause, but I could not point to any other one myself. I hope notice has been taken of the remarks of Chief Akintola.

Question put and agreed to.

Clauses 60 to 64 agreed to.

Clause 65.

Mr J. I. G. Onyia (Asaba) :

Mr Chairman, in applying native law and custom in these courts I would recommend that in every case assessors should be called in. You will see that it is provided that a court should call in assessors when it thinks it expedient. I say that it should be expedient in all cases where native law and customs are connected.

Mr J. G. Adeniran (Ibadan West) :

Mr Chairman, Sir, I consider that in matters of native law and custom the judge should not make decisions. I do not know whether there is any statutory book in which native laws and customs are recorded because here in Nigeria we have very different laws and native customs and with the assistance of assessors I think the judge should be able to decide better than by himself.

* Speech not corrected by Member.

If the hon. the Attorney-General should make all the necessary provisions to see that people who are versed in native law and custom are in the court I think this would help the judge to make a better decision.

Chief S. L. Akintola (Oshun West) :

Sir, I just want to be helped in this particular respect. Perhaps the Attorney-General may be able to help. Assessors are mentioned here and it seems as if this Bill is significant for the omission of the word "juries". There is nothing to indicate that a man can be tried by jury, that the judge will be assisted by jury. Here we have assessors. Is there any particular section where juries are excluded from our laws ?

The Attorney-General of the Federation (Mr A. McKisack) :

There is no intention to exclude juries ; it is only that they are not dealt with in this particular Ordinance. They are dealt with in the Jury Ordinance and also, I think, in the Criminal Procedure Ordinance. So no reference to them is required here. They are mentioned elsewhere, in the Rules of Court clause I think. There is no intention, of course, to abolish juries.

Question put and agreed to.

Clauses 66 to 79 agreed to.

Clause 80.

Dr E. U. Udoma (Opobo) :

Mr Chairman, Sir, I would like to make a suggestion in respect to this particular clause that the words "Police Officer" should be deleted. I think prosecution by the Police is outmoded. We have come to a stage when it is no longer necessary, I think, in a place like Lagos that we should have Police Officers prosecuting, excepting of course, superior Police Officers. I think it is possible to get the aid of legal practitioners or Crown Counsel to prosecute in the courts of Lagos. It is time that Lagos should set an example for the rest of the country, and I think it cannot be said that it is impossible to obtain the services of trained legal practitioners to prosecute in court.

What happens in some of these courts is that inexperienced Police Officers are assigned to prosecute cases and very often accused persons are let off. It is quite probable that if experienced and trained legal practitioners had prosecuted in such cases, conviction might have resulted. The suggestion that prosecutions should be handled by trained persons is of particular importance to Lagos where there are all sorts of specialised stealing and fraud. There should be a general desire to prosecute to conviction in order to discourage the spread of such heinous offences.

The other point is in regard to revenue cases. It is provided that any legal practitioner or other person duly authorised by or on behalf of the Attorney-General or, in revenue cases, authorised by the Head of the Department concerned should prosecute. I think that is not a very adequate provision, particularly in cases of revenue. This country has lost a great deal of revenue owing to bad handling of cases in court, and very often Revenue Officers like, say, the Collector of Customs, prosecute in revenue cases. Collectors are generally efficient in the collection of revenue, but it cannot be said that they are always good prosecutors. They have no training in the skill and art of prosecution. I think if it is not possible at the moment to make this amendment, I would warn that the provision as it stands should be sparingly used.

I submit that it is the duty of Heads of Departments concerned with revenue to secure the services of Crown Counsel or trained persons to prosecute in revenue cases. I hope as it is too late in the day to make any amendment that the Attorney-General will take this warning into very serious advisement, and directives would be issued to Departments concerned with revenue cases accordingly.

[The High Court of Lagos
Ordinance, 1955]

22nd August, 1955

[Committee]

The Attorney-General of the Federation (Mr A. McKisack) :

Sir, I can assure the hon. Member that a very sparing use indeed is made of this provision in the existing law. It refers of course to proceedings in the High Court, and Lagos certainly has shown the way in that respect. For proceedings in the High Court it is extremely rare for the Crown not to be represented either by Crown Counsel or a legal practitioner. I cannot say the same for all proceedings in Magistrates' Courts, which are of course much greater in number and we cannot always undertake to provide Crown Counsel or legal practitioners. But in the High Court in the Regions I think Police Officers still do appear; we manage to find qualified lawyers for the Lagos High Court proceedings, I am glad to say.

As regards Magistrates' Court proceedings, although we cannot always supply members of the Department to prosecute we advise the Police when they have to appear. Revenue cases are rather a specialised matter. Income Tax cases are usually dealt with by the Income Tax Department's Legal Adviser who, of course, is a great authority on Income Tax Law. There are also, of course, quite petty revenue cases which would be, relatively speaking, a misuse of Crown Counsel's time for him to conduct if members of the Department can easily deal with them, and they are probably matters in which no question of law is at all likely to arise.

Mr T. O. S. Benson (Lagos West) :

Mr Chairman, Sir, subject to what the Attorney-General said here I am supporting the last speaker, and I am referring the House to the Report of the Director of Federal Audit on the Accounts of the Government of Nigeria for the year ended 31st March, 1954, paragraph 17 :

"It has been apparent for some time that there were shortcomings in the procedure for prosecution of individuals suspected for theft of Government funds or stores, particularly where the individual concerned was a Public Officer. One result of the discussion has been agreement on a routine for submission of cases to Law Officers to advise before prosecution. In this regard it must be stated that for some years now this Department has advocated the employment of a Crown Counsel/Solicitor for preparation of such cases together with the employment of a Crown Counsel in the courts for all the more important cases. The Attorney-General has agreed in principle that an officer of the rank of Senior Crown Counsel should be appointed to discharge the duties of Public Prosecutor. It is considered however that it would be difficult to recruit an officer of suitable experience".

Why I am supporting it, Sir, is that this paragraph agrees that there are shortcomings in the procedure for prosecution and it also agrees, Sir, that Crown Counsel should be engaged as Public Prosecutors. Therefore I think it is better, Sir, if it is possible at this stage to remove entirely Police Officers for Court prosecutions and then the Attorney-General can make sure that he will find suitable Crown Counsel to do this duty. I do feel, Sir, that there should be competent Crown Counsel in his Department to take up the duty of Public Prosecutor.

The Attorney-General of the Federation :

The position which the hon. Member hopes for already exists. There are competent Crown Counsel in the Department and the one who is in charge of the others is in effect a Public Prosecutor, that is to say he is a Senior Crown Counsel or Acting Senior Crown Counsel and he is in charge of all our litigation work. That of course is mainly criminal work, and there are a great many cases of fraud both against public revenue and against individuals, and a lot of the time of that Senior Crown Counsel is taken up with such matters. So I think that, so far as staff allows, we have met that request to the full.

Question put and agreed to.

Clause 81 agreed to.

[*The High Court of Lagos Ordinance, 1955*]

22nd August, 1955

[*The Criminal Code (Amendment) Ordinance, 1955*]

PART VII

Clauses 82-87 agreed to.

PART VIII

Clauses 88 and 89 agreed to.

PART IX

Clause 90 agreed to.

Clause 91.

The Attorney-General of the Federation :

Sir, I must ask the House to be so kind as to vote against this clause. It is rather, perhaps, an unusual request for the mover of a Bill to make, but it has been pointed out to him, and with considerable force and from high authority, that the clause is in law unnecessary because ample provision is made elsewhere.

The clause, as hon. Members will see, merely says that until the Federal Supreme Court assumes its functions references in this paragraph to that Court shall be read as references to the West African Court of Appeal. As hon. Members know, the West African Court of Appeal will carry on exercising the functions of the Federal Supreme Court until that Court begins to function. But this provision has been already made in the Interpretation Ordinance and indeed is covered by the Constitution, so that it will be slightly misleading if it is retained in this Bill.

I apologise to hon. Members for having put it in and ask them to vote against it.

Clause 91 disagreed to.

House resumed.

Bill reported with amendments.

Bill accordingly read the third time and passed.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1955—COMMITTEE

House in Committee.

Mr O. C. Agwuna (Awka) :

Mr Chairman, Sir, I do not intend to move my amendment to sub-clause 1.

Question proposed "That clause 1 stand part of the Bill".

Mr Agwuna :

Sir, I wish to speak to sub-clause (2) of clause 1. Sub-clause (2), Sir, provides for a section of the Bill which gives more power to the Governor-General in Council.....

The Chairman :

The hon. Member does desire to move his second amendment ?

Mr Agwuna :

Yes, Sir. I am asking this House to leave out sub-clause (2) of the Bill because the purpose of the sub-clause is to allow one section of the Bill, that is the section dealing with the prohibition of a certain class of literature, to apply throughout the Federation and for the other section which deals with women of known or unknown immoral character to apply to Lagos. I feel this section should be left out because what is good for the Federal territory must necessarily be good for the other Regions. As a matter of fact, I think we can safely say that the Federal Territory has advanced more than the Regions in certain respects, but we feel that any law which is intended to safeguard the morals of the people must not be limited to any one section of the country.

[*The Criminal Code (Amendment)
Ordinance, 1955*]

22nd August, 1955

[*Committee*]

If the argument is advanced that there are some provisions in law or that there are some laws and Ordinances in those Regions by which the morals of the people are protected or by which this part of the Bill is covered I think that it does not by itself prevent this House from legislating for both the Federal Territory and for the Regions. As a matter of fact if there occurs any inconsistency, as will be seen in section 58 of the Nigeria Constitution Order in Council, such an occurrence has already been provided for in advance.

Mr Chairman, with your permission I want to read it before I continue the speech. Section 58 of the Order in Council, clause (1) :

"If any law enacted by the Legislature of a Region or of the Southern Cameroons is inconsistent with any law enacted by the Federal Legislature, then, to the extent of the inconsistency, the law enacted by the Legislature of the Region, or of the Southern Cameroons, as the case may be, if enacted before the law enacted by the Federal Legislature, shall cease to have effect and, if enacted after the law enacted by the Federal Legislature, shall be void".

I feel that whether there exists any law in the Regions or not, in respect of this section of the clause, we reserve the right, and I think we shall have to exercise that right now in the interest of those in the Region. I move that we exercise the right to legislate on the subject so that the application of those laws shall be extended to both the Federal Territory and the Regions. That is why I have not moved the amendment to sub-clause (1), clause 1.

Sir, I beg to move.

Question proposed.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Sir, while the Government appreciates the motives which have led the hon. Member to move this amendment we cannot accept it. I understand his intention to be, Sir, that the removal of discrimination against women of known immoral character should, if it is to apply at all, apply throughout the Federation, and it is for that purpose that he seeks to have the amendment passed into law.

The Government is advised, Sir, that in this matter of protecting women from procuration this legislature has no power to legislate except for the Federal Territory and it is, I understand, Sir, a fact that two out of our three Regional legislatures have already legislated to this effect recently. As I explained in moving the second reading of the Bill, Sir, this need to remove discrimination arises not only from general principles but because of the conflict that there is between our law as it stands and an international convention relating to the traffic in persons to which most civilised countries have acceded ; and when this fact was communicated to this Government it was, of course, communicated to other Governments and I am informed, Sir, that in two cases those Governments have already acted.

I must confess, Sir, to some craven-heartedness over this. I could perhaps have mentioned that in moving the second reading ; but I refrained from doing so lest I arouse further cries of "Why does not the Federal Government do it first ? Why are we copying the Regions ?" We are not copying the Regions ; it only happens that their legislatures met before ours did. I will therefore sum up the position in this way, Sir, by saying that in so far as the part of this Bill which relates to the importation of publications is concerned—and there I propose shortly to move an amendment which I hope will meet the satisfaction of Members of the House, in regard to the importation of publications—we are the only legislature that can legislate for the whole Federation. In regard to the section of the Bill that deals with procuration we can legislate only for Lagos, and it will be for the other legislatures to give effect to this removal of discrimination if they so wish—and two of them have already wished so to do and have done so. For that reason, Sir, the Government while appreciating the hon. Member's motives, must oppose the amendment.

Mr J. A. Wachuku (Aba) :

*Mr Chairman, Sir, I am in slight difficulty over the Chief Secretary's statement about sections 3 and 4 not being within the competence of this legislature and then section 2 of this Ordinance at the same time being within the competence of this legislature. The amendments that are being sought are within the Criminal Code, the existing Criminal Code, and as far as I can see Item 22 of Part 2 of the Concurrent Legislative List has to do with the maintaining and securing of public safety and public order and so forth. I think it is under that section that this particular clause is classified under the Constitution, and I think the whole case of the Government in connection with clause 2 of this Bill, Sir, is that they want to secure the public safety of this land by not allowing injurious literature to come in here.

What of injurious women? I think that attacks public safety from within. We are trying to prevent the attack of public safety from without and perhaps from within too; and then this one which is quite in the house, a brothel, we let go. You have townships in Lagos, Kano, Jos, Aba, Enugu, Port Harcourt, Ibadan and all over the place. To say that this House cannot legislate for the whole country is shirking our responsibility. I would like the Government to consider this point because I think it is a point which this whole House should be agreed upon, that a legislation of this nature should be universal.

Everybody has said that sections 3 and 4 of this Ordinance are good. Now that we have agreed that they are good why not extend it to the whole country? Just when we are united on one point Government says: "Oh yes, we recognise your intention, but we feel we cannot do that". I seriously ask the Chief Secretary to reconsider this point unless he can show us the particular item which makes this not within the competence of this House.

The Attorney-General of the Federation (Mr A. McKisack) :

This point, Sir, is not a point of policy at all; it is a point of law. Apparently opinions differ as to law but at least the various Attorneys-General, of whom there are now four in this country, take the view that this matter is a matter on which the Federal Legislature is not empowered to legislate, that this is not a subject to be found either in the Exclusive or in the Concurrent List, and that only the Regional Legislatures can legislate as regards the Regions. The hon. Member does not share that view, but that is the view of this Government, at any rate until they get another Attorney-General. (*Laughter*).

Question put and negatived.

Clause 1 agreed to.

Clause 2.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Mr Chairman, in the course of the debate on the second reading it was made clear that Members in various parts of the House were rather worried lest the Bill, as drafted, if passed into law, should have the effect of enabling the Government, if it were so ill advised as to do so, to prohibit the importation of all the works of a particular author; and it was suggested that it would also have the effect of preventing the importation into the country of good books published by a reputable publishing firm, if it had happened that that publishing firm had, through inadvertence or faulty direction or some other cause, published a book which was offensive and had to be banned.

Because of the strength of the feelings on this, the Government has given further consideration to the matter, and I wish to move, Sir, that on page C100, clause 2, sub-clause (1), for the word "person" in line 4 of the new subsection (1A), there will be substituted the word "organisation". The clause would then read, Sir: "If the Governor-General in Council is of opinion that it would be in the public interest to do so he may by Order prohibit the

* Speech not corrected by Member.

[*The Criminal Code (Amendment)
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importation of all publications published by or on behalf of any organisation or association of persons specified in the Order". That, Sir, would obviously not enable the Government to ban the works of an author.

One hon. Gentleman gave us the example of a very famous author, Thomas Hardy, whose works were universally regarded and respected and who published a most controversial work late in his life which turned many people against him, and the hon. Member said if that were repeated it might be possible for the Government to ban all his works, good and bad.

Another hon. Gentleman said that if a Russian who preached world revolution most furiously in all his works were to write a superlatively good work on Physics, it would not be right to deprive Nigeria of the work on Physics because of the bad works the man had written on other subjects.

Now, Sir, I want to make it very clear that the Government amendment seeks to make it quite impossible for that to happen. We had hoped that the House would have sufficient confidence in the Government to feel that it would not happen any way. But we now propose to put it beyond our power for it to happen. I hope, Sir, that that disposes of the suggestion that we could possibly ban the works of a particular author, all his works, because he had written one bad book.

The House seemed to me from all sides to be unanimous in the feeling that there were certain political works and certain political activities which would be very harmful to this country, although there was some division of opinion as to whether it was better to let all the works come in whether bad or not (I do not think that found many supporters) or to keep out those works which were definitely bad.

A particular reference, Sir, was made to Communism, and although in moving the second reading I disclaimed the intention of the Government to be legislating only in respect of Communism, I did say that this legislation applies to Communist work. That is the feature of it which makes appeal to most hon. Members on all sides. I am sure that it is the correct view for Members to take, that this country should be preserved from the evils of Communism and this is a case in which the country and the House should trust the Government of the day, however constituted, that is to say, the Governor-General with the advice of his Council of Ministers. The Council and the House should trust the Government to keep out those works which would be really harmful to the country.

Now I have disclaimed, Sir, and must take up the time of the House to disclaim again, any intention of keeping out books which tell us about the way of life in other countries wherever they may be. We have said that we are not only willing, but we are anxious, for Nigerians to see those books because we feel that they will judge for themselves where their true interest lies, and that they will exercise their energy and intellectual power to further the good of Nigeria rather than the good of some foreign country which is seeking to bring about world revolution.

I have been reminded that Lenin said, "He that has the youth has the future", and it is quite clear to me that there are those in the world who are out to capture the youth of this country. Why would certain Soviet organisations have recently sent to Enugu the one hundred and fifty-one postal sacks of books, which took three lorries to remove them from the station, unless they want to have some influence on the reading public of this country? And it is in the nature of our development that literature can at the moment appeal more to the young than to the old because the spread of literacy is fairly new. I am asked what are the titles of the books at Enugu to which I have referred. Unfortunately my parliamentary duties have prevented me from giving myself to this work, but I have the number of sacks and the approximate value of them. But what is in them I do not know. I know who publish them. The point of relevance, Sir, is that large sums of money are being spent by some organisations to influence the people of this country. If the works are works which are really informative, then the Government has no intention whatever of banning them.

But if I may say again what I have said in moving the second reading, so far from attempting to interfere with liberty of thought, we want to prevent people's liberty of thought being taken away by intensive clever propaganda which seeks to take the place of thought. There is no doubt that if certain doctrines are cleverly expressed and are sufficiently repeated, insensibly they creep into one's mind until one comes to believe them simply because one has not sat down and thought them out.

Now if the youths of the country looking for literature have readily available to them expensively produced, handsomely bound works which are pushing some bad doctrine into their mind, it is inevitable that some will get into their minds.

As I judge the feelings of the majority of the House and the voice of responsibility which comes from almost all sections of the House, I judge it to be against that sort of thing.

Now, Sir, the problem that faced the Government since last week when considering the matter was how can we ensure that effect is given to the wish of the majority that harmful works be kept out without doing any damage to reputable producers and publishers of books. We hope, Sir, that the answer has been sufficiently found in this amendment and in the consequential amendment which I hope I may be able to move shortly, Sir, whereby we substitute for the word "person" the word "organisation". What that would enable us to do would be to keep out of Nigeria books printed by some organisation which had shown itself to the Governor-General and his Council of Ministers to exist solely for the purpose of publishing literature which is contrary to the public interest.

Now, may we repeat again that this very considerable power would be exercised with all responsibility. But we have tried to hedge ourselves about with certain limitations that will prevent us from doing more than that if we wanted to, and I do hope, Sir, that in the interest of this country the House will feel able to vote for this amendment and thereby give to the Government the power which the Government, after most serious consideration, is satisfied is necessary in the public interest.

Sir, I beg to move.

Question proposed.

Mr A. Rosiji (Egba East) :

*Mr Chairman, I am very pleased to notice that the hon. the Chief Secretary realises that it is bad for the Government to ban not only a particular publication but any publication that may be put out by any person. Indeed that was my argument during the second reading of this Bill. Now, I gave the example that a very well known Communist author may produce a first-class book on physics and that will be banned in this country. I was referring then to an author. As has been pointed out to me somewhere else by the hon. the Chief Secretary, the word "author" does not appear in the Bill but the word that appears in the Bill is a wider expression than the word "author". It is the "publisher" that appears in the Bill.

Now, if the hon. the Chief Secretary wants to meet the point that I raised, I humbly say that he has not done so either by this amendment that is proposed.

Now, the third clause reads as follows :—

"If the Governor-General in Council is of the opinion that it would be in the public interest to do so he may by order prohibit the importation of all publications published by or on behalf of any person or association of persons specified in the order."

The difference between this and the hon. Chief Secretary's amendment is that the word "person" should be replaced by the word "organisation". It does not make any difference whatever. The reason is this—there is the expression "association of persons" already there. What is an organisation—but an association of persons ?

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Secondly, it is hardly possible in Britain or from any country where this type of undesirable publication comes from to find a single person publishing a book. You find all the time an association of persons or an organisation, so that the hon. the Chief Secretary has not made any improvement whatever. He has not met the point which was raised here, and if I knew he was going to move this amendment I should have tried to help him myself to fix up some way of an amending list. I humbly ask the hon. the Chief Secretary to withdraw this amendment and bring another one that will actually meet the point which we are talking about.

Furthermore, I would like to say that in a matter like this where it affects the liberty of the people of this country the Government should rather have less power than is necessary for the particular mischief which they want to meet rather than having more power than is necessary. The liberty of the people should be jealously guarded by the Government and by every citizen. I should like to say that the hon. the Chief Secretary should accept my own amendment filed in my own name and in the name of Mr Kayode and Mr Udochi, and I therefore ask that this amendment should be thrown out. I hope the Chief Secretary would bring another one which would meet the point on which we are both agreed. It is no quarrelling now, it is a question of technicality.

Mr D. K. Onwenu (Port Harcourt) :

Mr Chairman, we on this side of the bench and of the Government are very grateful to the Chief Secretary and the Council of Ministers for this amendment. (*Hear, hear*). We must have to realise that (1) it is agreed that it is the business of the Government to seek for the general well-being of all the people who are governed, and then again it may be argued that in Great Britain there are many places where you find bookshops selling books on Communism, and therefore Nigeria should be allowed to enjoy the same privilege. But that would be a logical fallacy simply because a condition like this obtains in Great Britain therefore it should obtain in Nigeria. In order to logicise well, you have got to bring the two countries under common denomination, taking into consideration the question of climate, geographical situation, the mentality of the people and some other things. All these things will have to be considered.

Again, we must have to realise that before a book or an author or an organisation is banned, it will have been brought to the notice of the Governor-General in Council. That means, that before this kind of action is taken it will have come before the Council of Ministers who are our own men—people in whom we have full confidence. These are people who put on the same shoes as we do, and they know where the shoes pinch, so that whatever they do, they do in the interest of their people. There is nothing to quarrel about. Now, Mr Chairman, we wholly support that this amendment should stand in the place of "person" we should now substitute "organisation".

We are also grateful to the Government which takes into consideration constructive criticisms as well as the wishes of the majority from all sides of the House. The Government after considering this matter has brought an amendment which satisfies the Members of the House. Here is an occasion on which we have to congratulate the Government. This is a government that is not fascist, it is not the government that thinks of its own point alone, but the government that takes into consideration the points raised by all the Members of the House. Mr Chairman, this government is unlike the Western Government which does not take into advisement the points by others. We wholly support the Bill thus amended. The word "organisation" is quite in keeping here.

M. Bello Dandago, Sarkin Dawaki (South West Central Kano):

Mr Chairman, the view of this side of the House has been known. Before we get a triangle we should have three sides: this is one side, that is one side. It is now only men from this side that form the right angle of this matter, because this side already agreed on the triangle. It is irrelevant, Sir, that because this is done in England we must do it here. It has been the policy of this country to try to import something which suits us, but not to grasp and swallow piecemeal. We are grafting that which we know suits us. Now we know what the position is.

an individual in this case, will also equally apply to a body of people. Now why should a corporate body or an organisation, simply because it falls foul of the law in one respect also be penalised even in cases where it does not fall foul of the law? It may be said that this law cannot apply in that sense. If so, let the provision be so made in order that it may be applied only in cases of people who are falling foul of the law.

Another point in this amendment which baffles me and in which I would like the Attorney-General to come to our aid is this. In one section of this Bill, it is stated that we cannot legislate with our Regions because the question of prostitutes is quite outside the jurisdiction of the Federal House. Prostitutes can be dealt with by the Regional legislature and if we are dealing with prostitutes here, it may only be prostitutes within the Federal territory. If we can legislate for the Region in that respect because our Constitution does not so provide, I do not know precisely under what constitutional faction we are making provision under this particular section. It may be forgotten that in criminal matters the Regions have every right to make their own law, the Centre cannot make law for the Regions in criminal matters and on consultation, I have been advised that the Federal House is making this law because it deals with importation of undesirable literature, but importation is a different matter. If it is a question of importation, that can be dealt with by the Customs. You may even prohibit the importation of certain materials but importation and banning are two different things, so, it cannot be strictly argued that we have this power because it deals with importation and this is not a matter of importation alone. The literature produced by local Communists can come under this, but this is not imported. It will be over-stretching the law to say that this comes under importation over which the Federal House has power.

Another point which has been made is because it is a matter of public order which the Federal Government has power over, is also overstretching public order. The question of public order will be raised if there is perhaps an outbreak of lawlessness but in this particular case, there is no outbreak of lawlessness and there may not even be any at all. Precisely under the constitutional faction which this House possesses in providing this section is a point which is not very clear to us. Have we got the power to pass this legislation for the Regions? I would like the Attorney-General to enlighten the House whether this is within our legal competence. The question of importation, I have my doubts subject to higher authority's interpretation of the law, banning and importation are two different things and the question of public order does not step in at all. Public order does not extend to this particular field. I do not say we shouldn't pass the law but I want to know precisely either exclusively or concurrently or both what power, where do we have the power to make provision to section 2, which will bind not only the Federal House but also which will bind the Regions as well.

An hon. Member :

Sections 22 and 30.

Chief Akintola :

I am talking to the Attorney-General.

An hon. Northern Member :

We have heard enough from all sides of the House and I think it will be sheer waste of time to go into detail on this matter. I therefore beg to move that the question be now put.

The Chairman :

I think we can still listen to another speaker.

Mr O. C. Agwuna (Awka) :

Thank you Mr Chairman. I will now read this clause of the Bill as amended so that we know what we are talking about. "If the Governor-General in Council is of the opinion that it would be in the public interest to do so he may by order prohibit the importation of all

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publications published by or on behalf of any organisation or association of persons specified in the order." It will be a sheer waste of time for any Member of this House to get up and try to explain that there is no difference between organisation and association of persons because it is something too clear to require any further definition and because there has not been any fundamental change in the original provision of this Bill, I rise to oppose this section as it now stands. Earlier, when I spoke on this Bill, I explained that the motive in introducing it has not been a genuine one and I want to prove this by giving concrete examples. My impression is that this particular section of the Bill has been brought up not, as the Chief Secretary or the Attorney-General has explained to us, to halt the growth of Communism in this country but to make it impossible or difficult for any group of persons or any organisation or any association or even for individuals for that matter, to write reports or articles or booklets or books or pamphlets exposing the most atrocious nature of British Imperialism throughout the Colonial Empire. I say this because I have a booklet here with me, I will not show the Chief Secretary the other side of it. Now this booklet contains reports about acts of repression, fascist acts which have occurred in the Union of South Africa. This book is not banned and may not be banned not because it does not contain such expositions which the learned Attorney-General and Chief Secretary are opposing, but because the expositions in this book refer to another Government and not the British Government. One of these books which have been banned recently is "Terror in Kenya". It is most unfortunate because if any Member of this House has not read this book, he will never read it again. You can ban the book but you cannot ban its contents that have already been planted in me. For the benefit of those who have not read it I will now quote from my head.

I will now give you an opportunity of knowing what this law intends to ban. On the 20th October, 1952, the British Government in Kenya declared a state of emergency on that territory and on the instruction of Churchill's Government, the people of Kenya, your own kith and kin, Africans like yourselves were being shot like dogs. Police dogs and wild dogs were used in chasing our people in that territory, armoured cars were used, R.A.F. planes were used simply because they wanted to demand the right to national independence. That was their crime! Some of you will just hear that "Terror in Kenya" was banned; what is this "Terror in Kenya"? It is just a series of three articles published in W.F.T.U. Magazine. I am telling you what is happening in that territory, because the exposition refers to British Colonial fascism, that book is banned! Exactly the same thing is happening in South Africa, yet a book called "Resistance" is not banned! The only way to safeguard British morality is not by banning these books but by joining some of us in this country who are in the forefront of the nationalist struggle, to tell Britishers in Kenya that even though all of you are Britishers, you cannot support fascism even in this country! I think that is the best way to attack evil. If you ban these reports, will you ban the one in the radio? Twelve hours ago there was an announcement on the radio. About 750 people, Africans were massacred in North Africa, French Territory, Algeria!

The Chairman :

Order, Order. The hon. Gentleman must relate his remarks more closely to the subject. We are talking about the general principles of the clause.

Mr Agwuna :

I am only trying to show that this Bill should be rejected or that the clause should be opposed because the object of the motion is not essentially to ban Communism but to ban any books, authors and organised writers and organisations which expose British Colonial fascism either in this country or in any part of the empire.

The Chairman :

You ought to be speaking on the amendment to the Bill because it is necessary to keep to that subject.

Mr Agwuna :

Now this word "organisation" and the word "association" there is nothing to choose between them ! There is no difference and therefore I say that the only way by which we can overcome the spirit of this section is to delete the clause entirely. Even the original law is undemocratic and it requires an amendment in a more positive direction not merely by changing one word to another. Mr Chairman, I say that just as atomic bombs are used to destroy human bodies so too oppressive and undemocratic Bills like these are used to destroy human minds and all hon. men will agree with me that the spirit of the Bill is not in the interest of our people. It seeks to destroy freedom of thought and not Communism and I therefore oppose it !

M. Nuhu Bamalli (Central Zaria) :

*I rise to support the amendment. As the hon. speaker who has just sat down said, atomic bombs are of course as dangerous to human minds as are literature. I am speaking from experience, because I have been an author for the past seventeen years, and with your permission Mr Chairman, I would like to relate an instance which happened to me in 1947.

The Government of Nigeria sent me to the Eastern Region to study the principles of Co-operative Society. In the office where I worked Sir, I had some young men under me and the most senior of them was Aba and just when I was leaving, I instructed the man next to me to look out if he could find some books in the library that could help us in this work. I went to the East, to Aba and I stayed for some weeks in Uyo. But on my return from the Eastern Region with my notes, that young man whom I left behind came to me proudly introducing a book. He said, "Look Sir, we have got an answer for our worry". I said, "What have you got"? He said, "I have got this book which will be very appealing and I agree it will appeal to the ordinary person in this country". When I looked at the title of the book Sir, the book was entitled "The Principles of Collectivism", and this young man Sir, thought that it was an ideal book for Co-operative Society (*Laughter*). Naturally Sir, the boy of course was right because he thought collectivism and co-operative society mean one and the same thing and when I told him that I could not use his book he was not pleased with me. This is only an example Sir. Now in a country like Nigeria, we can say as far as literature is concerned, we are still a hungry nation. We are rapidly developing intellectually, and in a hungry country anything can be eaten and swallowed ; if we give free passage into this country of any kind of literature Sir, I believe it will not take a very long time before intellectual corruption will creep in. I believe Sir, my hon. and learned Friends, I quite agree that they know a lot about Communism which I don't know, but I know that to read a book can poison one's mind as much as it can improve one's mind and I believe Sir, whatever the merits and demerits of Communism, I do not know and I do not want to know. In a country like ours, only a very good Government can save this young country from being poisoned by the pens of those who are all out to destroy human minds in a rapid way. Well, I have already supported the amendment and before I sit down, I will say again Sir, I support the amendment and I think this Government will bring in this measure.

Mr D. K. Onwenu (Port Harcourt) :

Mr Chairman, I beg to move that the question be now put.

The Minister of Communications and Aviation (Mr K. O. Mbadiwe) :

Sir, I beg to second.

Question "That the Question be now put" put and agreed to. Original question put accordingly and agreed to.

Mr A. Rosiji (Egba East) :

*Mr Chairman, Sir, it would seem that we are going to continue with the same debate as we have been having on this Bill because this paragraph 1 (a) is the one that has just been amended by the hon. the Chief Secretary.

* Speech not corrected by Member.

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The Chairman :

I thought the hon. Gentleman might desire to leave out that paragraph as amended. He is entitled to do so.

Mr Rosiji :

*Thank you, Mr Chairman. My contention is that this Bill seems to have been misunderstood by hon. Members in this House. I have not at any time assumed that it is not desirable to ban any books which are well considered not to be in the interests of the Nigerian public. What I have been arguing about is that there is adequate provision made in section 58 of the Criminal Code and that the explanation which is now envisaged by this amendment is unnecessary.

I have said before this morning that where the liberty of the citizens of this country is concerned the Government should prefer to have limited power—less than is necessary—than to have more than is necessary, because the liberty of the people of this country must be jealously guarded. It is the extension of the power contained in section 58 of the Criminal Code that I am fighting against.

I am asking that this paragraph be deleted because it extends the power of the Government to ban books produced by certain people to not only the authors or to those books which are considered not good for this country but also to all publications made by publishers or an association of persons who might at one time or another have published certain undesirable books. I did ask the hon. the Chief Secretary to support me in this amendment when I was speaking some time ago. He realised that the evil which will be created by the Government having the power to ban just any book which can be published by any company which has previously published an undesirable book is a bad thing and also that it is a bad thing to have such a power. He realised it and that was why he has tried to bring another amendment which has just passed through. If he did, the only thing to do is to expunge this sub-clause from the Bill. It is the only thing to do.

The amendment which has just been passed does not meet the objection in the mind of the hon. the Chief Secretary. The only thing that affects it is the complete deletion of this sub-paragraph from the Bill. I think that all hon. Members listened to the Chief Secretary when he made his speech introducing the last amendment. That speech showed clearly that I am on the right point. If he is aware that I am on the right point then he should do the right thing and expunge this sub-clause from the Bill.

When the hon. the Chief Secretary spoke some Members, it seemed, did not follow what he was saying, because the speeches that followed bore no relation whatever to the speech of the Chief Secretary so I am asking that this sub-clause be expunged from the Bill.

Question proposed.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Mr Chairman, Sir, I rise only to say, in case there should be any doubt upon the subject, that the Government regrets, in spite of the blandishments of the hon. Member, it is quite unable to rob the Bill of its effect by doing as he has asked. We oppose the amendment.

Question put and negatived.

The Chairman :

Does Mr Rosiji desire to move the next amendment ?

* Speech not corrected by Member.

Mr Rosiji (Egba East) :

Yes, Mr Chairman, I desire to move it but I would not like to repeat myself because the arguments I have are the same as those I had for the previous amendments. I would like the Chairman to put the question.

Question put and negatived.

The Chief Secretary of the Federation (Mr R. F. A. Grey):

Mr Chairman, I beg to move that at page C100, clause 2, sub-clause (1), in the new sub-section (1c), the words "the person" be deleted and the words "or on behalf of the organisation" be inserted.

Now, Sir, this is consequential on the amendment to sub-clause (1a) and I wish to say only two things about it. In spite of the utmost care I have been unable to remove from the minds of the Opposition the belief that we are still seeking to take power to ban the works of authors, although I have said repeatedly that we are not. That is the first thing.

The second thing is that there is a difference between a person and an organisation and it is because of that difference that these two amendments have been moved. I think it is sufficiently clear elsewhere in the Committee than to the Members of the Opposition.

Question proposed.

Question put and agreed to.

The Chairman :

The next amendment, to leave out paragraph (1c), would be contrary to the decision the Committee has already taken. Therefore I will call Mr Rosiji to move page C100, to leave out sub-clause (2), if he so desires.

Mr A. Rosiji (Egba East) :

Mr Chairman, I do not think that it will make any more sense having regard to the other amendments which have been passed.

Mr J. A. Wachuku (Aba) :

*Mr Chairman, Sir, clause 2 of this Bill as a whole is absolutely unnecessary as has been said before because there is adequate provision, and as has been mentioned this afternoon by the Leader of the Opposition, we therefore object to it. Just while considering this Bill I called the attention of the learned Attorney-General to the question of clause 1, sub-clause (2) having general application throughout the Federation. The retort I had was that the Attorneys-General of the Federation have considered the legal points involved and that their opinion is that there is no provision for it in the Constitution anywhere and that that will be their opinion until a new Attorney-General has been appointed.

Apparently, our hon. Friend made us to understand that that was conclusive. But Mr Chairman, that was a matter of interpretation, not of positive law and the opinion of the respective Attorneys-General could be questioned in the Federal Supreme Court if the question comes to that ; so that there is nothing conclusive about that except that the Government has made up its mind even though that is so.

It is true that there is no specific provision saying that this particular item could be legislated upon. Item 22 of the Concurrent List mentions the securing of public safety and order. I looked through the Exclusive List and the Concurrent List to find whether this House has

* Speech not corrected by Member.

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jurisdiction to make this type of provision except when it falls within these two categories—public safety and public order. Now, Sir, if this House had no jurisdiction or if that particular section cannot be applied, if this House cannot legislate and it is a matter for the Regional Houses, then I would say that since there is no expressed provision (unless the Attorney-General can tell us that this provision can be brought within two words—public safety) then we would say that that was a matter for the Regional Houses because questions of criminal legislation are a matter for the Regions, and if it is something not expressly provided for in the Constitution then the residual powers of the Regions come into effect. I do not therefore see any reason why this particular provision which concerns the whole Federation should be made now.

* We still insist that the clause as amended be left out. It is unnecessary. The Criminal Code as it stands now is adequate. If the Government still insist that they must have this then we say that this exercise of power by the Governor-General in Council should be exercised through a board of independent persons. A Member has said that "in Council" is not the Council of Ministers. It is not the Council of Ministers that exercise the power at all; there should be a board of independent persons. Each Minister has his portfolio and all matters connected with his particular portfolio. Each Minister, I presume, is very busy if he is actually sitting at his desk and doing his work instead of globe trotting and touring. Being a politician when there is an election he is bound to go into the field and see that his position is secure. (*Laughter*). What time has he to read a book of this nature. Officials in his Ministry will be passing files and papers not connected with his portfolio up and down, and in the final analysis you will find that it is officials in the Chief Secretary's Office who constitute the brain that makes the legislation.

If their argument is followed then we should daub all of them communist for after all how do they know that these books are bad except they read those books. After reading them they imbibe the germs into their own heads and turn around to use the germs they have already taken in to pour into the ears of our Ministers. They are all spoiled, painted people. (*Laughter*). And they tell us it is bad. In other words you are telling us by this legislation that the officials in the Ministries, our Ministers, the Chief Secretary, all of them are communists. (*Laughter*). How do they know what communism is? It is quite clear they know what it is; I don't, and that is why they are telling us that it is a very dangerous thing, that we must ban them. The Chief Secretary should bring a Bill to ban everybody who has read communist literature so that this House may be cleansed. (*Loud laughter*). In other words every pronouncement made by the Chief Secretary emanates from his inner knowledge of the communist literature that he has read; otherwise I cannot see how you can tell us here in this House that this thing is terrible.

I ask you: what is wrong with it? You say, "Do not bother, you should not worry." I become suspicious. It may well be that there is something precious in it that you do not want me to know. You do not want me to know because I may use it to gain some advantage. What you do not want me to get by the front door you go through the back door and get it. (*Laughter*). I do not want this House to misunderstand the stand of the Opposition, Sir. We agree that this country, a young country, a growing country should be protected as much as is humanly possible from the inculcation of any ideas that have been proved to be false and that are likely to destroy its existence. But at the same time it would be wrong, it would be an injustice to the country, to say that the Federation of Nigeria should not learn from the mistakes of others—their successes or failures.

Russia, we say, is the home of communism. Some of us have read Karl Marx's books, and we know what is there. It is a very difficult book to read; if you are not courageous enough after reading part of it you will throw it away. But if you persist and try again you will manage to go through it. Would you tell us that Webb's "Communism, a new Civilisation" is bad? I know the Chief Secretary must have read it. Is he a communist? Is it an injurious book? The Communist Manifesto, Stalin's writings and Lenin's writings? I

think, Sir, that while suggesting that something should be done to protect our people from any unscrupulous group, any die hard imperialist, anti-nationalists and potential fascists, this weapon would be a very dangerous one.

There are some of our own fellow Nigerians who will be afraid of their own shadows. They may fear there are some people dangerous to themselves, they have incurred the hatred of some people. They say, "Yes, I am now in a position to ban them; Mr Governor-General, they are a most dangerous organisation; they are radicals; they are no use; they are going to overthrow established authority. Ban them, ban their organisation, ban their writings." That is what they are afraid of. I know that in England if you have emergency measures or powers, they are applied only during the war. Nobody ever dreams of giving them to Ministers except in a time of war. Those powers are then given and even when people thought they were necessary they were guarded jealously. And the curious thing is this, Mr Chairman, I have looked through this provision to see whether the Chief Secretary included a proviso that whenever such orders are made they should be laid on the Table of the House here, because they attack the fundamental rights of the citizen. England is our model; but in England when this power is exercised within a certain time limit the order is laid on the Table of the House of Commons for them to consider if it is necessary and if they find that it is no good they throw it out. But in this amendment there is no provision for that at all.

In other words, Sir, we are taking this power, handing it over to the Governor-General in Council. Nobody of our own people, neither the Ministers nor officials trained for the purpose from all sections of the country—North, South, East, everywhere, Southern Cameroons will look at these things, people we may call the guardians of our public morals, the guardians of our safety, a board of men, trusted men, people who are believed to have the well-being of this country at heart, people who are not afraid to see radicals, people who will see in the dynamic qualities of the youth of this country a means of improving the country, people who will not look at that type of quality as averse to their vested interests, such are the people who are required to be able to advise the Governor-General on this matter.

When you say "the Minister of Trade and Industry", you forget that the other time he was in Europe trying to negotiate on stock fish (*Laughter*) and other things for traders. Tomorrow traders from Port Harcourt will lead a delegation to him, some from Ibadan, Kano, and all over the country. How can you ask him to consider communist literature?

Mr D. K. Onwenu (Port Harcourt):

On a point of order, Mr Chairman. Standing Order 25 (2)—A member must confine his observations to the subject under discussion.

The Chairman :

You may proceed, Mr Jaja Wachuku, but I must admit there were near repetitions.

Mr Wachuku :

Mr Chairman, Sir, I am glad it is near repetitions and that I was not right in the centre of it. (*Laughter*).

This is a serious matter and we are asking that this clause be left out altogether. It is unnecessary now. When it becomes necessary such a measure may be introduced in the proper manner. Very often the Chief Secretary and the Government Bench have told us, "Oh we have introduced this measure because the Regions requested that such be the case; we have consulted the Regions". I have listened to the argument of the Chief Secretary that the Regions were consulted and I have found that there is no complaint other than what he said this morning—that he had three lorry loads of books and those books he had not even the time to know what their contents were. He said they were posted to the Eastern Region, Enugu.

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in particular. If those books were dangerous why did not those people send them to the capital of the Eastern Region, straight to the headquarters for everybody to see. Why not the Premier's Office? (*Laughter*).

In clause 2, when the Chief Secretary was substituting "organisation" for "person" he made certain explanations. My fear is that when you say the Governor-General in Council can ban books published by an association or an organisation of people, you will find that even from Russia there may come very valuable books. I have read a book called "Agro-Biology". It deals with biology as applied to agriculture and you will read in it about the cross breeding of plants—indeed more or less producing synthetic plants from the laboratory. That type of book may be published by some organisation which published what you call subversive literature. You do not know what it may produce. You merely say, "It was printed and published by so and so—ban!" And then we lose this book published by some organisation. Russia has made a great scientific progress. From 1919 to the present day it has progressed from a most backward stage to a first class power. That is an achievement. Have we nothing to learn from Russia? There is certainly something we can learn from them. We are not afraid of Russia; we have never been to Russia in fact. Why not send our Minister of Transport, after going to the United States let him go to Russia and see something about them. What are the Russians like? They say they are red. As red as what? (*Laughter*). Let this bogey not haunt us. Our people are very feeble minded people, generally very honest and I say that they are very sceptical, these people in the rural areas. You go and try. After listening to you they say, "Do you think all these things they are telling you are true?" "They are all lie," and he goes away. That is the simple rural man. And then you say these books; how many of them will read those books you are thinking of? The attack is on intellectuals, the young intellectuals of this country, those who have known what it means to draw inspiration from various sources. That is why we are opposing this clause. The attack is on you and on me. They are the people who will learn these things even the Ministers. And not only that. It appears Mr Chairman, that the Ministers and the Ministerial Bench, together with the Chief Secretary—those high officials want to monopolise a knowledge acquired. They want to read the books alone. They want to read those magazines, see the pictures, the various processes, the development that has occurred in these areas and put the whole thing into themselves and leave us out. I may be wasting your time, but I am telling you what happens. America has developed today because she drew inspiration from England and Germany, from even Russia, from France, from Italy, even from Japan. Technology—they have developed by learning from differences, the good points and bad points from the different countries and try to make something out of that. Surely, this country should not confine its knowledge from only one section. Some of us, when we were in Europe, attended Conservative meeting, Labour meeting, Liberal meeting, Communist meeting. (*Laughter*). I attended those meetings. Each one of them made their propaganda and the rest of it. I am an African, a Nigerian. I cannot surrender my loyalty to my own country to yours. What is good for you is not necessarily good for me. I returned to this country. I do not think I have come here to upset the whole country. I know the area from which I come. Go and tell the people to bring their land and let us share. You will be shocked within twenty minutes after saying it. You have to know these things in order to remedy them. Therefore you try to ban everybody. Even those on the Government Bench today, if they say they never attended any of those meetings in one way or the other, they will not be telling us the correct thing. Every student has these pamphlets showered on him, everybody asking you to join his own Party. And the test of your learning, your knowledge, your ability to hold your own, is the the ability to go through these things and yet select what you feel to be good for your country and then you go home and settle down and do it. This type of legislation will not help us at all. We know that you have made up your mind, whatever we say here, you rubber-stamp whatever the Government says but our job on the Opposition is to warn. The Governor-General told us in his speech this morning that you should not say because you are in your Party and you say that you must not hearken to the voice of Opposition. When a contribution is made for the

common good, the Government must listen to it. You may pass this Bill but all we are saying is this—it is a dangerous thing and since you want this dangerous weapon, be careful you do not use it to the detriment of the youth of this country because it may act as a boomerang. Mr Chairman, Sir, I beg to oppose the clause as a whole.

The Chairman :

This clause has been fully debated. The question is now put.

Question put and agreed to.

Clauses 3 and 4 agreed to.

House resumed.

The Chief Secretary of the Federation :

Mr Speaker, Sir, I beg to report the Bill from the Committee with two amendments and ask that it be now read a third time and passed into law.

Mr Speaker :

The question is "That the Bill be now read the third time and passed into law."

Mr O. C. Agwuna (Awka):

Mr Speaker, Sir, it is true that this Bill has passed the Committee stage and the general impression is that it has received some sort or formal assent of everyone of us here. I want to say that it is now somewhat impossible under the Standing Orders to oppose this Bill. But I continue to oppose it, not because there are no sections of it that are good but because of the juxtaposition manner in which the good section and the bad section are put, and I am saying that the main object of this Bill is not only to ban books which may come from overseas, but, also eventually to ban such other books which may be written in this country by our Organisations, or Associations or by individuals. For instance, if one is to write a book about the Iva Valley Massacre of 1949 reporting how twenty-one miners were shot because they wanted better conditions of service, I am sure that if the position so touches on the foundations of British colonialism such a pamphlet will be banned. It is true that some of us are still lucky for of all the books I have published since my life only one of them has been banned and that is "A Call For Revolution" for which I suffered three years and fourteen days in two British prisons. I hope that those of you who are supporting this Bill will take cognisance of this fact that not only foreign literature, but even some of the books most of you may be writing either to inspire the people to greater nationalism or to greater unity of this country may be banned and on that alone I will continue to oppose this Bill.

Mr Speaker, I beg to continue to oppose.

Question again proposed.

The House divided.

Mr Speaker :

Clear the lobbies—Division.

The question is "That the Bill be now read the third time and passed". Tellers for the Ayes have been appointed—M. Bello Dandago and Mr T. O. S. Benson. But there have been no Members willing to act as Tellers for the Noes. The Ayes have it.

Question "That the Bill be now read the third time and passed" put and agreed to.

Bill read the third time and passed.

[The Federal Supreme Court

22nd August, 1955

(General Provisions)
Ordinance, 1955]THE FEDERAL SUPREME COURT (GENERAL PROVISIONS)
ORDINANCE, 1955—COMMITTEE*House in Committee.**Clause 1.***Mr T. O. S. Benson** (Lagos West) :

Mr Chairman, I am happy that, despite the division of the country into Regions, this Bill is billed to hold the whole country together. I am happy at this Bill because it also accords with the policy of my Party—one country, one God, one Constitution.

*Clause 1 agreed to.**Clauses 2 and 3 agreed to.**Clause 4.***The Attorney-General of the Federation** (Mr A. McKisack) :

Sir, I beg to move the following amendment. Clause 1, line 2, after the words "the sum of" to insert the words "three thousand seven hundred and fifty". The effect, Sir, will be to increase that sum to £3,750, the annual salary of the Chief Justice of the Federation who will, of course, be the highest Judge in the land.

*Question put and agreed to.***The Attorney-General of the Federation** :

Sir, I beg to move the following amendment in the same sub-clause, line 3—after the words "sum of" to insert the words "three thousand two hundred". The effect of this, Sir, will be that the annual salary of these other judges of the Federal Supreme Court will be £3,200. This figure has been so fixed because it appears to us that it is fitting in relation to that of the Chief Justice of that Court.

*Question put and agreed to.**Clause 4, as amended, agreed to.**Clauses 5-19 agreed to.**House resumed.**Bill reported with amendments.**Bill read the third time and passed.*THE FEDERAL SUPREME COURT (APPEALS) (AMENDMENT)
ORDINANCE, 1955—SECOND READING**The Attorney-General of the Federation** (Mr A. McKisack) :

Sir, I beg to move that a Bill to amend the Federal Supreme Court (Appeals) Ordinance and to make a consequential amendment to the Interpretation Ordinance be now read a second time.

This Bill, Sir, will complete the series of Bills which the Government is presenting at this Meeting. This Bill deals with the Federal Supreme Court, but only in respect of its appellate jurisdiction. The House has already passed the necessary Bill that deals with the other aspects of its jurisdiction. The Bill is not easy reading. It is of a highly technical nature, but all it really seeks to accomplish is to deal with the powers of this Court where it is necessary to add to the present law on that subject. The position is somewhat complicated for two reasons. The

Gazette. A copy of the scheme is deposited in the Town Planning Office for a period of fourteen days subsequent to the publication of the notice in the *Gazette* for inspection by the general public. One month after publication of the notice, the L.E.D.B. serve notice on every owner of property affected by the scheme and require that person to state any objection (if any) within a period of service of this notice. When all objections have been received, they must be considered by the Board within two months of their lodgment. When the Board has considered all objections, it may further consider any modifications of the scheme. If modification is necessary, notice of this modification is given to the person who is affected by it and that person is required to lodge any further objection he may have within a period of twenty-one days. The Board must submit the scheme to the Governor-General in Council within three months of the considerations of all objections and modifications: The Governor-General in Council may then make an order approving the scheme submitted to him or rejecting it or modifying it. Consideration by the Governor-General in Council is limited to three months.

Sir, as the law stands at present, the scheme approved by the Governor-General in Council can only be varied or amended by a subsequent scheme prepared and approved in accordance with the method which I have just outlined. The effect of section 24 is to cause the varied scheme to go through the whole method of publication. This means that a period of some three months would elapse before any amending scheme would be submitted to the Governor-General in Council.

Sir, specific instances have arisen in connection with the Lagos Central Planning Scheme. Included as the first schedule to this Order in Council was a list of buildings of historical importance together with buildings which are by virtue of their construction of modern standards. These buildings were exempted by the L.E.D.B. from acquisition and demolition. As the schedule was framed in 1951, it is now out of date and the Board now wishes to add some fourteen additional properties to the schedule. A further example is in regard to the Apapa Town Planning Scheme (Western Area). It was found that a serious error in Town Planning had taken place because industrial and warehouse plots enclosed the residential area on two sides thereby creating a considerable nuisance to the residents of the area.

In order to carry out these two amendments, Sir, it would be necessary to go through the whole procedure of publication. The procedure as laid out is extremely cumbersome and may take a good many months. It is considered that power should exist to amend the scheme by a simpler method so that in suitable cases, it will not be necessary to prepare an approved second scheme for the purpose of amending the first one. This Bill has been drawn up to preserve the existing method of amending a scheme but at the same time under the new section 24 (a) to allow the L.E.D.B. to amend a scheme by an Order made with the approval of the Governor-General in Council. The new section also contains an existing provision for the revocation of a scheme. In addition, the opportunity has been taken to repeal and re-enact section 27 for the purpose of making a consequential amendment and correcting an error in the second line of subsection (1).

This, Sir, is a non-contentious Bill and I believe the House will just pass it without any trouble.

Mr Speaker, Sir, I beg to move.

Mr V. E. Mukete, Federal Minister :

I beg to second.

Mr Speaker :

Before we debate the second reading we had better have a short interval. The time now is twenty minutes to five and I hope we shall have a quorum at five minutes to five.

Sitting suspended for fifteen minutes.

Sitting resumed.

Question proposed.

[The Lagos Town Planning (Amendment) Ordinance, 1955]

22nd August, 1955

[Second Reading]

Mr L. J. Dosunmu (Lagos East) :

*Mr Speaker, Sir, I was astounded when towards the end of the speech of the hon. Minister of Land, Mines and Power, he said that this Bill is not contentious. He is right only in part, but to a large extent he is wrong. It seems to me that when a government set about to do a good thing one way or the other they do it badly, or when they set about to do a good thing they try to put in something that spoils the whole thing. In the brilliant speech of the Minister you will find, Sir, that he finds justification for this amendment, and to some extent I agree with him because what he said was true in fact. But you will agree, Mr Speaker, Sir, he cleverly omitted to say a word about the pernicious and harmful part of the Bill. The Bill, as he himself said, is that when the scheme has been promulgated by the L.E.D.B. opportunities are given to the people who are affected to lodge objections and objections are heard, and if the objections are strong enough they will inevitably lead either to the abandonment of the scheme or the recasting of it. So you can see the force of the objection lodged against the scheme, and incidentally that is all the opportunity that the people of this country, or perhaps Lagos, have. That is the only opportunity they have to show that the scheme is not good. Because the scheme is that put on paper and pasted at the L.E.D.B.'s office. The first intimation the people have after the publication in the *Gazette* is the opportunity—a very important opportunity—given to the people to lodge objections against the scheme.

The section which the hon. Gentleman seeks to amend is contained in section 24 of the old law, and if we turn to it you will find that the important proviso in that section is, and I read with your indulgence—

“Provided that the Board shall afford such opportunity as it may consider necessary for the lodging of objection against the scheme”.

You will find again that this section even makes it compulsory for the Board to invite objection. The word used is imperative—“the Board shall afford such opportunity”. But if we turn to the new Bill of the Minister you will find that not only has he made it permissive on the Governor-General to invite objections, even the opportunity that is given to the people with the right hand he takes away with the left hand, and that is contained in subsection (3) of section 3. At this stage I am not discussing the particular clause because it is the subject of an amendment, but it is necessary that I make reference to it in order to drive my point home.

Apparently there is nothing wrong with this Bill, but when you give remedy to the people that they must lodge objection and if their objection is weighty the scheme will be recast, and at the same time if they do not lodge this objection it does not make any difference. It does not make any difference. The only remedy that the people of Lagos have of opposing a badly conceived scheme is the objection, and if the objection is weighty that the scheme be recast. But in the new Bill brought by the hon. the Minister he says even if they did not ask us to lodge our objections it does not make any difference, they can still go ahead with the scheme. In a way since the position will be that the L.E.D.B. with the help of the Minister just conceive a scheme, they would not ask the people to say a word about it and they will get the approval of the Governor-General and it is not open to us to go to court and challenge the validity of the scheme on the ground that we have not been invited to lodge objections.

One section provides that we shall be invited to lodge objections; another section again nullifies it saying that the validity of the scheme shall not be questioned because we do not lodge objections. That only gives the Government the power to demolish people's houses without giving them hearing, because I cannot see the logic of it.

As I have said, I appreciate the practical difficulties remarked by the Minister because I happen to be a member of the L.E.D.B. and I have seen the difficulties confronting them when they have to amend their Bill. But to say after the amended Bill has been brought before the

* Speech not corrected by Member.

people if they do not lodge objections they have no remedy in court to challenge the validity of the scheme, Mr Speaker, Sir, that even is pernicious and wicked.

As I have said I have nothing to say about the whole Bill except that one. I think I should be heard again when we have to discuss the details of the Bill, because I shall prove conclusively to this House that that is the only remedy that the people of Lagos have in opposing a scheme conceived by the L.E.D.B. If you say whether the people lodge an objection or not it makes no difference to your scheme, you will get along with it, nobody can question the validity. But as a rule nobody is going to query you because you do not give them the opportunity whereas you provide that people shall be given opportunity to lodge objections. It is one thing if the people do not take the opportunity themselves. If you invite objections and people do not lodge objections, get along with your scheme, nobody would query. But where you do not give the people the opportunity you say nobody should question you for doing so. With great respect to the Minister, this is not the correct provision, and one thing that is particularly noticeable in the speeches, even this innovation, the law is with me here. The important proviso is that objections should be heard. In introducing this point the Minister did not say a word in justification of it; he cleverly glossed over it—I would not say gloss—he did not say a word of it at all, and that is the ample part of the Bill, and with this Bill, as it stands, I am sure the people of Lagos will not give blessing to the Minister.

If you allow me to say, it is a very serious matter, one that should transcend political matters. It is we, the residents of Lagos, who are seriously affected by this slum clearance business, and it is the procedure we adopt that will ensure that we are heard when we are opposing the Bill. But you are making it difficult for us to seek remedy in a court of law. I cannot see any useful purpose in that. You can as well not provide section B because section C nullifies it completely. I am saying, Sir, that whatever merits there are in this Bill have been considerably whittled down almost to nothing by that provision, and I should implore the Minister concerned to think seriously on this particular sub-clause and see whether it should not be removed. It never used to be in the old law and there is no need for it.

Mr T. O. S. Benson (Lagos West) :

Mr Speaker, Sir, first of all I do hope that when we speak about Lagos Town Planning it includes both Lagos East and West, and I shall be very grateful to the Minister if he could confirm that. We know the boundary of the old Lagos in that respect and then the Federal Territory, because as you know, Sir, during the last election there was an election petition dealing with the boundary of Lagos. I do not know the boundary. Fortunately for the petitioner his counsel is the Chairman of the Lagos Town Council, and therefore he was in a position to know the boundary by going to the office and bringing their Town Engineer to court. He himself was a bit sticky on the point. That was why the judge did not hold the election void on that point. But for future safeguards, Sir, I am submitting that we should have a new plan showing the boundary of Lagos, I mean the Federal territory, to avoid future election petitions based on this point alone.

Secondly, Sir, I refer now to this section 3, subsection (3) it reads thus :—

“The validity of an order made under subsection (1) shall not be questioned in any court on the ground that a person whose interests are affected by the order was not given an opportunity to object, or a sufficient opportunity to object, to the amendment of the scheme.”

This subsection, Sir, is inferior to what is contained in the old law, and I am submitting that when we are making a new law where the old one is good that section should be retained. The old one contained in Volume III of the Laws of Nigeria, Cap. 103, section 24, the proviso—“provided that the Board shall afford such opportunity as it may consider necessary for the lodging and hearing of objections to the proposed variation or amendment of persons thereby affected.” According to my own understanding of the English language I think this gives a better protection to the owners of property in Lagos than the new one.

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Under the old law, Sir, if the Government decide to acquire a whole premises, for instance, of the Ojukwu Transport Co. Ltd. under this section it can be acquired without giving any opportunity to the owner to object, and you just cannot engage any solicitor to go to the court of law to protest against it. Similarly if they decide to take my own property where I reside, I can just get up one morning to see that the law has been enforced and that the property has been acquired and I should have to pack out. I can not go to the law court to challenge that particular order made by the Government. I am also a member of the Lagos Executive Development Board, and therefore I know a bit of what is going on in that Department. I am therefore appealing to the Minister to allow this House either to remove that clause entirely or to give this House the assurance that whenever they decide to acquire any property, sufficient opportunity will be given to the owners of the property concerned.

To go a bit further, I am aware that at present Lagos as a whole is a Colony, and Eastern, Western and Northern Nigeria are merely protectorates. Therefore what may be applicable in those areas, legally speaking, may not be applicable to Lagos, and a law which the Government may decide to pass in Lagos, they may not decide to pass such law in those areas. I would like to say that when we come to pass a law in Lagos which is not in any way controlled by the inhabitants of Lagos, because Lagos being a Colony and part and parcel of Her Majesty's property, I would like such law to reflect the ideas of the Nigerians who constitute the majority of the inhabitants of Lagos and not the foreign ideas that this Bill chooses to put forward.

Personally, if we speak politically, I shall support that section because it is my view that if I have the opportunity, I shall suggest that the whole of "B" Ward should be cleared because it is a place that I regard as the ward of terror in Lagos.

When I speak here I generally speak in the interest of the people as a whole. Sir, I feel it is a Bill affecting the whole of Lagos, and I feel that the Bill should be looked into and the Minister concerned should be good enough to make necessary amendments so that the inhabitants and natives and settlers in Lagos may be happy about the Bill.

Mr S. W. Ubani-Ukoma (Aba) :

Mr Speaker, Sir, this is a question that has to deal with the development of real property. The Lagos Development Board does not develop in the air ; they develop the land and much of the land required is in the hands of private persons. It might come into their hands to develop Crown lands in which case nobody will quarrel with them. But when it concerns private property I think the greatest care should be taken, particularly in a place like Lagos where there is much scarcity of land.

The right to protect one's property is such that one can fight for it even with one's life, and I do not think that it will be fair for anybody's property to be tampered with by the Government of the day without giving him ample opportunity to have a word to say. What I am quarrelling about in this is the phrase "such opportunity". This phrase "such opportunity" is not even defined. Such opportunity might mean one day's notice ; it might mean ten days' notice, even one week, and I think this is just giving too much to the Government. There is no reason why Government should not come out in their true colours to say, "well, we give you three months' notice, or one week's notice, or thirty days' notice".

As is provided here, they want a quick way of acquiring land, and that land might be a visitor's land, it might be a house you do not want to demolish and someone come to acquire it. I think it is one of the fundamental principles of democracy that one should be given the opportunity to protect his own interest, especially when it concerns land. What makes it worse is that the court is the last resort of the citizen, and when the legislation is made in such a way as to tie the hand of the court I think it is unfair, because a certain section here says that the court has no power to change what has been agreed by the Board. I do not want to refer to the section, but we will come to that later on. The court is the place for you to go

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for redress, and if a legislature of this nature keeps quiet and gives this kind of power to the Government of the day, it appears to me giving them a blank cheque so that they can do whatever they like. The Minister when speaking said that it takes about three months to carry through an amendment, which means that he wants to take three minutes to acquire another man's property and make use of it in the way he likes and against the man's wish. That is riding roughshod over one's right, and I think the hon. Minister in charge should take time, and if I were he I would like him to withdraw this section because it cuts through the right of ordinary citizens. We do not come here to give Government the power to do whatever they like with another man's property. I think it is right to protect the rights of individuals and not to give the Government unnecessary chance to do whatever they like with one's property.

Mr J. M. Johnson (Ibadan North) :

Mr Speaker, Sir, the previous speakers but last had given reasons for their qualifications to speak expertly about this Bill. I too will follow their footsteps, and say that mine is not that I had served on any board but that Lagos is my place of birth. They could not love Lagos more than I do.

I am afraid once again I have to disagree with my lawyer friends. Reading through this amendment of "Scheme by an Order" we should remember that we still have in this country the Compulsory Acquisition Ordinance. In the Western Region when we were acquiring lands for the make-shift buildings of free primary schools, all we had to do was to paste "Quit Order" papers on walls or tree trunks and landowners had to leave their lands within a few days. There was no hue and cry by the legislators in the West about this high-handed way of acquiring land. It has been explained very well that after a town planning scheme has been completed by the Lagos Executive Development Board and the Federal Government decided to make subsequent amendment to it, it was only then that this compulsory acquisition side of it would come in. It is not a thing that happens every time. Government still has on the Statute Book a law empowering them to acquire lands. Suppose there was a scheme, as has just been explained to us in Apapa, and most of the land there had been acquired, do you mean that if there were four or five houses unoccupied and later on it was found out by experience that their immediate occupation would make the layout look better or healthier for the persons around, and Government having proceeded halfway through the scheme, would it not be proper to acquire these four houses without giving you lawyers a very good chance of going to court months and months over the same issue?

I see that in this Bill it has been made quite clear that you will almost invariably be given the chance to go to court if you have a reasonable objection to lodge, but there must always be that important safeguard left in any good legislation. Take the case of the Army for instance. You all remember 1941 when lorries were being commandeered by the Government in this country. You probably never heard of that law before. Incidentally I was one of those who went about commandeering these lorries on behalf of His Majesty and I had never heard of the Ordinance before myself, but when we were threatened by the Vichy Government from Dahomey, it was decided by the Army that the only thing to do was to commandeer these lorries for immediate use. That law had been in the Statute Book for over fifty years. Nobody applied it until it was absolutely necessary to do so, and you are now telling me that a responsible government like ours (*Cheers, Applause*) a government of the people for the people, will just go about taking peoples' lands without giving you lawyers a chance of making a livelihood? (*Laughter*). This Government of ours will judge every case strictly on its own merit. I will tell you how it may be necessary for the Governor-General in Council to use his extra powers where you may not go to court before he acquires your land. Supposing you have a landslide in "B" Ward Isale Eko which by the nature of the place you may not have any house standing. (*Laughter*). Many houses there are close to the lagoon. As Government had already acquired part of Apapa they may want about one acre more of the land in order to house destitute people who have lost their homes. Are they going to allow you three or

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four months to go from court to court before they acquire this place compulsorily and give relief to the suffering people. It is one of these simple safeguards in the Bill that guides the Government in times of emergency. A government that looks very much ahead like ours will always think objectively. Don't you then think that we are just going to take people's houses for the mere love of acquiring houses. And so, I say, Sir, I support this Bill. (Applause. Cheers).

Chief S. L. Akintola (Oshun West) :

*I do not want to take the last speaker seriously because he argued something entirely different from what is before the House. (*Opposition Members : Hear, hear.*) I think we can pardon him. He relishes lack of understanding so much that he always want to feed this house on it. He stated that he was a native of Lagos and that this law is completely harmless. Well of all people those who should be extremely cautious about a legislation of this kind are the indigenous people of Lagos. I am not one but I am just warning that the indigenous people of Lagos must be extremely cautious about a legislation of this kind. I am not and I must be deeply grateful for it. Now there was a legislation of this kind which was thought to be harmless which deprived the indigenous people of Lagos of the whole of Ikoyi. What did men like the hon. Johnson do? He had to run away from Ikoyi and seek shelter in Ibadan because his own has become untenable and he could no longer stay here. As we are here today now my hon. Friends from the North and my hon. Friends from the West and many of my hon. Friends from the East they can humbly claim "Here is a square yard of land which belongs to me and my family". Mr Johnson can never lay claim to such. Every square yard of Lagos has been taken away from the people of Lagos and he has the effrontery to come here say "Lagos is our fatherland. I am born here and therefore this law is good for Lagos". The older people in Lagos if they could rise up from their graves today would get up and get a cudgel on Mr Johnson's head. (*Laughter.*) What part of Lagos is left for the indigenous people of Lagos? What fraction of it is left? Why now whatever you may say the Minister of Land, Mines and Power knows what he is after. He knows that every piece of land in the North is sacred ground hallowed by the blood of Northerners, and nothing will take it away from a Northerner unless you take the life out of his blood, and here you come along and say where a man's land is taken away from him he should rely on the good judgment of the Government, our Government. No Government can remain there for ever, if even you have every confidence in those who run the Government today that does not necessarily follow that those who are there tomorrow will equally have your confidence. Laws are not made for one generation. They are made for generations to generations and therefore we must take account, not only of the confidence we have in those who run the show today but of the possibility of having other people who may go by the letter of the law. I had a practical experience of this from a friend who complained some years ago against a scheme made somewhere around Okesuna. There was an existing scheme, that scheme had already been perfected by the L.E.D.B., the main street was to run along a certain line, but for some mysterious reason, within about six or nine months the whole scheme was changed. Now, this man whose property was not interfered with by the original scheme only woke up one day to be told that his own house was going to be demolished. On enquiry he was told that there was a schoolmaster who put up a three storey building and that if that storey building was demolished the cost, the compensation to be paid, would be expensive, and that was why suddenly the original scheme was adjusted and that was why his own property was affected. Well, that is most unfair. It is most unfair, not because his property was taken away from him but because he was not given the opportunity of stating his own case. And that is what this law seeks to perpetuate. You can wake up one morning and be told that the scheme of yesterday had been amended surreptitiously and therefore you must leave your own land, you must leave your own house, without knowing why the scheme has been amended, without even being given the opportunity of stating your own case. The last speaker has again treated us to his own

* Speech not corrected by Member.

misrepresentation. He said you can go to the court of law. You cannot go to the court unless you previously lodged an objection. That was his own understanding of that. There is nothing like that in this law. It is always very good for you to criticise other people, but you have to reason. You have to read this law carefully ; whether you raise objection or not the door of the court is barred against you. That is the law. Read section 3 again. He is in the habit of criticising the products of the new primary schools. Many of them would understand English better than the last speaker. And before he rises up in this House I would advise him to go to some of these free schools and study English carefully. If he reads section 3 again he will notice that whether you lodge an objection or not you cannot go to court. Our humble submission, Sir, is nobody would say Lagos should not be developed. Nobody would say that Government should have no power to acquire land. But where land is going to be acquired citizens must be given the right to protect their property reasonably. If you are going to put up a scheme, that scheme must be brought to the notice of every citizen, and every citizen must be allowed to lodge his own protest. If he lodges his protest and he is not satisfied, it is possible you use your power maliciously—I do not say the Government of the day would do so. But there are governments and governments. It is possible you have some people who will act from a motive that is not altogether defensible. You must give a citizen the right to go to the law, to seek his own protection. If he does that, and the court still agrees with the L.E.D.B., that is the end of it. But, has the Government anything to fear ? Is not the court Her Majesty's Court, and are the Judges in the court not Her Majesty's Judges ? What are you afraid of ? Why don't you allow citizens free access to the courts in order that they may seek redress ? I think this is an obnoxious feature of this law, this particular section 3. And I will make one observation, too. The two Members for Lagos have agreed on these particular issues. The two Members for Lagos have agreed because it is a matter touching Lagos. Whatever may be the qualification of Mr Johnson he is not trusted by his own people in Lagos to represent them here. Those who are trusted are hon. T. O. S. Benson and Mr L. J. Dosunmu. They are the trusted representatives of the people of Lagos. If there are any people to whom we should listen, I think we should listen to those two people from Lagos.

Mr Kola Balogun, Federal Minister :

Mr Speaker, Sir, in speaking to this Bill I would like to point out once more the purpose, because it appears that what the Opposition, particularly the Leader of the Opposition, is very much fond of doing is to look into a little phrase in any legislation and make it a talking point. What they are after all the time is just something on which to "blah-blah-blah" all over the place. I have not seen a time that, especially the Leader of the Opposition, has taken the time to read through the whole of a Bill and to give reasons and suggestions as to how it can be improved. He is all the time finding little phrases and quarrelling with them, and doing that within thirty minutes. (continued interruption) Mr Speaker, Sir, it is true that we are paid. That is true. But the Leader of the Opposition is also paid, and, what is more, he is not paid to impede the work of Government. He is paid to give reasons and suggestions to Government. (Interruptions. Shouts of "No, No" from the Opposition Benches.) Now, Sir, as I was saying the main purpose of this legislation (Interruption) is that power should exist to amend a scheme by a simpler method, so that in suitable cases it will not be necessary to prepare and approve a second scheme for the purpose of amending the first one. Of course, many of them are never there when people start to speak, they jump in and begin to talk ; if Members of the Opposition were there when the Minister of Lands was making his speech, they would have known he made it quite clear what the present system is. After making that system clear (Interruption and continued interruptions. Mr Speaker called the House to Order.) It is good that the Opposition should show how very responsible they are, especially when a Minister is speaking! (Cheers from the Government benches.)

Now, Sir, when the first scheme is being prepared every effort will be made to consult all who need to be consulted. When the amended scheme is being prepared it is obvious that

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people would have to be consulted, but the thing is that all the stages and the time that is involved in the first scheme might not be gone through. That is the only thing. I want to take this opportunity to differentiate between the points made by the hon. T. O. S. Benson and the point that has been made by the Members on the other side. Mr Benson has asked for assurance. They always like to make, the little people on the Opposition Benches always like to make a cause of another man's statement. They always like to find fellow travellers with them. Mr Benson did not object to this Bill in principle. He has pointed out certain fears, as a reasonable legislator, and he has asked the Minister of Lands for assurance on this. (*Interruptions*). They were not listening to him, and they have come forward now with all sorts of fears all over the place.

Finally, Sir, I want to take this opportunity to call the attention of the House to the havoc that this type of people are doing to the people of Lagos, especially speeches like the type one hears in this House by the Leader of the Opposition. We heard so much about how they quarrelled with the Clearance Scheme and if any one wants to know how very important it is for Government to have power of this nature, it is the recent tragedy that we all lamented, that one of St. Peter's Schoolroom. That should teach anybody with responsibility in this country to begin to think twice when Government is asking for powers for social measures. These are the people, when that tragedy happened, who blamed Government for lack of vigilance. They blamed Government for not doing anything, whereas they are the only people who have been opposed to demolishing shacks in this country. I think they do so because some of them make money by this, many of them own about 90 per cent of these shacks. But in any case, what I really want to draw attention to is the sound commonsense of hon. J. M. Johnson who is not a lawyer but one of the most intelligent and reasonable people in this House. He has made it quite clear that (*Continued interruptions*.) But surely, the Leader of the Opposition was once a Minister, can't he set standards in this House?

The hon. J. M. Johnson has pointed out that if anything happened to "B" Ward and certain houses went down there, he asked the question whether we would have to wait for six months, publishing all these things, before we could really come to the aid of the people who are distressed. When the hon. the Leader of the Opposition stood up I thought he was going to answer that question, but I find that the Leader of the Opposition has no time for serious thinking. He does not consider any serious matter, rather, all he is interested in is playing to the gallery in this House. Mr Speaker, Sir, I would now call attention to the statement made by the hon. Mr T. O. S. Benson. He has pointed out what he thought to be dangerous in this Bill, and he has asked for assurance, and I hope that the Minister of Land, Mines and Power will give him the assurance which he requires. And with these few words, Mr Speaker, I beg to support the Bill.

Dr E. O. Awduche (Onitsha) :

Mr Speaker, Sir, I have no hesitation in giving this very progressive Bill my whole-hearted support. It is quite evident to all sides of the House that effective town planning is an essential ingredient for preserving the public health of any community. Lagos is becoming an overcrowded place, and we do not want to have a repetition of the disaster of the early twenties, when there was a great ravaging plague in Lagos. And, even now, there are quite a great number of deaths that do not come to the proper notice of the public, deaths due to overcrowding, due to people locking themselves up overnight in overcrowded rooms and in the morning you find that a good many of them have died, of carbon monoxide poisoning, due to bad town planning and inadequate ventilation. It is essential that Government should be given full powers to carry its schemes into effect. The chief criticism I hear here in this House from the Opposition is that the Government always talked "big" and did little. Well, this Bill proposes to give Government powers to talk "big" and do "big". When schemes have been prepared and they are exposed to actions in court it all means that at some stages of these schemes they would be subject to interference by stays of execution by the courts. . . .

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[Adjournment]

Mr Speaker :

Order, Order. I must interrupt the debate as it is now a quarter to six and I am bound to interrupt the debate until tomorrow. Debate to be resumed Wednesday next. Mr Mukete, Federal Minister.

Mr V. E. Mukete, Federal Minister :

Sir, I would like to make a number of announcements on private Member's Motions which come up tomorrow. There will be a motion by Chief Akintola on Overhead Bridges or Subways at Level Crossings; one by hon. Mbakogu on Retail Trade Restriction; one by Chief Akintola on the Abrogation of Recovery of Premises Ordinance and Increase of Rent (Restriction) Ordinance; by hon. Ayo Rosiji one on Ogun River; one by Chief Akintola on Intermediate Airport between Ibadan and Benin; one by the hon. Ayotunde Rosiji on Lafenwa Railway Station, and one by Chief Akintola on the Daily Publication of Debates; one by Chief Akintola on a message of welcome to His Excellency. Actually, the Welcome Message will be the first Motion on tomorrow's Order Paper. Thank you.

Adjournment**Mr V. E. Mukete, Federal Minister :**

Mr Speaker, Sir, I beg to move that this House do now adjourn.

Mr M. T. Mbu, Federal Minister :

Sir, I beg to second.

Question proposed.

Question put and agreed to.

Adjourned accordingly at twelve minutes to six o'clock until 10 a.m. on Tuesday, the 23rd of August, 1955.

Debates in the Federal House of Representatives of Nigeria

Tuesday, 23rd August, 1955

The House met at 10 o'clock

Prayers

(Mr Speaker in the Chair)

Papers

Mr Speaker :

I have to announce that the following printed report already circulated to hon. Members is deemed to have been laid on the Table.

Report of the Director of Federal Audit on the Statements of the University College (Capital) Account for the periods ended 30th June, 1953 and 30th June, 1954.

Ordered :

That the said Paper do lie upon the Table.

QUESTION AND ORAL ANSWER

Question—

***O.103. Mr P. A. Aiyuk :**

To ask the Minister of Natural Resources and Social Services :—

How many Nigerians have been trained under the Development and Welfare Scholarship Scheme established in 1946 ; how many of these are from the Southern Cameroons ?

Answer—

The Minister of Natural Resources and Social Services :

Mr Speaker Sir, there have been 103 awards of scholarships under the Development and Welfare Scholarship Scheme of which only 3 were from the Southern Cameroons. I must add aside that this award of Colonial Development Scholarship has been made almost entirely for full degree courses such as Engineering, and as we all know, the educational qualifications that have always been required have always been very high and facilities for educational qualifications of the University Entrance standard especially in the faculty of Science do not exist in the Cameroons and so for this reason, the award made from that territory for young people have been very few indeed.

MOTIONS

MESSAGE OF WELCOME TO HIS EXCELLENCY THE GOVERNOR-GENERAL

Chief S. L. Akintola (Oshun West) :

*Mr Speaker, Sir, I beg to move the motion standing in my name on the Order Paper :

“That this House requests the Council of Ministers to convey the loyal and sincere message of welcome from the Members of the House to His Excellency the Governor-General of the Federation of Nigeria, Sir James Robertson, K.C.M.G., K.B.E., assuring him of their support and co-operation and wishing him a successful tenure of office”.

This is a motion which I believe does not need a lengthy speech to support it. Whatever may be the differences in the various tribal usages in Nigeria, there appears to be a common factor. Whether we are from the North, or from the East, or from the West, we all believe that it is our duty to welcome strangers who enter our gates. I think the Governor-General is a newcomer to this country and this is the first opportunity that this House has of welcoming him to Nigeria. I am sure that His Excellency the Governor-General is not a stranger to

* Speech not corrected by Member.

Africans. He has had a long experience in other parts of this continent. Happily for Nigeria, the country where the Governor-General served before has problems not dissimilar to those facing this country. His mature experience, therefore, will prove a great asset to a young and growing country like Nigeria.

There is something significant about the Governor-General. Some strangers may enter your door with a suspicion. Some may put you in doubt but the very person of the Governor-General, the masculine stature, the heroic build, all conspire together to inspire confidence in our people. (*Hear, hear.*)

The reputation of the Governor-General has preceded him to this country and we all believe that he will not only maintain this reputation in this country, but that he will even excel those previous records. I am sure that as you welcome him to Nigeria, all the elements too join us in welcoming him as a great friend. A few days previous to the Governor-General's arrival in this country, hon. Members will remember that there were drizzlings of rain, and on the day that the Governor-General arrived we were not very sure whether the weather would remain clement or not. But for some reason the weather proved to be a respecter of persons on that day and when the Governor-General arrived he seized the very first opportunity that presented itself to acquaint himself personally with the diverse problems confronting the various units in Nigeria. In other words, our new Governor-General will not rely on hearsay or mere printed words; he is a man who wants to know the truth himself. This, I am sure, augurs well for the future. His policy whatever it may be, can be based on his own personal knowledge of this country.

He made statements which also inspire confidence in the minds of many people. He said elsewhere that he came not according to the old concept of Governors, that the duty of the Governor is merely to govern, but the new Governor-General said that his duty was not so much to govern but to act as a guide to the growing country of Nigeria, to act as a friend, to act as an adviser and to act as a philosopher. In other words, if we have ever had before a democratic Governor-General, we have a new Governor-General who is from his own profession more than democratic. I am not suggesting that he is a socialist or that he is a fellow traveller, but I think he is the nearest approximation to a democrat. I don't go beyond this as a friend has told me that a politician must be very careful not to praise too soon because by so doing, you deprive yourself of the opportunity of criticising later and of course, not to criticise too early because you by so doing deprive yourself of the opportunity of paying tribute afterwards. I do not therefore present our new Governor-General as a paragon of perfection. This much I will say, the Governor-General is too new and too young in this country to commit sin, so I can present him as yet as not having reached the age of accountability. I may therefore say that I present to you an innocent Governor-General and I have hope that his record of innocence will be maintained throughout his stay in this country. I am sure that I reflect the opinion of all sides of the House when I say we all pledge him our loyal support and co-operation and wish him a successful tenure of office.

I beg to move.

Dr E. U. Udoma (Opobo):

Mr Speaker, I rise with great pleasure to second this motion. For one thing, it is very simple and calls for no opposition, otherwise it would not have come from the Opposition side. Now Sir, we all are aware of the high record which has been kept and maintained by the Governor-General elsewhere because that record preceded him to this country. There is no need therefore to dwell on that except, of course, to say that our Northern brethren know that the Governor-General is a great scholar in Arabic. I understand that most of his time in the Northern territory he spoke Arabic with the people. That is a great asset and achievement, for with his knowledge of Arabic he is in a position to get into the innermost parts of the minds of the Northern people, their problems, successes and failures. As an

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Arabic Scholar, he will work not through the medium of interpreters but will deal face to face with the problems of the North. It is therefore gratifying to know that we now have a Governor-General in our midst who is not completely a stranger intellectually to this country.

Now Sir, the Governor-General has already shown the interest which he has in this country. The note which he sounded yesterday in connection with the advancement of Nigerians into the higher rungs of the service of this country was a welcome one, and I am sure meets with the approval of everybody in this House. We hope that the undertaking which he has given that it will be his own personal responsibility to see to it that Nigerianisation is no more a paper policy but a reality in practical terms within a short period of time will not be obstructed by his advisers. On the contrary, we sincerely hope that his advisers will assist him in the arduous task of advancing Africans to the highest positions this country can afford.

Now Sir, I think the greatest task that will face His Excellency in this country has not come yet ; it will come in 1956. That is the year of grace, the year of destiny for this country. It is then that we will be able to know whether in fact the Governor-General is up to the task confronting him. It will be up to him to bring about peace, to bring about prosperity, to bring about orderly Government throughout the Federation. It will be up to him to do his best to satisfy every section of this country and to leave behind when he leaves this country a record unprecedented and unparalleled in the history of Government in this country. That of course means that he has to take a step further than other Governors. The Governor-General has come to this country at a great time, a time producing enormous problems, and this time requires men of great personality, great intellect, great sense of detachment in order to be able to solve such problems.

Now Sir, throughout the length and breadth of this land, some say that in 1956 in order to preserve the unity of this country, in order to preserve the greatness of this country, in order to enable this country to stand shoulder high among the nations of the world, it will be necessary Sir, that this country be split into States. It is that that everybody in this country is looking forward to, and it will be up to the Governor-General to give the lead. Unless he solves that and not play to the whims and caprices of some political Parties but goes to the fundamental wishes of the people, it will be difficult to say that he has succeeded. It is when he does that that this country will say, he is really a great man.

Mr Speaker, Sir, I would not like to weary this House any longer save to say that I wholeheartedly support this motion of welcome, and that we on this side of the House pledge and indeed, the whole Members of the House pledge their loyalty and support to the Governor-General so long as the Governor-General is on the right path. I second this motion.

Question proposed.

Mr T. O. S. Benson (Lagos West):

Mr Speaker, Sir, as the Government Whip, I rise to support the motion of welcome to the Governor-General of the Federation of Nigeria for his Address from the throne, which I am sure, gives every Member in this House food for thought. It is appreciated that His Excellency the Governor-General did not exercise his right under section 81 (1) of the Constitutional Order in Council earlier than he did, but waited to observe from behind the fence as a referee in a football match to judge from reports, the standard of debate of this House and to watch if there were going to be any fouls played, on either side in the way of personal attacks, or unparliamentary language or behaviour. I am sure that we all of this House are proud of the impression we have created in His Excellency and will at all times try to maintain the standard of debate which has so much impressed His Excellency. I can assure His Excellency that his advice that the House should guard jealously the reputation for orderly and seasoned debate which it has gained in the past has not fallen on deaf ears but on fertile soil which will yield in future good fruit.

Being a democratic Government we on this side of the House respect the right of the Opposition to search, probe and criticise the Government or the work of individual Ministers, and appreciate that these criticisms help to bring out the best from any Government. One part of His Excellency's Address which I think deserves special mention is, I quote "Reasoned criticism moreover is always helpful and keeps the Government on their toes. That Ministers should have to justify their actions publicly is most valuable and that civil servants should have to provide their Ministers with the facts and suggest arguments supporting action taken is an excellent exercise. But in playing their part the Opposition should not be solely destructive in their criticisms, they should aim at producing facts and reasoned argument in support of their point of view". That I am saying without fear of contradiction is a timely advice to the Opposition Bench. I do not say that they have as yet transgressed the unwritten laws so far of good parliamentary debates, but sometimes, the criticisms of some on the Opposition Bench lack facts and cannot be said to be reasoned arguments in support of their point of view. I mean no disparagement on Members of the Opposition Bench, but I say this, in appreciation of the sound advice contained in the speech of His Excellency the Governor-General which should serve as a guide to both sides of the House. I have specially made a point out of this portion of His Excellency's Address because at times in arguments especially in parliamentary debates, one is tempted to get too hot, especially when an argument is at its height but if one remembers George Herbert's advice contained in his poem "The Church Porch" which reads: "Be calm in arguing, for fierceness makes error a fault and truth discourtesy, Calmness is great advantage: he that lets another chafe, may warm him at his fire." (*Hear, hear*), he will always keep cool and gain the admiration of all, and I presume this is what Members of this House practise, that has evoked the words of praise and admiration which His Excellency has seen fit to shower on this House.

The remarks of His Excellency with regard to the good fortune of this House in having as its first Speaker, Sir Frederic Metcalfe is highly appreciated and quite true and I can say that the way he conducted and guided the debates in this House at the beginning of its youthful days, has been a guiding light to our future debates which have been devoid of personalities and abuses and have made this our young Parliament a miniature of the British House of Commons, the mother of Parliaments, which we in the Commonwealth so much admire.

Sir Frederic Metcalfe is an embodiment of all that T. Erskine May in his book on Parliamentary Practice describes a Speaker to be. I quote from page 233: "The Speaker of the House of Commons is the representative of the House itself in its powers, proceedings and dignity. His functions fall into two main categories. On the one hand he is the mouth or representative of the House in its relations with the Crown, the House of Lords and other authorities and persons outside Parliament. On the other hand he presides over the debates of the House of Commons and enforces the observance of all rules for preserving order in its proceedings". Because of the exercise of these prerogatives which are the exclusive rights of the Speaker this House today has been what His Excellency has found it to be. While seconding this motion of thanks to His Excellency for his Address which has on all grounds hit the nail on the head, I must specially on behalf of the Members of this side of the House, and I think the Opposition too will like to be joined, thank His Excellency for his remarks on the apparent bitterness of some of the exchanges which take place on platforms and in the Press between political parties and which has distressed His Excellency. It is really distressing to every right thinking Nigerian and I think it is time we realise or launch a campaign to educate party men, that it is not because you are of one party and I am of another, all fighting to achieve the same goal, need make us deadly antagonists to be insulted, assaulted and on the slightest pretext to be held to ridicule, odium and contempt. Such outbursts on platforms which tend to degenerate the nation to the outside world are becoming too frequent and I on behalf of this side of the House thank His Excellency for pointing out to us that it is wasted and misplaced energy to the detriment of Nigeria as a whole for this energy could have been better directed than these absurd outbursts which bring out no constructive ideas.

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The party system has come to stay, and it is an integral part of the British democratic system which we are now emulating, but the crude manifestations of party antagonism as His Excellency has said should be moderated, if Nigeria should maintain her good name abroad and be considered a country run on the model of British democracy. It was James Russell Lowell in his essays on Democracy who wrote thus :

“President Lincoln defined democracy to be ‘the government of the people by the people, for the people.’ This is sufficiently compact statement of it as a political arrangement. Theodore Parker said that ‘Democracy meant not I am as good as you are, but you are as good as I am’. And this is the ethical conception of it necessary as a complement of the other.”

In seconding this motion of thanks, I must say that this House appreciates all the remarks of His Excellency and agrees in principle with all that His Excellency has said. The country needs technicians, and it is hoped that our boys now after reading His Excellency's first Address, as an umpire who is unbiased and has come with his mind fresh to help us as a nation attain our ambitions, will be more willing to come forward for this kind of training instead of aspiring to be all doctors and lawyers. Again, His Excellency's remark on the Nigerianisation of our services is consolation to all of us and shows the sincerity of His Excellency in helping us to achieve all we desire, and we can only do this, when we begin to man our own services with our own men, allowing them thereby by practice and experience to learn and to hold competently the posts now held by expatriates.

As far as the personality of His Excellency is concerned he is an imposing personality. Mr Chairman I would have thought that the Opposition would have, after listening to the Address of His Excellency yesterday, learnt their lesson. I can say without fear of contradiction and without any egotism that I am as competent, if not more competent, than all the Members of the Opposition put together. Mr Speaker, Sir, I am a member of the legal profession and I can say, Sir, when we talk of practice that I am more competent than all of them put together. When I speak here and refer to my notes it is common with intelligent men all over the world. They speak intelligently and refer to notes made by them so that they can make competent and intelligent speeches in the House.

On behalf of this House, I support the motion of welcome to His Excellency for his able Address and the sound advice it contains.

Mr M. A. O. Olarewaju (South Ilorin) :

Mr Speaker, Sir, in supporting this motion for a message of welcome to His Excellency the Governor-General I whole-heartedly congratulate the Governor-General for his interest in Nigeria and his effort through which he was able to deliver such a brilliant, interesting, and inspiring speech. This speech is not only touching but also very educative. His speech was equally weighed on the side of Government bench and Opposition bench, a speech which was free from partiality and malice, a speech that proves and shows love for all. Let every Member of this House take great heed from this charming and very important speech delivered by the Governor-General, by avoiding abusive language, uttering offensive words, and exchanging words between Opposition parties and the Government bench. Members should realise that we are not here to establish a political war by using bad language during debates. Every Member here should dismiss such opinion that this House is a battlefield for political parties. Mr Speaker, Sir, I predict, it is not now going to be a long time before a Nigerian, probably one of the present Members of this House, is going to deliver a speech on this very throne on which our Governor-General sat yesterday while addressing his House.

With this I support the motion.

The Minister of Transport (M. Abubakar Tafawa Balewa) :

Mr Speaker, Sir, may I say that we on the Government bench join the floor in welcoming the Governor-General, Sir James Robertson. We are very happy to see in the motion “the assurance of the support and co-operation of the House to His Excellency.” That is the most

important point in the resolution. During the debate one Member from the Opposition bench said that Sir James has a very difficult task before him. We all agree that in this country's march to greater things in the future, particularly so with the constitutional review coming in 1956, we need a special man to handle the situation and I can tell the House that Sir James Robertson is a man very well fitted for the occasion. (*Hear, hear.*)

There is another very important thing, Sir, which I would like the House to know. Whatever qualities the Governor-General may have, however much he may love this country, it will be impossible for him to succeed without the sincere and honest co-operation of members of the legislature like the Federal parliament. If their honest and sincere co-operation is not forthcoming it is impossible for him to help us very much to solve our problems. I believe, Sir, that by assuring the Governor-General of our support and of our co-operation in what he does I hope that every one of us as representatives of thousands of people will see to it that the actions of the Governor-General by which I mean the actions of the Federal Government, should be fully explained and should be conveyed to people in such a way that the people should understand that these actions are taken after very careful consideration.

Sir, the Leader of the Opposition told the House that Sir James, though a stranger to Nigeria, is not a stranger to Africa. Sir James was serving in the Sudan and the problems in the Sudan as the Leader of the Opposition already pointed out are not dissimilar to our problems in Nigeria. I would say, Sir, that we are fortunate in having Sir James at this time in our political advancement. He was one of the people directly responsible for the political advance in the Sudan. And as the Sudan faced similar problems to the ones we are facing now, we hope that whatever happens next year, as one Member calls it the year of destiny, the political advance that we will make next year will be such that it will not be a curse on the country but a blessing. A Member from the Opposition, Sir, told us that it is the duty of the new Governor-General to bring us prosperity and peace. Yes, it is and it is also our duty, Sir to help the Governor-General to bring this peace and prosperity. We, Sir, on this bench are the people who work closely with the Governor-General. We advise him and we share with him certain responsibilities in that we are answerable to the House. We are very grateful to the House for this encouragement and to know that the House is of one mind in its wish to co-operate with and support the Governor-General. I do not want, Sir, to take up the time of the House.

The Leader of the Opposition, Sir, said it will not be good for politicians to praise early because they may come to regret it later. I would say, Sir, that the success of the Governor-General in this country depends entirely on all of us not on the Governor-General's personality. If the Governor-General, for example, should fail it is we who fail. If we will be honest we will have the courage, Sir, to go out openly and explain to the country our actions and to do what is right. I have no doubt, Sir, that we will have the country behind us. We on the government bench are grateful to the floor for putting this motion.

Sir, I beg to support.

Mr M. A. Sanni (Oshun Central) :

Mr Speaker, Sir, I rise to support this motion.

Our first Governor-General, Sir John, probably had in mind before leaving Nigeria to say, like one of the world's greatest moral teachers, "It is expedient for you that I go away, for if I go not away, the Comforter will not come; but if I go away, I will send him unto you." Our new Governor-General is the Comforter, the hope and the coming redeemer of this shattered country. To quote another author: "Words are like leaves; where they most abound, much fruit of sense is rarely found." His Excellency's speech, though short, is inspiring; it is soul-elevating, life-giving. It is full of wisdom and excellent admonitions which will do Nigeria a world of good if we conform to them. In his Address, His Excellency says, "... it is a matter for all, both Government and Opposition, to preserve the courtesies and amenities of debate. . . ."

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The Government and its supporters do this. They are not irascible, not aggressive, not querulous, and when they are attacked, they turn away with decorum. His Excellency says that Nigeria has progressed rapidly, yet some people are still trying to thrust big, stuffy morsels into the throat of progress. To be successful, progress must be gradual. I agree that progress is the order of the day in the realm of nature; no stagnation, no retrogression. But Nature does dictate that progress shall be gradual—that it should not be jerky, hasty and spasmodic. The legal junto has been practising fulsome hocus-pocus on the lay section of this House. Laymen, we recognise nefarious fact twistings and wicked distortions. We are reasoning and reasonable men endowed with deep insight, great far-sight and great foresight. We are men of experience, and experience can never be slaughtered on the altar of academic qualification.

Sir, I beg to support.

Mr Speaker :

On Private Members' day I am always bound to bear in mind the fact that we hope to go through something like seven or eight motions in under six hours. So I always have to rely on the Mover of a motion or on guidance from the Whips of the parties on how long to allow for each particular motion. I do not want to curtail any motion unless I am guided.

Mr T. T. Solaru (Ijebu West) :

Mr Speaker, Sir, having regard to your advice I shall be brief. It is very distressing that those who pay lip service to the golden advice given by the Governor-General should be the very people to snap their fingers at that very advice as soon as they open their mouths. The Governor-General has said that he is new to the country; but I know he is not new to things that are decent, to things that make for peace and unity. It is as the hon. Minister said from the Government bench, we on all sides of this House should bear the responsibility if the Governor-General fails in his duty. But while we collectively will be held responsible, I think that the Government bench are carrying the heavier end of the beam, and their supporters are very close to them. But what if the Government bench itself holds itself to ridicule, when they snap their fingers at this golden advice that is given on page 2 of His Excellency's Address when he said that nothing should be said in anger, no abuse, no attempt at forcing anything down the throats of the people. Even when supporters of the Government bench see that something might be worth looking into, how is it that after having spoken our minds on something which we know is good, how is it that the Government come round here and vote solidly for that with which they themselves disagree. I am quite sure that it is that kind of thing that fires one's temper. And it is very difficult, if the Government supposed to be responsible, can bring a responsible motion before this House and withdraw it even though they themselves knew very well that in their heart of hearts they were wrong. (*Hon. Members: Irrelevant*) I am saying that it is not irrelevant because these are the things that mar the spirit of the House and make it impossible for the House to debate with decorum. Some of us would like to support but when we see irresponsible people holding the floor we think that it is necessary that there should be some order in the House, and some sense too. Some people bring whips and clubs into the House and call it order. Is that according to the Governor-General's advice? When people come here and say, "We are the government of the day; we can pass a law turning a man into a woman." Is that not what this country ought to rise against and say "Throw off these irresponsible legislators". And so, Mr Speaker, I think that we ought to take very seriously the advice of the Governor-General if we really are worthy representatives of the people. This is not a theatre; we are no comedians. We have come here to debate in the best interests of the people. We have not come here to say "I am the most responsible lawyer, I have had so many years experience". That is the kind of thing that ought not to continue on the floor of this House. We have not come here to show how flamboyant we can be in our dresses and in our speeches. We have come here to grapple with the problems that confront us, with the problems facing our country. That is what I am commending to this House and to

all the hecklers on this side, who parrot-like, not thinking, are not even taking heed to the things that are being said. I am not surprised, because the nearer a surgeon draws to the deep seat of the wound the louder the patient cries; but the doctor will not stop: he will go on so that the disease may be rooted out. If the Government and its supporters and the Opposition will rally round we think that we can make something of,—at least we can restore our fallen fortunes. "For how are the mighty fallen" when the Ministers and their supporters bring Bills which they themselves know are wrong and try to force them through the House. It should not happen in this House, Mr Speaker. I know very well that those who have been asked to come here are not being paid for that kind of thing, to come and show ego and say we are not talking egoism, but to see whether we can make valuable contribution, something that will bring benefit to our people.

Mr Speaker, I support the motion.

Mr L. P. Ojukwu (Onitsha):

Mr Speaker, Sir, thank you very much for giving me an opportunity of supporting the motion ably proposed by the Leader of the Opposition. I met Sir James in London and I saw him, spoke to him and then had a very good impression of him. I felt the post held by Sir John Macpherson would be very hard to fill. But when I met Sir James and had an informal discussion with him I felt that everything being equal and if given the support and co-operation I have no doubt that he will be in a position to do all that he can for this country. I do agree that it is rather too premature at the present time to say whether his tenure of office is going to be of success or not of success. I do agree that "Laughing is contagious but sometimes advantageous; but wise men do laugh but they laugh very rare." I would like to say that Sir James is still a new man in this country and I have to advise him in the same way that he has advised this hon. House here that we are all willing to co-operate and to help him to see that his administration in this country is successful. But at the same time I would like to warn that if he is prepared to take our advice we are willing to give that advice. But it is useless giving advice when you give advice and your advice falls on deaf ears.

1956 is pregnant, we never know what 1956 has in store for this country of ours. But with a man like Sir James, if he is prepared to take our advice, if he is prepared to work with us, if he is prepared to abide with us, if he is prepared and willing to see all our troubles, I have no doubt that 1956 will usher itself as a year of success not only for Nigeria but for the new administrator in the person of Sir James. I do agree that each and every one of us has to contribute his quota (it does not matter how small it is) towards that progress and at the same time it rests entirely in the hands of us, the hon. Members of this House representing various constituencies of this country. I have no doubt that Sir James started well because when he arrived in this country the first thing he did was to visit all the Regions. I have no doubt when he visited the Regions he was able to get in contact with all the people who matter and I have no doubt that he realised that there are different problems confronting this country. It is not only the problem confronting all the politicians. I would like him to go round more and more and very often and then meet all the people living in the rural areas and then he will be able to appreciate their difficulties so that when he speaks he will speak as Governor-General and then will lead us to our goal of self-government. I associate myself entirely with the motion ably proposed by the Leader of the Opposition. Thank you very much.

Chief S. L. Akintola (Oshun West):

*Mr Speaker, Sir, I was deeply touched by the sentiment expressed by all sides of the House. I am quite sure that we are all interested in the success of the administration of the Governor-General, and the success of his administration will be determined by the amount of progress that Nigeria makes through that administration. We all want peace, progress and prosperity for this country, and Sir James, by the Divine Grace and by the will of Her Majesty

* Speech not corrected by Member.

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the Queen, is today the head of the great team. We are all members of the team, as the hon. the Minister of Transport has put it. Each and every one of us will play our own part. If we play our part well, I am quite sure that the success of the members of the team put together is also the success of the captain. By and large, I am now convinced more than ever before that although there may be differences in political outlook from different parts of this House, that which unites us far transcends in importance that which divides us. (*Hear, hear*).

Question put and agreed to.

Resolved :

“That this House requests the Council of Ministers to convey the loyal and sincere message of welcome from the Members of the House to His Excellency the Governor-General of the Federation of Nigeria, Sir James Robertson, K.C.M.G., K.B.E., assuring him of their support and co-operation and wishing him a successful tenure of office.”

OVERHEAD BRIDGES OR SUBWAYS AT LEVEL CROSSINGS

Chief S. L. Akintola (Oshun West):

*Mr Speaker, Sir, I beg to move the motion standing in my name on the Order Paper

“That to ensure the safety of motorists and pedestrians, this House considers that overhead bridges or subways (wherever suitable) should replace the existing level crossings on the railway throughout Nigeria”.

This is a motion that should be non-contentious as it does not need any lengthy speech to support it. There are Members here who go about a good deal in Lagos. Those who go from Lagos or Ebute Metta to Apapa by road will bear me out that the level crossing at Ebute Metta is a death trap on one hand, is a spot also where precious time is wasted, where the life of the pedestrian as well as the motorist is always in danger. Then I take that as a typical example. You go on the way to Agege somewhere beyond Yaba, you have another level crossing there. Very often vehicles have to be held up, pedestrians will have to stop because the gate is locked as the train is about to pass. Well in a place where time is money, where time is precious, I think something ought to be done. This is not peculiar to the Western Region. The same problems arise in the Eastern as well as Northern Regions and I do not see any obstacle in the way of the Government building overhead bridges at these important level crossings. Wherever it is not possible to have overhead bridges we should have subways so that the passing of the train will not be an obstruction for the passing of motor vehicles. Pedestrians too can ply their own trade and not be held up simply because there is only one level crossing. I base my argument on the fact that the existing level crossing constitutes a danger to human life and I need not quote figures to substantiate that. Very often accidents occur at level crossings. Not long ago one occurred at Yaba near the level crossing there and very often these accidents could be avoided if we had had overhead bridges or subways. The time of the motorist is being wasted; the time of the pedestrian is being wasted. What is more important too is that it will make for economy in the long run on the part of the Railway. At every railway crossing today the Railway employs at least two people to be on the look-out night and day. If we spend some money to construct an overhead bridge or subway, it is true the capital cost may be enormous to start with, but that will dispense with the people, two or three, who are being paid perpetually now for keeping a watch. So I respectfully submit that it will make for better economy if the existing level crossings are replaced either with bridges or with subways. Now I come to the point—to whose responsibility it will be to construct these overhead bridges. In the first place Trunk “A” roads. The construction of Trunk “A” road as well as its maintenance is the responsibility of the Federal Government. If one side of a road is linked with the other side of the road, then you have the extension of Trunk “A” road. I therefore respectfully submit that the construction and maintenance is

* Speech not corrected by Member.

the responsibility of the Federal Public Works Department. After all, the subway will not be a long line. It will be an extension of either Trunk "A" road or the Trunk "B" road as the case may be. That is why I have brought this motion so that this hon. House may express its opinion on it. Is it the opinion of this House that the existing level crossings should be replaced with overhead bridges or subways? Do we consider it to make for better safety? If that is done that is the point for which I respectfully invite the opinion of this House. It may be argued that this transgresses upon the Trunk "B" road. If it is the responsibility of the Public Works, now the Federal Public Works is responsible only for Trunk "A" roads. And what about Trunk "B" roads? That may be well left to the appropriate authorities. If we express our own opinion in this House that we consider that it is a good thing, we may take our own part of it. In other words, we may give an example to the Regional Governments by constructing overhead bridges over Trunk "A" roads and also by constructing subways in suitable places and when the Public Works Departments in the Regions observe what we have done I am quite sure that they too, being mindful of the safety of their own people, will follow our example. I appeal to the House to read very carefully the text of the motion, "this House considers that overhead bridges or subways wherever suitable should replace the existing level crossings of the Railway throughout Nigeria." If we are not in a position to do it throughout Nigeria because Trunk "B" road is not our responsibility I appeal to the Council of Ministers with the permission of this House that they should undertake the construction of such bridges and subways all along the Trunk "A" roads. I rely upon the fact that the existing level crossing is a waste of time to pedestrians, it is a waste of time to motorists, it is a waste of time and money to the Railway and I feel that by accepting the principle of this motion a greater economy would be effected.

Mr Speaker, Sir, I beg to move.

Mr J. A. Wachuku (Aba):

*Mr Speaker, Sir, this motion is such that I think there should be no controversy about it at all; particularly in wording the motion I find two words "wherever suitable". The Minister in charge of this particular Department cannot have any excuse because the Mover of the motion has given him sufficient latitude. The motion does not say construct overhead bridges or subways wherever it has level crossing. The motion says "wherever suitable", so that the discretion given to the Minister or the Department is possible. That is one point which might be raised here. They might say, "We have many roads crossing the railway, so does it mean we have to construct level crossing at all these places", so that the Government supporter should not be misled about this particular point. Then I will give an example, a concrete example of what the motion seeks to remedy. There is a bridge, an overhead bridge at a Trunk "A" road running from Aba to Port Harcourt in Diobu area. At first when the road passed through the junction to Elele and coming to mile 7 on Aba road, there used to be many accidents. Then the road between Port Harcourt and mile 7 was remade, and a bridge was constructed above the railway line. I think since that road was constructed and this bridge built there have been less accidents. The train passes along and the car moves. On both sides of the bridge you have a foot path for pedestrians, and you see everybody quite happy. The train rolls on happily and the motorist speeds on jovially and you see the pedestrians swagger along happily. That is exactly what we would like the Minister to consider.

Now you take another one at Imo River crossing. I know personally that there sometimes the goods train will be travelling at night. I know the Railways have made certain improvements—there is the telephone attached to the gateman's shed there now. Whenever the train is coming a message is sent from the station warning the watchman that the train is coming and he shuts the gate. But, Sir, at night sometimes this watchman in order to protect himself from the superior officers and authorities so that he would not be sacked for negligence of duties, whenever he felt that nature was going to take its course and the eyelids became heavy and chose to have a quiet repose unmindful of the convenience of the pedestrians and motorists

* Speech not corrected by Member.

and cyclists, he just shut the gate before time and reclined. Now, Sir, it was convenient for the train if the train was coming and the train went away quietly and he was fast asleep enjoying himself. But if the poor motorists who come there before time, no train, nothing at all, want to pass—where is the gateman? Nowhere to be found. He is in the other world enjoying himself, and dreaming dreams and seeing visions. I am talking of personal experience. I am saying, Sir, that if in a place like that, there is a bridge crossing that trunk "A" road there will be no necessity for this motion. It may be said that this motion will deprive all the gatemen of their job. But remember, Sir, every gateman is a farmer. You give him retiring benefit. He has got the farm. You give him his retiring benefit and his pension. Here we have the Gorsuch. The Railway now is a Corporation and constituting a real Gorsuch. Gorsuch him. He will devote his time to farming. He will devote his time to looking after his family, his home. And then usually these gatemen, some of them, are retired policemen, retired 1914 war army men. It is not a question of virile young people who are just coming, they are people who are more or less worn out, who require peace and tranquillity to spend their life without being left in danger. At night like that there is a forest near by. You never know what may happen to that poor man there. So it is necessary to protect him. This bridge should be put there and let him go home and enjoy himself and let the rest of his life be devoted to inculcating in the minds of the younger ones, giving them the benefit of his experience. So we are saying the Minister should consider this. We do not want the Minister to use this as an argument and say it will cause unemployment. Do not bring that. It is absolutely unnecessary; and besides the number of gates is not so many. The Trunk "A" road—because we are talking of Federal responsibility now—there are very few Trunk "A" roads crossing rail line. In some of them you have Trunk "B", "C". We are not bothered about that one. We are concerned with the one for the Federation. The Minister should ignore completely all this and leave Trunk "B" roads to the Regional Houses. When that is necessary we shall make our representation to the Regional Legislatures and they will tackle the Trunk "B" roads. When you are crossing Jebba you have a bridge there, so you find the railway crosses through the bridge. So let no Member of Government supporters come and confuse issues now. Well, Sir, I gave you a level crossing at Imo River between Aba and Port Harcourt—Trunk "A" road. Then there is the Owerri-Onitsha, Aba-Oron Trunk road "A". Here is a growing township, very busy. Now again that is Trunk "A". We need such an overhead bridge or a subway to avoid death. Those who have travelled along Abeokuta-Ibadan road, I have had the experience of spending nearly thirty minutes in one case and in another one forty-five minutes—on two occasions. It happened that the gateman felt that he was not in a very good mood, or something happened, there was a long line of cars and motorists coming. He closed the gate. But the train was not coming. The mileage we would have covered if we had this overhead bridge or subway would have been quite much. He kept us there. So we are asking the Minister to take into consideration this problem. They are very serious.

Then there is the question of accidents. I know that if I say this you say it is Trunk B. The Minister or his predecessor might have heard of the case at Umuahia. It is this kind of accident that had been occurring that has made the Railways now to construct gates where necessary. That same condition that made it possible for the Railway Authorities to construct gates where necessary in order to avoid accidents, we are calling the Minister or the Department concerned to consider putting up overhead bridges or subways wherever suitable. So I sincerely hope that the Minister will accept this motion in the spirit in which it is proposed. In effect if you examine the motion very carefully, it says that the Government should consider the possibility of constructing bridges and subways wherever suitable. That is the meaning of this motion and that being the case, you have a free hand. If we can find only two suitable or only one suitable at the moment owing to financial and other conditions, well that is a start. We will come here and congratulate you. Next time we come here again, we have seen your hand here and there is a necessity there. Please try. We are not forcing you at all. Accept the motion and then try your hand and we will be quite satisfied.

Mr Speaker, Sir, with this remark I second the motion.

Mr Speaker, Sir, during the last session of the House the hon. Member for Oshun Division, Chief Akintola, moved a motion somewhat to this effect, but was rather complicated and to some extent unintelligible. Ever since then there had been swarms of discussions, letters in papers by traders and trading interests discussing the position of the small traders in Nigeria today. In his motion Chief Akintola called the attention of the House to ask a Commission of Inquiry to look into the activities of aliens with regard to trades, both retail trade, import and export, their interest in real property and in mining industry. The motion was rejected because of what I may call some legal loophole.

Now I come to this session to put a motion to the effect to ask the Government to incline patient ears to the feelings of our small traders. We know that political power without economic power is useless. There is no need crying for self-government today and tomorrow when actually we are being dragged into economic slavery. We are hedged around economically by foreign trading interests and to some extent we are ignorant.

During the last session on the motion put by Chief Akintola there were ugly and appalling revelations on the activities of foreign firms, particularly Syrians and Lebanese in Nigeria. Examples came from the North where they take part not only in wholesale trade but also in retail trade, and even they go as far as monopolising trade in corn, gari and rice. Mr Speaker, Sir, this is very much appalling, and if things continue to go this way there is no economic salvation for Nigeria, and it is only good and just that at this moment we start a war on these for our economic salvation.

It is difficult and it is not understandable to see why Nigerian small traders should be strangers in their own land. Everywhere the Syrians and Lebanese merchants are criticised for unfair methods of conducting business. They came here empty-handed and within a short time they become over-rich. But we must remember that they are supported by the British businessmen, because it is through British firms here in Nigeria that they get loans and overdraft with which they conduct their business, so that we must not blame them alone; we must blame those who have over-confidence in them and give them financial help to carry on the business to the detriment of the indigenes.

Mr Speaker, Sir, I remember in this hon. House we are not unaware of the swarm of criticisms levelled at them, and it is not my intention to repeat them here, but I will say that the criticisms on Syrians and Lebanese are only one aspect of the question. If we want to help the Nigerian small traders, we must do everything to help them. We must try to see that we have a State bank through which they can get loans and overdrafts with which they can carry on their trade, and I am now appealing to the Minister of Trade and Industry as well as like Ministers in the Regions to take interest and try to do a pioneer work to educate our small traders to form associations and combines so as to compete favourably with foreign trading interests. Unless this is done there is no way for us.

Mr Speaker, Sir, it was because of the increasing criticisms on Levantine merchants that a commissioner was sent to this country some time ago. He was in the person of Mr P. T. Bauer, a lecturer in the Cambridge University. He came here to look into the organisation and structure of trade in Nigeria with special reference to monopolistic tendencies. His report is a masterpiece, and I am appealing to Members in this hon. House to avail themselves of just 55s, go to the C.M.S. Bookshop to take a copy of it, and if you go through it you will understand what I am going to say.

As I have just said, that is only one aspect of the trouble. The enemies of our own small traders are the British and European merchants and the immigration policy. The Government has nothing in store, Sir, for the African traders. The authorities concerned with the execution of the immigration law to that effect are only interested in restricting to the disadvantage of this country the entrants of Lebanese and Syrians just to protect European business interest. In this respect I will say that Government should arouse competition which is liberal by allowing new entrants and by allowing those already existing to expand their own trade. When this

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is not done it means those well-favoured and well-established firms operating here will lord it over the country. What exists in practice is monopoly, or if you like, oligopoly. In the absence of competition the most important firms, the S.C.O.A., the C.F.A.O. lord it over others because there are Syrian firms and Lebanese firms which are being swarmed out of growth. There is no growth for them as they are not allowed to bring more staff from their own country—though I do not support that—and they are not allowed to expand their trade. What it means is that they will drive out our own small traders from retail trade. The Syrians and Lebanese are not allowed to expand their own trade anyhow they like in this country: they will not bring their own staff from home, but they should use Nigerian staff. They will not be allowed to expand their trade at will, to compete with expatriate firms and so they practise retail in their small shops. They do wholesale and retail trade in that shop and drive Nigerian hawkers away. That is the point that many people do not realise. If we want to help the small traders we must allow these people to expand their trade, but not to do that at the expense of Nigerians by bringing staff from home. They must use Nigerians here to trade with them so that Nigerians might get experience of business management and in time they will start their own trade.

I have said the key to development has been hampered by the monopoly practised by foreign firms. I must congratulate them for the lot they have done. While I say this I know they have done a lot to help the economic growth in Nigeria, helping this country in different ways by giving promotions to African employees, by giving scholarships and helping to establish educational, health and social institutions. But I must say this that unless they have serious competition from willing Nigerians and those foreigners who have established their own trade in Nigeria, it means they will continue to practise monopoly and not competitive trade. Most of you may not understand this point, but I feel that if we want to help our small traders we must try to encourage the spirit of competition in trade by allowing these Syrians and Lebanese to expand their trade here, not to go and import staff from home. They should be advised to use Nigerian staff by educating them and Nigerians should work side by side with them in order to borrow a leaf from them to improve their trade organisation and method. If this is done then semi wholesale and retail trade will be left to small traders.

I have also said that there should be a State bank which should help to give advances to Nigerian small traders so that they will compete favourably with the foreigners. One thing that I know is wrong in allowing British business interests to have an overall monopoly over trade in this country is the fact that there is no competition and their margin of profit rises as a result and consumers are not much benefited. I know that if trade is free to some extent internally in this country—but I am afraid it is not—there will be no question of some people not being allowed and others being allowed to expand. If trade is not free it means that the middlemen, the consumers and the retailers will suffer. But if trade is free people will have the alternative of choice. This makes for economic equilibrium.

Mr Speaker, Sir, I need not waste the time of this House because I know that most of the Members in this hon. House read enough from papers and heard voices of the suffering members of Nigerian Chamber of Commerce. I hope they will support the motion *in toto*.

Mr Speaker, Sir, I beg to move.

Mr C. O. Komolafe (Ilesha):

*Mr Speaker, Sir, I rise to second the motion. The experience of the small traders in this country is not pleasant. In the first place nobody quarrels with foreign traders because they have come to the country. After all, the trade is free, and where trade is free you cannot actually, legally, quarrel with traders who come from their country to trade. It is a question of live and let live.

The big traders have come with all their capital to this country to trade, but unfortunately the small African traders have no capital or they have small capital compared with those big traders. These small traders unfortunately carry on their small business—small trade—some

* Speech not corrected by Member.

of them hawk about, particularly women, and there are some men who have small shops and so on. But a time arose in this country when these big concerns begin to go into the profit of the small traders by establishing shops all about and instituting a system of credit customers. These very customers go to the shops of these big concerns to get goods, and when they bring the goods to their shops at the end of the month they return those unsold and balance up and on the proceeds which they made they are given small commission. But ever since after the last war the condition has changed completely. These big concerns not only confine themselves to wholesale trade but they go out to establish shops and even to engage hawkers in their organised fashion so as to drive these small African traders from the market. As a result the Mover of the motion thinks it is time we should take steps to ameliorate the conditions of the small traders hedged in not only by the Syrians and Lebanese. In fact the question of Syrians and Lebanese is a small one. After all the Lebanese as a matter of fact go out to trade. They have capital. In fact, they are helped, so to say, as was said by the last speaker, by big big combines. They go to the shops of the big firms and buy goods at wholesale prices. They come out to sell cheaper than the poor small traders who buy at the same prices and go out to sell, so that they are undersold. As a result the majority of these African traders run into debt and they do not know what to do; they are being driven to the wall. The position is becoming appalling, so that it is high time the Government should think of what to do. We do not say you should drive away Syrians and Lebanese from this country. After all, if we are asked to go to their country, I am sure the gate of the country will be open to the Africans who really trade. But when you come here there is justice in everything, there is justice in trade. When you do your business you should not do your business to the detriment of other businessmen. It is unfortunate that the small traders have not got the capital, or have not got the advantage of making use of the bank, because I know it is just now that we are having one or two African banks, and even the African banks are not standing on their feet so that it is not possible for the African banks to give the small traders even advances or to grant loans. I know advance is not so common with banks if a bank is going to run successfully. As it were, the African businessmen, the small retail traders, are now stretching their hands crying for help and this help is to come from nowhere but from the Government. The Government should do something to stabilise their position in order that they may be able to sell, and if possible, you can mark out their profit that this is the type of thing that the African retail trader should sell and this the type of thing that the big European firms or the Syrians should sell. Then it will not be necessary or it will not be possible for the European firms or Lebanese or Syrians to go out in the night and begin to harangue for customers and in the day time they begin to go to the provinces and to the remote places to begin to hawk with their lorries and to engage agents all about.

With these few remarks, Mr Speaker, Sir, I beg to second the motion.

Question proposed.

The Minister of Trade and Industry (Mr R. A. Njoku):

Mr Speaker, Sir, I rise to move the amendment standing in my name, namely—to leave out all the words from “House” to the end of the motion and insert in their place the following:—

“endorses the immigration policy of Government regarding the entry of non-Nigerians not of African descent for purposes of trade, and calls on Government to be vigilant in protecting the interests of Nigerians in its implementation of this policy; and to be particularly vigilant in protecting the interests of the Nigerian small traders.” The motion as amended will then read as follows:—

That this House endorses the immigration policy of Government regarding the entry of non-Nigerians not of African descent for purposes of trade, and calls on Government to be vigilant in protecting the interests of Nigerians in its implementation of this policy; and to be particularly vigilant in protecting the interests of the Nigerian small traders,

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Mr Speaker, Sir, the Mover of this motion was at pains to get across his intention. I must confess that he did not make it very clear: I followed him halfway and I found that he turned round about. I think I can well guess what his intention is, and that is really why this amendment has been proffered.

In the first instance, the original motion refers to retail trade, and at the outset I like to remind the hon. Mover that retail trade except in so far as Lagos is concerned is not the responsibility of the Federal Government. Trade within the Regions embraces trade by retail and I suppose, it should be understood to mean the final distribution of consumer goods to consumers. That being so, that trade is mainly the concern of Regional Government Authorities.

The motion which he moved has been further complicated by the fact that he used two terms, none of which was defined. First of all, he refers to the invasion of the retail trade and also talks about small Nigerian traders. He made no attempt whatever to define what these terms mean, or what he wants us to understand by these terms. In the course of my short speech I shall attempt to explain or to define these terms.

Sir, I must say, too, that I have intimated the Mover with my intention of moving this amendment in general terms, and that he was agreeable to it.

I shall first of all start by explaining what the immigration policy is on this point, because it seems to me that if the Mover had been very sure of what the immigration policy was then he would have been more specific in putting across to this House what he wanted us to do. On this question of immigration, as regards immigrants who are coming into the country, for the purpose of commerce and trade, Government policy is clear and we stated it, I think, at the last meeting of this House, *i.e.* the Budget meeting of the Session. It is this: to permit the entry of such persons whose presence in Government's opinion will be of social or economic benefit to Nigeria, provided that such immigrants do not intend to participate in a trade or calling which is already adequately served by Nigerians or to enter for the purpose of individual agricultural settlement. Now, intending immigrants are therefore required to state the purpose for which they desire to enter Nigeria, and permission to enter is conditional on their not changing the nature of their activities without the agreement of the Nigerian Government. If they do they may be treated as prohibited immigrants and deported. That is the policy and I may extend it a little to show that areas which are less developed will not be deprived of the opportunity of commercial development by rigid implementation of this policy.

Immigrants who wish to enter Nigeria in order to participate in a trade or calling which is adequately served by Nigerians are not permitted to do so. This is in order to protect Nigerians from unnecessary competition. This restriction, as it at present stands, applies particularly to immigrants wishing to participate in most branches of the retail trade, so that there is a definite policy on the question of immigrants taking part in the retail trade. Now, there is an exception which is normally made only where a firm intends to set up branches in areas where there is at present an inadequate system for the distribution of consumer goods. In addition firms already engaged in the retail trade are permitted to maintain the strength of their expatriate staff, and not increase it. This practice meets the Mover's point on that issue. Well Sir, that is the policy, the immigration policy as regards immigrants who come for trade purposes.

The policy of the Ministry, my Ministry, and the Department of Commerce and Industries, on trade is in similar terms, and, put in a nutshell, it is to secure a greater share of the world's trade for Nigeria, and a greater share of Nigerian trade for Nigerians. Hon. Members can see that the emphasis all the time is to expand trade and to expand trade in the hands of Nigerians. This policy has been assiduously maintained.

Now, the Mover, Sir, referred to a motion by the Leader of the Opposition at the last meeting of this House. He said the motion was rejected. I think there again he slipped, because the motion was not rejected. The motion was amended by the hon. the Chief

Secretary, and was adopted by this House. That motion, as amended, reads thus: "This House endorses the immigration policy of the Government which, while seeking to exclude persons whose intention is to participate in a trade or calling which is or can be adequately catered for by Nigerians, welcomes the entry into Nigeria of persons whose presence will be of social or economic benefit to this country". Well, that is the motion. The purpose of this motion, or the motion which was adopted at the last meeting of this House, can be summarised under two headings. First, to exclude certain types of immigrants. Secondly to welcome the entry of other types of immigrants.

Now, the only reason why the Government has proposed the present amendment, and in principle supports the Mover of the motion, is that this motion, as amended emphasises another aspect of the Government immigration policy. That is that the House calls on the Government to be vigilant. First of all, we were told to exclude certain types of people, and to welcome others. Right now, that having been settled, this motion goes another step further and tells us to be vigilant in the implementation of this policy, and particularly in protecting the interests of Nigerian small traders. This is the reason why we think it just a logical sequence of what has been happening as regards our trade policy.

I think, Sir, that at this stage I should endeavour to explain very briefly the pattern of Nigerian trade in consumer goods. Now, the bugbear of the whole trade system here, I think, is the indenting and manufacturers' agents, certain Europeans who come here from various parts of Europe and also from the British Isles either to represent manufacturers or for the purposes of indenting, or taking orders and ordering things for people, and the goods come straight to the customer. Now the policy about this type of people is that they can only transact business with importers and wholesalers who have got warehouse facilities—people who have got places where they store the goods on arrival in this country. We all realise, of course, that this type of people will normally be the leading expatriate firms and well-established and well-to-do African importers. These are the people mainly concerned with the indenting and manufacturers' agents. Now, that is the first category.

The second category of our pattern of trade in consumer goods is the trade carried on by leading expatriate firms, and this trade is normally carried on by the leading expatriate firms like U.A.C., G.B.O., John Holts and so on. They sell to Nigerian, Syrian, Lebanese or (as the Mover will call it to make the term wider) Levantine wholesalers. They sell to wholesalers. That is the second category. The third one embraces the activities of these wholesalers, that is, the well-established Levantine and Nigerian merchants who are importers themselves and wholesalers. They sell to another class of trader. They sell to people more popularly called the petty traders. They sell to market women, and they sell to itinerant vendors, people called hawkers. Now that completes the pattern. Consequently when the Mover was discussing the motion I had expected that he would be able to classify the various classes of people engaged in trade in this country and to tell us exactly where the concern, the alarm, has arisen.

Now, who is the small Nigerian trader? Well, the small Nigerian trader, I suppose, includes the last category of traders, that is the petty traders, market women and the itinerant vendors, and I suppose to this class can be added the small Nigerian wholesale trader. Taking that term in that meaning, the next question is this, is there an alarming invasion of the retail trade by foreign trading interests? Is there an alarming invasion of the interest of this fourth category or class of people? The answer, of course, is "No", and I will tell you why in a minute. I am in a position to know if there is any alarm. The complaints will come to the Department, and come to me. I will tell you something about that in a minute. So far, no complaints have come from this class of traders. The representations or complaints that I have received have come from a body of respectable gentlemen called the "Ad Hoc Committee of All Nigeria Businessmen", all of whom live in Lagos. I am not going to mention any of the people who compose this body. Note however, that they take this very noble name of *Ad Hoc Committee of All Nigeria Businessmen* but are all resident in Lagos, and they carry on

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their business in Lagos. Now, these people belong to the higher class of African traders, wholesalers, importers and so on. If they complain—I agree with my hon. Friend, Rev. Solaru, that complaints have been made—but the complaints were not made by the class of traders that the Mover seeks to protect, and neither was it made on their behalf. It was not made on their behalf. It was not made by them, so that the answer to that question whether there is cause for alarm is “No”. There is no cause whatever. But I must say that the representation made by this Committee led to very useful discussions in my Ministry. They had a meeting with another Minister who was acting for me when I was away, but I have heard all about their deliberations. Now, these people, as I say, are wholesalers.

Is there any threat at the moment to the wholesale trade as a result of invasion of that trade by foreign trading interests? That is another question, but this question is outside the province of this motion, because the motion is particularly anxious to protect the retail or small trader. I think the answer to that question will also be “No”.

I should now attempt to answer some of the points made by the Mover. He referred to that wonderful work of Mr Bauer and says he was a Commissioner sent to enquire into complaints of this sort. Fortunately I have read this book, but I have to point out that Mr Bauer was not a Commissioner. Actually he was an economist in Cambridge University, and he was (*Interruptions*) . . . requested by the Colonial Office to investigate the structure of West African trade and especially of monopolistic tendencies. The investigation was carried out under the auspices of the Colonial Economic Research Committee. He prepared the report and then substantially expanded its scope and made a book out of it. I have read his criticisms, there are good ones and bad ones. He came down very badly on the functions, policies and activities of the Marketing Boards. If my Friend the hon. Mr Mbakogu had read that book fully he would have taken notice of these criticisms and I am sure he would quarrel with them because he knows the Marketing Board system is a very very important system in our economic life.

Now the Mover of the motion went on to speak on the activities of the Levantine traders, that is, the Lebanese and Syrian merchants and in one breath he said that they are invading the rights of small traders and Nigerian traders and in the next breath he said we should allow them to expand as far and as wide as they like. Well, I do not know what he means. At the same time he says they should not be allowed to expand their expatriate staff. Well, I am sure there is nothing to prevent them engaging Nigerians as shopkeepers and shop boys and so on. I believe that the Mover was not intending to put that across.

Be that as it may, as some Members had indicated when the Mover was speaking, he failed to tell us exactly what he wanted, but I hope that the interpretation I have tried to put on his original motion in the form of the amended motion will achieve the object which he had in mind. There is no doubt that in the past Government had been vigilant. We have welcomed on a former occasion the advice, the voice of this House that we should exclude certain immigrants and also welcome other types. We now take this opportunity to give the assurance to the House that when these people, the good types, are welcomed into this country and they start trading operations, that we will be vigilant in watching over their commercial activities. But as I say I want to emphasise before I conclude that there is no cause for alarm. People who are affected by the activities of these people, traders who are affected, have always got access to the Department of Commerce and Industries and the Chief Secretary, who is the Minister responsible for immigration policy. Whenever their complaints are put across they would be investigated without delay.

In proposing this amendment, Mr Speaker, I give the House the assurance that there is, first of all, no cause for alarm or concern as regards the fate of the small Nigerian trader as I have defined him. (*Interruptions*.) You can follow me logically; I do not believe in just throwing words about. I have categorised these people who are engaged in trade in this country and I have tried to define the category that may be called, as far as language allows, small traders. I assure you that there is no alarm, there is no need for fear as far as their fate is concerned.

The small Nigerian trader is improving his status and his trading interests from day to day. There is no doubt that now more and more of the country's trade is going into the hands of the Nigerian traders. The Government will, however, continue to be vigilant in protecting the interests of the Nigerian small trader.

Mr Speaker, I beg to move.

The Chief Secretary of the Federation (Mr R. F. A. Grey):

Sir, I beg to second.

Question proposed.

Chief S. L. Akintola (Oshun West):

*I do not speak Dutch, but I understand it is a very difficult language. You can understand my embarrassment when the Minister of Trade and Industry ended his double Dutch. He did not intend his speech to be understood by this hon. House, and I want to know in all seriousness what our Government is afraid of. Whenever matters affecting alien trading activities are raised in this hon. House, I observe that our Ministers develop cold feet. Why? What is behind it all? I appeal to the Members of this hon. House that the prosperity of the indigenous people of this country knows no boundary. It cuts across party politics. In all seriousness you have all heard complaints from all corners of the country about Syrians and Lebanese even selling peppers in the North, selling groundnuts. They sell groundnut oil; they sell even gari and palm oil. And yet the Minister rises up in all seriousness to tell this House that everything is all right. Well, I think it is a matter in which, in all fairness to all concerned, the Government must take a bold and active step. It may be true that matters are not as serious as they are presented. It may equally be true that matters are even more serious. Well, in all honesty, what does the Government intend to do? "We shall continue to be vigilant". What does that mean? They have been vigilant to the extent that Syrians who came to this country rode on the white charger of our immigration policy to come and do one business in this country and a large number of them are doing different businesses today. Yet our Ministers have been vigilant. A Syrian or Lebanese who came to this country to join his brother or his partner for transport business is now embarking on textile trade. The immigration policy allows him to come into the country to do one kind of business. He is doing another, and yet our hon. Minister is vigilant. Now, the Minister stated that part of the immigration policy—that broad policy of theirs—they can excuse anything in the sacred name of the immigration policy of the Government of Nigeria. What is that policy? What is the policy? The policy is they may come into this country to embark on any trading activities for which adequate provisions had been made. Who determines what adequate provisions had already been made? Now, here we are in this hon. House, I am quite sure that experienced businessmen from all parties will bear me out. Are you suggesting, seriously, that transport industry in the North cannot be adequately provided for by the Northerners? Are you suggesting that if you leave the transport trade between the West and the East to hon. Ojukwu, he cannot adequately meet it up? (*Loud Laughter*).

An hon. Member:

That would be monopoly!

Chief Akintola:

I know he does not want monopoly. But there are monopolies, and there *are* monopolies. There are combines and there *are* combines. And when you talk of business, the interests of which is not adequately served, have you ever examined closely, carefully, boldly, courageously? What business cannot be done by Africans which we leave today to Syrians and Lebanese to do? Go to Ibadan. Go to Kano. Go to Port Harcourt. Examine those who engage in textile trade, those who sell these things to you. Is the African's capacity for trade too low even to

* Speech not corrected by Member.

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sell satin and singlets, and yet you have a lot of these people allowed into this country to do nothing but what your wives or brothers can do. I agree that there are fields for which you must allow aliens to come into this country. We know our own limitations. Bring a large number of technicians, whatever may be their colour; whatever may be their race; bring a large number of professional people; bring doctors; we need them. Bring artisans. We need them. But when it comes to trading activities in which Africans can engage, and you keep your doors open and say, well, aliens must keep on flowing in because you want to protect the sacredness of your immigration policy, I think we are not working in the best interests of the common man in this country. Last session, when I brought up a motion about aliens, an amendment was introduced similar to the one which the Government introduces today, calling for confidence in their immigration policy. What has the immigration policy got to do with a matter of life and death to the people of this country? What has it got to do with it? You have stated that these aliens, we examine every one that comes into the country, especially I say once again, the Syrians and the Lebanese. They constitute a menace to the indigenous people of this country. I say it with all sense of seriousness. Now, what have we done since our last meeting, how far has the Minister exercised his vigilance? He said too that there is a limit to the number which comes into the country. But there is no limit on the breeding proclivities of these Syrians and the Lebanese. They produce at an enormous rate; and every one, the father, the grandfather, the grandmother, grandchildren, all of them are in this country, competing with your brothers and sisters, and yet our Ministers are always vigilant. Ministers for Vigilance! He made an outstanding statement when he said some people came to his office. They complained. But they were, after all, dignified and respectable gentlemen. Yes, but for whom do they speak? Although the small traders may not be articulate, the small traders may not be able to speak, but you are here as their representatives; we are all here as their representatives. If we know that things are not what they should be our duty is to put them right. I know if this has come from the Opposition you would have said: "Yes; this is to score another party point". This is not from us. It is one of those gallant heroes on the Government party. This is not from hon. Dr Udoma, or hon. Ayo Rosiji. They are from one of your twin brothers. They say that the House is on fire; if you cannot listen to us, if you cannot listen to us, in all seriousness, are you even so deaf that you cannot even listen to your own brothers? And it is your own house, too. What is the need for this amendment? The original motion is clear enough. And you can all read it. The small African businessman is faced with unequal competition. Here you have one Syrian, he owns his motor transport; he is at the same time the dealer in textile goods. He comes to Lagos. He is also a contractor. He comes to Lagos by his own lorry or by car. He buys from one of the big firms here, or imports himself. He carries it in his own vehicle, and into his own shop. He is at the same time a transport owner, a wholesale dealer, and a retail dealer. What room is left for the indigenous businessman? Our women; in the past most women, the town dwellers among women in this country, made their living by trade, and I am quite sure that hon. Members from Ijebu Province, and from Abeokuta Province, and even Lagos will bear me out that a large number of women in this country were responsible for the education of their children. And how do they make the money? By entering into the retail trade. How do they fare today? If the Minister of Trade does not know, I will advise him to know. If he does not know, he will remove himself at least for a change for a day or two from the secluded atmosphere of Ikoyi—yes, from where I lived, because I knew what I was talking about. Let him go to the nooks and corners of Lagos. I do not want to say that I will lead and show him the way. I am sure hon. T. O. S. Benson will do so. He will show him the nooks and corners, and I know that Ikorodu women are among those most active women traders in this Lagos. I am sure that the Minister will have an outstanding revelation and the seriousness of the situation will be made clearly known to him. These facts cannot be known by reading files. They are not even facts revealed to our omniscient Permanent Secretaries. They are facts that are too true even to be known by some of those high-ups in the Secretariat. They are facts that face everybody today, and which must be faced. What is the Government prepared to do to meet this menace? Are we prepared merely to be an onlooker and skygazer, being vigilant?

Your vigilance itself savours of passivity. Lack of activity. What do you mean by being vigilant? What type of activity do you want to show? The first thing that makes itself clear, that suggests itself, to help the Minister out of the situation is for us to set up a body; a body of enquirers who are going to look into this matter and advise him as to how serious this situation is. If he can get a good number of (*Interruptions*) whether you have a Chairman or a marked man I do not know. What really matters is that the job be done. You may leave it to somebody who is in the Chair, or a floor man, or a mat man, but the most important thing is for the Minister to be up and doing, to be really active. Do not regard this matter as a party issue at all. I am supporting a member of the Government party, and I would like this matter to be divulged completely of party politics. After all we can indulge in politics only because we rely on the prosperity of this country. A country which is not prosperous, a country which is not economically strong, can never indulge in healthy politics. It is in the interests of all parties to build up a sound economy for Nigeria, when I say a sound economy for Nigeria I am not talking of an economy which eliminates all foreigners altogether, and I would like that point to be clearly understood. I am not suggesting that Syrians and Lebanese should be driven from Nigeria. What I am suggesting is that it is invidious for aliens to come into this country and crowd us out of all activities. We have nowhere else to go. This is our own country. If we are hospitable enough to allow strangers to come in, the strangers too must be generous enough to appreciate our hospitality by giving us a breathing space. Some of these traders, the aliens, do not give our people a breathing space and there is a device, a way by which their people do things in a better way than we do. There are people here who will suggest that Africans must not carry on retail trade. There is a policy of free trade. Yes, I agree. But what happens in practice? The facilities that some banking organisations extend to these foreigners are not open to most of these African small businessmen. The field is free, but what type of freedom? Freedom to suffer? Freedom to starve? What type of freedom do we indulge in? You get some, if the Minister would like to know, you get some of these aliens who enter this country a few years ago, many of them would enter penniless, many of them came in only on the strength of their tickets, not a penny left, but by some device they are accommodated both by big business concerns in this country and by the banking organisations, with the result that within a few years many of them would even out-Ojukwu Ojukwu. They make money very fast because they are assisted. They are helped. But is the same assistance open to us? (*Interruptions*) I appeal once more (*Interruptions*) Yes, I understand the National Bank is mentioned, and the Continental Bank as well. It will be interesting for us to listen even to the big bosses of the Continental Bank and the National Bank to tell you what sort of sufferings they pass through, and they are still passing through. As I speak I observe hon. Ojukwu nodding his head. I respectfully appeal to the Minister of Trade and Industry and to all Ministers to re-examine this subject, and I appeal also to the Members of the Government party, by whatever way you can organise it to wriggle out of this difficulty by making it imperative for the Government to take an active step in this matter. Well, this is not a matter that will end this morning, in any case. I would like to give time to our hon. Ministers to re-consider this amendment, to withdraw the amendment because the original motion as proposed by the Mover shows some evidence that the Mover is determined that something definite should be done. Well, this is not a matter in which we should kill time.

Some hon. Members :

Time killer !

Chief Akintola :

What I desire to kill is undue competition. Let us get executioners, not executioners to kill time, but executioners who are going to . . . (*Interruption*).

Sitting suspended.

Sitting resumed.

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Chief Akintola :

Mr Speaker, the substance of what I was trying to say on this motion is that the principle of Nigerianisation as expressed by His Excellency the Governor-General yesterday should be extended beyond the scope of our civil service. The same spirit should animate our trade policy. The Government should therefore adopt it as a principle that whatever trading activities especially in the realm of retail trade can effectively be done by Africans should not be left to the whims and caprices of Syrians and Lebanese. The Minister of Trade and Industry has stated this morning that the travel agents and the indenting agents are people allowed access into the country and they come on certain terms. He disclosed to the House that these people are allowed to come into the country to deal with business people who have warehouse facilities and storage accommodation. This is only partly true. I can appreciate the difficulty of the Minister because he is not in possession of all the facts. What is actually happening is that some of these travel agents and indenting agents send goods to this country in the names of many fictitious traders. Many people who are not actually good traders would only allow their names to be used and invariably the same people, the consignors who send the goods to this country are the people who will come to Nigeria to clear their own goods in the name of somebody else. The goods may be sent to, say, Messrs X, Y, Z and they may be men of straw, they have their name in the Customs and the manufacturers' agents will come to Nigeria and go to the Customs and clear these goods; then invariably you find these agents going from house to house, from town to town selling these goods. If these facts are not known to the Minister of Trade and Industry I think it is time that they became known.

What is the evil in this system. The evil in the system is that the whole thing is dishonest and I may mention one other fact which the Government may enquire into. Travel agents are allowed to enter the country on what are called visiting visas in some cases for one or two months. If a check is made carefully at some of the hotels in the country it will be found that some of the travel agents are in the habit of coming three or four times a year. They come and try to enter into retail trade here. They do not only compete with small African businessmen. I am sure that hon. Members who represent business interests in this House will bear me out that these people fairly compete even with the big business organisations in this country. How do we check this. They cheat our revenue because they make perhaps better transaction and because they are not registered in this country they make their profit and then go away and we are not in a position to enforce the payment of tax on whatever high profit they may make. Therefore I appeal to the Government to find a way of keeping this class of people out. They enter the country and collect their goods and sell them to the Syrians and Lebanese who readily buy them or they carry on hawking all these goods all over the country to the exclusion of African traders.

One other point I would like to mention which the Minister may check up is this. You find cars and lorries used by some of these agents all over the country. Their activities are not confined to Lagos. They go even to remote villages selling textile goods even by yards. They have no registered business place in this country. They go about from market to market and this, I think, is unfair to this country. Previously things like plushes were being imported mainly by Africans. What happens today? Some of these aliens enter this country, follow their own consignments of plushes to Nigeria and enter the houses of women traders to hawk these plushes. Those who are in contact with some businessmen of Lagos will know that within the last two years those who deal in plushes have suffered a great deal as a result of the activities of this class of aliens.

The same thing applies to laces. The aliens now enter into retail trade in laces. I think the worst feature in recent months is in connection with stockfish. Many people used to import stockfish from Norway and the stockfish were sent to different parts of Nigeria by those who deal in stockfish in foreign countries. But what happened last year. Some of the agents themselves came to Nigeria and stockfish was imported by the back door to some

people who sold to our indigenous people in Nigeria. They came on their own and the stockfish market became flooded and I am quite sure those who are conversant with events in the Eastern Region will bear me out that many people have been involved in debt as a result of the slump in stockfish trade last year. This would have been avoided if our government had been sufficiently vigilant on this issue.

I must say in fairness to the Minister that he took an active interest in this matter because during his last visit to Europe he did all he could to protect the interests of the stockfish dealers. But I do not think that that is enough; much more can be done at this end by making the conditions a little more stringent under which some of these foreigners enter this country to trade.

I bring you back to the original motion. The original motion as proposed by the Mover is that this House views with the greatest concern the rate at which foreign trading interests invade the retail trade in Nigeria. Does this House view it with the greatest concern or not? If we do view it with the greatest concern, what next? Then the Mover continues, and therefore calls on the Government to step out and redeem Nigerian small traders. If we view it with the greatest concern the next thing is for us to step out as a government and see that the Nigerian small trader is redeemed and how do we do it. If the Government is not in possession of all the facts, more enquiries would be made either by setting up a committee or by appointing a sole commissioner to look into this matter in order that a white paper on the subject may be laid before the Table of this hon. House. Such a white paper will be exceedingly useful for two reasons. To educate not only the Members of this House on this vital matter but the country at large. It will be useful too in order that those who are concerned—the foreign businessmen—will be able to know the opinion, the responsible opinion of the Government of the country as well as of the people of this country.

I appeal once more to all sides of the House that this is a very serious matter. We must not allow politics to creep into it and also as the Mover himself is a member of the Government party, I sincerely hope that the Minister will find it fit to withdraw his own amendment because the original motion amply demonstrates the feeling of this House with respect to this vital matter.

The Chief Secretary of the Federation (Mr R. F. A. Grey):

Mr Speaker, the Minister of Trade and Industry has explained most lucidly to the House the pattern of Nigeria's trade and I wish to speak only about the immigration aspect. Some of us may have forgotten after the flood of oratory which followed his speech what the immigration policy is, and I would like to remind the House of it. It is the government policy, Sir, to permit the entry of only such persons as will, in its opinion, be of social or economic benefit to Nigeria and there is a proviso that the immigrants should not participate in any trade or calling which is already adequately served by Nigerians.

As the learned and hon. Member the Leader of the Opposition has said, we have heard that before, we have heard it at the last meeting of the House and the policy of the Government was overwhelmingly supported by the House. I have no doubt that the House would much prefer a government which, having tested the opinion of the representatives of the people and found it to be in favour of its policy, adhered to that policy rather than changing it every six months because an eloquent speaker from the Opposition suggests it should do so. The Government does not intend to change its immigration policy, Sir, and it has the support of the House. What quite obviously does not have the support of the House is the way in which the Government is carrying out the policy. Let us look at what is suggested to be done. The composite picture presented by the Mover of the motion and the Leader of the Opposition is that the Chief Secretary, who has responsibility for this matter, should, as I understand the picture to be painted, as a cold-footed vigilante, mounted on the white charger of his immigration policy, sally forth by night and catch the representatives of the big business firms loading their lorries with goods and competing with the petty hawkers. There are some among us

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probably more accustomed to mounting on white chargers than I am and I leave it to them. But I will undertake, Sir, to sit at my desk and try to play a more useful part there than in any of these picturesque capacities.

It is repeatedly suggested in the vaguest of terms that the Government is failing to carry out its policy and I am waiting, Sir, for someone to come to me not in the House but in the office and give me chapter and verse of these cases and I shall undertake to do what is necessary. One reverend and hon. Gentleman extracted a good deal of amusement out of the description of this bench as vigilantes. It does occur to me, Sir, that the Leader of the Opposition is himself an ex-vigilante and I would undertake, Sir, that very special interest will be taken in any report that is brought in by this ex-comrade of ours, even though he is no longer a member of the corps. I would like to remind the hon. Gentleman that he himself has paid tribute to what has been done by aliens in developing the prosperity of this country. Indeed no country could progress economically that did not trade beyond its borders and he has also reminded us that there are some capacities in which we cannot yet produce from within Nigeria people capable adequately of carrying out trading activities. It is only in those cases that we propose to let people come in to do it.

A very pathetic picture has been painted of the poor trader who needs only some help from a bank to be able to become a very rich trader. But, Sir, no bank, not even the State Bank, will be able to continue long in existence if it lends to people who are not credit-worthy and what in general keeps people poor is their lack of credit. It must not be forgotten that the firms which play so big a part in the wholesale trade of this country are able to do so because they are able to lock up money, for a very long period of time in some cases, in their stocks. Unless and until we have people within Nigeria who are able to do that, that very important part of our trade will, as the Minister of Trade has explained, have to be performed for us by people from outside. So that the task that the Government has to decide in any particular case when someone applies for permission to enter Nigeria is whether he has some contribution to the economic benefit of Nigeria to make which Nigerians themselves cannot make. And it is that rule which we try to carry out in practice. We are very ready to take the necessary action in cases where we have good reason, not merely a suspicion, very good reason to believe that people who have been permitted to come in on certain terms have violated those terms and are doing something else.

I too have had a visit from members of the Committee but they have come to me not to protest against my failure to keep out the ravening hordes of aliens but on the ground that I enforce the law too strictly and will not let their friends come in. (*Hear, hear.*) We are not seeking to get out of the difficult task of carrying out a policy merely because it is difficult to carry out, but what we are asking is that instead of the allegation that Government is failing in its duty, we are given clear cases and definite information about incidents whether we have let people come in who shouldn't have come in, or whether we have failed to get rid of people who are in and who are doing what they should not do. The Leader of the Opposition has invited my colleague to accompany him on a tour to the nooks and crannies of Lagos. I have no doubt that the first people to complain if Ministers are found to be spending their time in the nooks and crannies of Lagos will be the members of the Opposition. (*Hear, hear.*) They will say, "Why are they not by their files, why are they not vigilant, why are they not doing what they are paid for?" But we will undertake to carry out the policy which the House has twice approved as well as we can, and we will undertake to listen carefully to any genuine reports that are made to us of cases where it seems we have failed in our duty and we shall do all that we can to remedy any failure of which we may have been guilty. (*Hear, hear.*)

M. Maitama Sule (Kano Urban Area) :

Mr Speaker, Sir, I am not trying to argue on the amendment that has been ably moved by the hon. the Minister of Trade and Industry but on the other hand, I am trying to point out certain things that have been happening in this country with the hope that the Minister of Trade and Industry may take steps to safeguard the interests of the indigenous native traders

of our holy land. Having come from Kano, the city of my birth and incidentally my constituency, which is a business town, I feel that I am most competent to speak on this issue of the exploiting and ravaging manners of the Syrians and the Lebanese traders which affect our poor native traders who must, under all circumstances, be protected by the Government of this Federation. I am not prejudiced against any one nation but if I am, I think I am quite justified to be because circumstances have compelled me to be so prejudiced.

Chief S. L. Akintola (Oshun West) :

Don't be cowardly, go on ! (*Laughter*)

M. Sule :

In any case, Mr Speaker, while I agree that the Federal Government of Nigeria is competent to solve the problems that confront the country as regards the business of our people of this country, I would like at the same time to put before this Government, competent as it is, certain things which might have been overlooked as a result of hard work so that they may now look into these things. Mr Speaker, Sir, it is true and it goes without saying, and I say this without fear of contradiction, that our indigenous native traders in this country know very little about outside world trade. If therefore the trade in this country both outside as well as local is being monopolised by a certain class of people, then I wonder when our people will take up proper place and should go shoulder to shoulder with other parts of the world in business.

We often talk about Syrians and Lebanese. I am one of those people who believe that Nigeria cannot be developed economically unless we have foreign capital pouring into the country. It is foolish and unwise for any one legislator in this hon. House to stand up and say that we cannot allow certain people to come into this country, *but* we will only allow them if and when we know that they are going to be of economic benefit to the country and that they are not going to exploit the poor people for their own selfish ends. Mr Speaker, Sir, the attitude of these people towards our own native and indigenous traders is such that we are always compelled to say these things before any legislature. We find that instead of helping the poor peasants because they are trading in their own God given country, they relegate them to the background and do not give them chance of participating in the business. Most of the smuggling that is being carried on over the borders of the French territory is by these people about whom we are complaining, and I am asking the Government of the Federation to take steps to see that this thing is stopped so that our own people may not share the blame they do not deserve.

Mr Speaker, Sir, I would like to point out that this sort of thing that has been the case in this country is something that has been urging us to say something in this legislature. We do not say that the Government is not competent to handle the business. I am quite confident that this Government is aware of these difficulties and is also aware of the problems that we have before us. What we are trying to do is to remind you again and again and to go on reminding you that these things are still there and we want the Government to do something about them as soon as possible. We are not against the idea of any foreign Government coming into our country ; we want it but at the same time we do not want our own people to be refused a fair chance in order not to be relegated to the background because by so doing, they will not be taking a preponderant share in the business of their God given country.

Sir, I support the amendment moved by the hon. the Minister of Trade and Industry and ask him at the same time to take into consideration these difficulties which we have expressed in this hon. House and we ask the Government also to give us the assurance that all these things will be probed into so that our hearts may be at rest.

Sir, I beg to support the amendment. (*Hear, hear.*)

Mr P. A. Aiyuk (Mamfe) :

Mr Speaker, Sir, I would not have liked to say anything on this motion because this type of trade menace does not prevail in the Cameroons but, as far as this Federation is concerned, what affects A directly, affects B indirectly and as far as we have the overall interest of the whole

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country, I would like to make a little contribution. I would like to associate myself with those who have supported the motion in its original nature. It may be true that the immigration policy controls the economic activities of immigrants but this may only be possible when the people are entering the country, when they may perhaps say, "This is what we have come to do and nothing else". But, Sir, after this, I am not certain that there are any protective measures to ensure that these people do not rail out of the conditions under which they were made to enter the country. It is an economic necessity and convenience that the big combines should be allowed to pull on side by side with the single or small business concerns. It will therefore be an economic injustice if these small businessmen are allowed to be swallowed up or completely ousted by the big combines.

To digress a bit, I do not say that I intend to encourage the policy of close economy, but if the economy of this country is to be stimulated and enhanced, protective measures must be taken against the dangerous influx also of luxury consumption goods which tend to discourage the propensity to capital accumulation or domestic capital formation which is the direct opposite of capital decumulation which is dangerous to an undeveloped country such as Nigeria. The money which the people have in this country is the money which makes the national income and it is only very advisable that the interests of our petty local traders be protected, and I therefore Sir, in supporting the original motion, appeal very strongly to the Government that every measure possible must be taken to protect the interest of our petty local traders.

Mr D. N. Chukwu (Awgu):

Mr Speaker, in supporting the amendment of this motion I have only few observations to make. (*Hear, hear*). Sir, it is evident that established foreign firms in this country are engaged in entire monopoly of both whole and retail sales of goods. These firms want to extract every halfpenny in this country as profit by retailing every article of goods in their shops.

The amendment introduced by the hon. Minister of Trade and Industry is fully well worded. I definitely dissociate myself from the naked view of the Opposition that the amendment be withdrawn. I doubt if the hon. the Leader of Opposition could read well and understand the wordings of this amendment. I beg to refer the hon. House to lines 4 and 5 of the amendment; it reads: "and to be particularly vigilant in protecting the interests of the Nigerian small traders". Hon. Gentlemen, we must read well and understand well. The Government has shown that it has the interest of our small traders. The Government can protect their interests by any means and I do not see with the Opposition. (*Hear, hear*). What we shall be after is the immediate implementation of this amendment. No doubt our learned hon. Minister of Trade and Industry will definitely, I hope, do all that is within his power to protect the interests of our poor small traders. These foreign firms are doing a havoc but we do not know. Many things are happening in this field of trade but we do not know. I am glad I am a businessman and have seen of these. The very few customers who are registered among our petty traders are not given the opportunity of buying goods in bales and cartons. There may be thousand and one kinds of goods they want but these foreign firms as a sort of monopoly, want to retail every good, it might be that they make 90 per cent more profit than on wholesale.

It is alarming that things are about 60 per cent cheaper in the open market, sold by our petty traders than those of the foreign firms. Let us use a datum or an example: a singlet which is sold for 3s in the market by the petty traders may be bought at 3s-6d or 4s in the foreign firms and these customers will go there because of their names, because of advertisement. This exorbitant high price is entirely due to retailing. The Syrians and Lebanese cannot be masters and servants at the same time. They want to indent to overseas in thousands of tons, want to retail and with intension to extract every halfpenny from the poor ignorant peasants, they want to engage themselves in retail trade. I believe the hon. Minister of Trade and Industry will check these people. They are making too much from us.

Mr Speaker :

The Mover of a motion is not prevented from speaking twice, he is the only person who may speak twice. He has no absolute right to speak twice.

Question "That the question be now put" put and agreed to.

Original question put accordingly and agreed to.

Resolved :

"That this House endorses the immigration policy of the Government regarding the entry of non-Nigerians not of African descent for purposes of trade, and calls on Government to be vigilant in protecting the interests of Nigerians in its implementation of this policy; and to be particularly vigilant in protecting the interests of the Nigerian small traders."

Mr Speaker :

Chief Akintola's motion No. 4.

Mr J. A. Wachuku (Aba) :

Point of order. The amendment says: leave out from "House". If the Speaker had allowed the Mover of this motion to read his present amendment it would have been plain to endorse the Immigration Policy.

Mr Speaker :

When you say: "to leave out from 'House'," it means to leave out all the words after "House". When you say to leave out from word (a) to word (b) it means that both (a) and (b) stand part. It is only the words in between that are left out. So the word "House" stands part and everything after it is to be left out.

ABROGATION OF RECOVERY OF PREMISES ORDINANCE AND INCREASE OF RENT
(RESTRICTION) ORDINANCE

Chief S. L. Akintola (Oshun West) :

*Sir, I rise to move the next motion on the Order Paper standing in my name—

"That in the opinion of this House both the Recovery of Premises Ordinance and the Increase of Rent (Restriction) Ordinance have outlived their usefulness and should be abrogated and replaced with new and more equitable laws."

I must state that at the time that the two laws were made there was every reason for them and that both of them served a very useful purpose in protecting tenants in the first place, and landlords in the second place. But in the working of these two laws the Recovery of Premises Ordinance which is Cap. 193 of the Laws of Nigeria, and the Increase of Rent Ordinance which is Cap. 93, both of them in their operation revealed certain inconvenience not only to the tenants but also the landlords as well. I am very happy that those who have had practical experience of the application of these two laws are many in this hon. House. In the first place, it involves a good deal of hardship on the tenant's part. When a landlord wants to eject his tenant, the law states the grounds on which he can do so—the latter's failure to pay rent, for example, creation of nuisance, and so on; or it may be based on the need for the landlord himself to use the house. All these grounds are there. But from my own limited experience in this line, if a landlord fails when he takes the tenant to court on one occasion, there is nothing preventing him from going again the following week. If I may give one example of which I am conversant. The landlord takes an action against a tenant and the landlord fails. The second week the landlord insists that another action must be taken. A second action was taken. That

* Speech not corrected by Member.

action dragged on for three months with the tenant going in and out of court repeatedly. In the end the landlord lost the case. The landlord determined that this man must quit his house. He took another action. The poor tenant was fed up. He went to the lawyer of the landlord and said: "I am fed up; I am going to be sacked in my place of work. My employers are fed up with my going to court all the time. If I insist on fighting this case out I must keep on coming to court and my employer will ultimately sack me". The landlord wearied him out and he ejected him from the house. This is one of the defects in the Recovery of Premises Ordinance. If it is going to be improved upon a time limit must be set during which a landlord can take action after the previous one has failed. Another point on the Increase of Rents (Restriction) Ordinance, this also makes a good deal of action for the tenant. The landlord cannot increase rent after a certain date fixed by law unless he does so with the permission of the court and the court has some yardstick with which to measure the amount of increase to be made. Because the landlords will not always get the type of increase they feel should be good, they do not apply to the court at all. The best way to get increase will be to drive the original tenant out so that the new one may have to pay the price stipulated by the landlord. The landlord on the other hand may argue that the law is too strict on them because the cost of building has risen tremendously, but this law does not allow them to increase the rent in proportion to the rising costs of building. It is possible that the Government examines the motion to amend the law with a view to doing justice to the landlord on the one hand and to the tenant on the other. If that is done, instead of leaving the tenant exclusively at the mercy of the landlord, the Government through its own law would be able to come to their aid. I therefore feel that for these two reasons these two laws should be amended in order that this law may agree with the wishes and the convenience of the tenant on the one hand and also with the wishes and the convenience of the landlord on the other hand. I fully realise that in the final analysis the law will not provide buildings for the people, but if this goes hand in hand with the new housing scheme contemplated, I think it will make for the happiness and contentment of the large number of our people.

Mr Speaker, Sir, I beg to move.

Mr L. J. Dosunmu (Lagos East) :

Sir, I beg to second.

Question proposed.

The Chief Secretary of the Federation (Mr R.F.A. Grey) :

Mr Speaker, Sir, I think Government is indebted to the Leader of the Opposition for bringing this matter to notice and also for the terms in which he has spoken of it. I would like to be able to say at once that we accept the motion but I am advised that, if we did, it would mean that we had undertaken to repeal these laws at once. I must say that we have nothing to put in their place immediately so that I can not accept the motion and be done with it. I would like to say that I much sympathise with the point of view that the Leader of the Opposition has put. I have been told of just the sort of case that he has spoken of, where the law which is supposed to protect the tenant has in fact been used to his detriment. Of course, so I am told, a landlord who has no good grounds for getting rid of his tenant could bring an action under the Recovery of Premises Ordinance which is supposed to be merely a procedural Ordinance joined with the other to give a machinery to regulate rent control. The landlord brings his action and when he fails in it he brings it again and the tenant's employer, when this has happened once or twice, gets angry with him and says: "I cannot have you going to court all the time". I have not learnt this in sufficient time to find out why that should be or what should be done about it. The Leader of the Opposition suggested we could amend the law to put some time-limit within which no further action might be brought after one unsuccessful action. But I am advised, and, I can see, rightly, that there will be some difficulty in that because the action brought by the landlord might fail on some matter of form and he would then be properly entitled to bring it again when he has remedied the fault. If, of course, he brought that action and he failed on the

time is money. In the area which has been mentioned in the motion there is a growing business in rubber and in timber and it is likely that, in the course of time, there will be cement industry because in a place near Owo there is a deposit of limestone and lignite in close proximity. The businessmen will be able to move quickly if they travel by air. If the station is at Owo it will be able to serve Akoko, Kabba and even Lokoja. There is difficulty (known by the Minister of Communications and Aviation) to get messages through over the telephone from either Ibadan or Owo to Benin City. There is the same difficulty about telegrams which take about three days to be delivered. There is also difficulty on the road. The Ose River between Benin City and Owo is flooded at certain times of the year. So that if there is another means of transport which is by air and if we have this intermediate airport so that people will be able to fly, the difficulties of transport and communication will be greatly minimised.

When we look at it again from the point of view of politicians, we can see that politicians can go quickly by air to campaign in that area. You can fly from Ibadan or Benin City and alight at Akure, or Owo, and from there motor to any part of Ondo Province, and then have your campaign there. That is why I say this is something that will interest both businessmen and politicians.

It will be remembered that at the last meeting of this House a motion was brought here by the Leader of the Opposition about extension of railroads all over the country. Many people quarrelled with that motion on the point that there were so many places suggested for railroads all over the country. But in this case it is not so. It is just for one intermediate airport. It is only one between these two places. So this is a motion that the Minister of Communications and Aviation should support because we are not asking for so many airports now. The request is specific, and I hope it will be supported.

Therefore, Mr Speaker, I beg to second.

Question proposed.

The Minister of Communications and Aviation (Mr K. O. Mbadiwe):

Mr Speaker, I rise to oppose the motion before the House. Mr Speaker, you will no doubt remember that at the last meeting of this House when aviation matters were being discussed and debated, I informed hon. Members that it was my intention at the earliest possible moment to call a meeting to discuss generally the development of aviation in Nigeria. It was then received with cheers from all sections of this House.

Mr Speaker, when I make promises to this House I ensure that so far as it is possible those promises shall be carried out. (*Hear, hear.*) I do not make vain promises to Members and then leave the matters to put themselves right. Very shortly after the last meeting of the House all the Regional Governments were circularised and were told that a meeting would be held to discuss this important question of the development of civil aviation, and asking those Governments not only to send us a note of all matters which they wished to raise regarding any development in civil aviation, but also inviting those Governments to send representatives to the meeting both at ministerial level and the executive level. As a result of this the Western Region Government informed my Ministry that they had only two points which they wished to be raised at the said conference. The first covered the future of the Ibadan aerodrome and the second was the opening of the aerodrome at Oshogbo.

A meeting was held in May, Mr Speaker, and although the Minister concerned with aviation from the Western Region was unable to attend himself, he sent his Permanent Secretary with a statement which was read to the conference in which he confirmed that these two points were the only ones in which the Western Region Government was concerned. The North was represented on a ministerial level by Alhaji Isa Kaita, the Regional Minister of Works, and the East by Mr E. B. Okoye, the Minister of Transport.

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You will therefore appreciate that the present request in the motion has never been brought to the attention of my Ministry, not so far as we are aware. It has not the backing of the Western Region Government. I would, Sir, suggest, that the terms of this motion could very easily have been made in the form of a formal enquiry to the Ministry. The hon. Mover of this motion has himself been a member of the Federal Government and is well aware of the normal procedure which is followed in this matter. This procedure is usually that in the first instance when Members are not sure of the intentions of the Government to make enquiries, and it is the duty of any Minister to make sure that he gives the Member concerned as much information as is possible, and when Members are not satisfied they can bring an oral question or written question for the Minister to satisfy them. Ample opportunity, therefore, has been given for representation to be made to a full conference at which all the Regions were fully represented and where the future of airport development throughout Nigeria was discussed at great length and in great detail.

I want to say that in the case of the Western Region, the two points raised by that Government were dealt with at that meeting. But it was recognised that the present Ibadan aerodrome was unsuitable for further development on account of various technical difficulties encountered at the present site. The meeting agreed that at a later stage in the development programme attempts must be made to find a new site which was capable of development in order to take the existing schedule services in greater safety and also to provide for the possibility of larger planes using the new aerodrome.

In the case of Oshogbo, it was agreed that this aerodrome should be opened as soon as possible, and arrangements to this end are well in hand. In fact, Mr Speaker, it is expected that this aerodrome will come into operation before the end of this year. I claim therefore, Mr Speaker, that this motion is ill-timed and ill-considered, and that is the reason why I must, duty bound, oppose the motion before the House.

Mr Speaker, turning to the facts of the case, I consider the House should be made aware of the following reasons why the terms of this motion are unacceptable for technical and other reasons.

Firstly, it is not economical airline practice to operate their services on short distances between closely spaced aerodromes in view of the loss of time entailed and the high operation costs involved in landing and take-off, and also what the hon. Mover intends to achieve by the motion may also be prejudiced because the safety measure which he aims to achieve will not be achieved when you have so many aerodromes ten miles, fifteen miles and twenty miles apart from each other.

Secondly, the average capital cost of constructing any proper aerodrome to provide the type of services which the West African Airways Corporation is used to will cost about £150,000 and if we say we are undertaking this thing to assure commercial activities in the country then you must make sure that your outlay is economically wise and that these new aerodromes will be a commercial venture. I say when you space various aerodromes between twenty and thirty miles apart it is uneconomical and it will not serve the purpose which the hon. Mover is seeking to achieve.

Thirdly, the annual recurrent expenditure to cover the necessary ground personnel including Civil Aviation staff, Posts and Telegraphs operators and maintaining the airfield itself will not be less than £6,000 per annum. Members will appreciate that we must keep a true balance of these matters and we cannot fritter away money on projects which we know are not of the first importance and which on the whole will not be an economical proposition.

Fourthly, the three places mentioned in this motion are situated in hilly countries, and there will be great difficulties in finding a suitable site for a safe aerodrome. Moreover, the fact that the aerodrome would have to be sited on high ground would increase the cost considerably since the length of the runway of any aerodrome increases according to the altitude of the site.

Fifthly, the new airfield at Oshogbo which is only twenty miles from Ilesha will, as I have mentioned previously, be open in a matter of few months from now.

I would point out that at the civil aviation conference recommendations were made for the improvement of a number of existing airfields and the construction of new ones. So when the hon. the seconder of this motion mentioned the building or construction of an aerodrome at Owo I want to inform him that there is plan at hand to get on with improving and constructing an aerodrome at Lokoja, and that will amply serve the surrounding districts of which Owo is one.

The programme therefore, Mr Speaker, that was decided in this conference is a very large one, and we hope that when this programme is fulfilled I will say that Nigeria will be amply supplied with aerodromes to begin a new era in air transportation system. It is contemplated to improve the aerodrome at Minna and reopen same; it is contemplated to widen and make more suitable the aerodrome at Ilorin; it is contemplated to build a new aerodrome at Onitsha; and it is contemplated to explore the possibility of aerodromes at Abakaliki and Uyo; and the international airport at Kano is progressing with all speed, and when it is completed, Mr Speaker, it will be a monument of pride to this country and will be one of the biggest aerodromes in the whole of West Africa. Mr Speaker, it is intended also to improve and bring to a higher status the aerodromes at Kaduna and Maiduguri, and it is the intention of my Ministry to make sure that the aerodromes or the existing aerodromes at our Regional capitals come to the status to be worthy of the names of the Regional Governments. So therefore the programme is at hand to enhance the aerodrome building in this country, and therefore this motion is ill-considered and I beg to oppose.

Sitting suspended.

Sitting resumed.

Mr J. I. G. Onyia (Asaba) :

Mr Speaker, I would like in the first place to thank the Mover of this motion, Chief S. L. Akintola, for saying that he wants us to provide an intermediate airport to be made available for me whenever I travel to this area all the way from Asaba. However, I wish to say that it is better said than done. I have said always here that if wishes were horses beggars would ride. If wishful thinking can always bring us the amenities and the necessities which we need in this country, then I am quite prepared to rejoice and support such a motion. But, considering the financial and other problems involved, and the intelligence and the experience of the Mover of this motion, I am gravely put in doubt as to the sincerity of the motion itself. When the Opposition Members are sincere we on this side of the House, supporters of Government, do know. We have the evidence of it this morning, and had some this afternoon. I should say that we must bear in mind that responsible legislators should act responsibly. It is the expectation of Nigerians and outsiders that in this House Federal legislators should think of Nigeria first and self last. Self includes sectional interests. In the Regions the Regional legislators are expected to think of their Regions first and then of themselves next. In our Federal (*Interruption.*) You will soon know what I am talking about, Mr Turncoat. In our Federal development projects consideration must be given first to places where they will be of maximum benefit to all the Nigerian communities as a whole, irrespective of Regional or sectional bias. Our Council of Ministers, our Government, has the matter well in hand, as has been explained to this House by our Ministers. This motion apparently seeks to detract, merely seeks to detract and no more. It is therefore a political mischief.

Chief Akintola :

I am a Chief, not a Mischief !

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Mr Onyia :

It is therefore a political mischief intended to seek or play to the sentiments of the gullible mass who have neither the time nor the opportunity to understand what is exactly at stake.

Mr Speaker, Sir, I beg to oppose.

The Parliamentary Secretary to the Ministry of Communications and Aviation
(Mr U. O. Ndem) :

Mr Speaker, Sir, when I saw this motion on the Order Paper I thought that the Leader of the Opposition who was to move it, was going to provide this House with something very substantial in the way of argument, or something enlivening in the way of forensic debate, but I have been sadly disappointed. He has made only two points, both of which are weak in presentation as well as in substance. He said that there should be an aerodrome at Ilesha or Akure or at Owo. An aerodrome in any of those three places would satisfy him. In other words, he was not even very serious about these places which he named, he just wanted to see an aerodrome in any one place between Ibadan and Benin. Secondly he said that if aerodromes are not put in any of these places there would be general hardship in the country! I think we can safely dismiss as childish the suggestion of hardship for the reasons which I shall presently give. Now let me examine first of all the request which he makes that there should be an aerodrome between Ibadan and Benin. I should like to repeat what the Minister of Communications and Aviation has already made clear in this House that there is a plan to reopen the Oshogbo Airport. In fact I have been informed by the Director of Civil Aviation that he had landed on Oshogbo aerodrome just two weeks ago. (*Hear, hear.*) This means that Oshogbo aerodrome is useable and being useable will be opened for full operation even earlier than the end of the year which the Minister indicated. If we follow Mr Akintola's argument closely it will be obvious that all that he is anxious about is to have an intermediate airport between Ibadan and Benin. Well there is one at Oshogbo which is about ninety-five miles from Ibadan and 139 miles to Benin. In other words there is already between these two points an aerodrome which, to all intents and purposes, should satisfy the requirement of the hon. Gentleman. If therefore the hon. Gentleman had put it into a form of a motion that the steps which Government has already taken to provide an intermediate airport at Oshogbo between Benin and Ibadan, should receive the commendation of this House, I am sure that hon. Members of this House would have heartily congratulated him.

Mr Speaker, Sir, with regard to the other argument that the absence of an intermediate airport between Ibadan and Benin would cause untold hardship in this country, I have already said that we can dismiss that as childish. If by this country, hon. Chief Akintola or hon. Ajasin who supported him, mean the Western Region, then it is necessary to tell them that the Western Region Government is certainly not of that opinion and cannot therefore share their fears nor support their argument. The Minister has already disclosed to this House that the Civil Aviation Conference which he called soon after the last Budget Session had submitted to it only two requests from the Western Region Government. They wanted Ibadan aerodrome to be improved and Oshogbo aerodrome to be reopened. They made it clear from their letter to the Conference that they had no other requests to make. How then will there be untold hardship and suffering in the Region if there is no aerodrome in either Akure, Ilesha or Owo. After all the Action Group Government of the Western Region should be regarded as a serious and responsible government and if they say they do not want a thing we should assume that they know what they are talking about. The Western Government's requirements as far as Civil Aviation is concerned have been met. If the Mover of this motion had been at variance with the Government of the Western Region, and there is no agreement and consultation between him and them, he should not come and bother us in this House with this frivolous motion. Because it seems quite clear that there is lack of liaison between him and the Government of the Western Region, otherwise the Western Region Government would not

say, "We do not want any more aerodromes except the ones at Oshogbo and Ibadan," and the hon. Chief Akintola would come and say "No. The Western Region Government is wrong. We want one either at Akure, Ilesha or Owo." And I am quite sure that Members of this House will not hesitate to throw out this motion because it is both ill-conceived and I should say, in the words of the Minister of Communications, ill-timed. It shows serious disagreement in the internal working between a member of the Action Group and his own Government, and we are not going to be bothered here by such a disagreement. Therefore, Mr Speaker, I have to say in conclusion that the Government has taken great pains in examining this matter and it is quite obvious that the requirements which the Mover of this motion seeks to impress upon this House have already been met by the provision of an aerodrome at Oshogbo. As I have already indicated earlier, that aerodrome at Oshogbo has already been used and by the end of this year full use will be made of it and the requirements of an intermediate airport between Ibadan and Benin would have been fulfilled. Therefore I beg to oppose.

Mr J. I. Izah (Aboh) :

Mr Speaker, Sir, I have just few observations to make on this motion. (*Interruptions*). Many Members have spoken and offered some relevant points, but I have two more points to contribute to this motion. Members should ask themselves whether the majority of people in Nigeria welcome the idea of travelling by air. You find that the volume of air traffic in the country today is quite negligible. You find that very few people can afford to pay the cost of air passages, and Members who have read their reports on the Department of Meteorology would know that Nigerians today are not as keen on travel by air as we would imagine. That is why the Government felt that this motion is premature, and the people of Ilesha, Akure, and Owo and other places where you have suggested that airports should be opened, will better be served by other development projects. We know what the people require more, and I feel that some priority should be exhibited in granting these things to them. I know Akure well, and I travel through Owo, and I can assure the hon. Mover of this motion that these people will prefer other amenities to aerodromes. They would welcome more clinics and dispensaries, secondary schools . . . (*Interruptions*). I am a Westerner, please. These people would welcome more social amenities rather than the aerodrome which only a few people can make use of. Secondly, Sir, I want to warn the Government of a certain point and that is the indiscriminate distribution of airports in the country. We certainly know that airports can make places vulnerable during wars. Lagos and Kano can be taken as instances. We know that these international airports invite the attention of the enemy during wars. And that is why I feel that, although there might be a handful of people who prefer to travel by air, that point should not be lost sight of, that airports make places easy to enemy action, that airports make a place more easily attacked by the enemy during war time.

Mr Speaker, Sir, I beg to support.

Chief S. L. Akintola (Oshun West) :

*I observed that just now when I propose to wind up, the Minister of Communication is, unfortunately not here. He must have realised that his arguments would be easily punctured. That is why he made himself scarce.

He based his objection to this motion on the proximity of the two points that are mentioned. He stated that the distance between Ilesha, or Akure, and Owo, is only twenty miles. (*Interruption*). Yes, he said the distance was twenty miles. Well, even the aerodrome at Oshogbo to Oshogbo town is six miles and from the aerodrome at Oshogbo to Ilesha would be about twenty-six miles, and twenty-six miles is not equal to twenty, if my mathematics is correct. (*Laughter*). Well, in any case, if you base that on the rules of proximity, now hon. Members will realise that

* Speech not corrected by Member.

[*Airport between*

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there is an airport at Enugu. Enugu is under sixty miles to Onitsha. Onitsha is sixty odd miles away. Well, there is also one proposed for Abakaliki, which is also under sixty miles and I understand one is under contemplation now at Uyo. Uyo is just under thirty miles from Calabar. Now, on the rule of proximity the Minister must have been inconsistent with himself if he has set up a standard, and the distance which he standardised already exists; why did not he follow his own standard all along? Much has been said about Oshogbo Airport. I always appeal to our Government, that conservation is not contribution. For you to take any pride in Oshogbo Airport is absolutely without justification. Oshogbo Airport is older than any of the Ministers here and may I have the honour to refer to one of the engineers who constructed Oshogbo Airport, in the person of hon. Ayo Rosiji here (*Hear, hear*).

An hon. Member :

Is he an engineer?

Chief Akintola :

Yes, he is an engineer; he is a lawyer; he is a legislator. (*Laughter*). Well, why do you want to get credit for a thing for which you are not responsible? The Oshogbo Airport has been in operation for many years. It was only temporarily closed down for some time immediately after the war, and what has been done now is purely to reopen an aerodrome which had already been built. What we want to know is your own distinctive contribution. Conservation is not contribution. You preserve only what you have already met, what is your own distinctive contribution? What are the new airports you are going to build? We are not asking you to enumerate the existing airports. How many new ones have you built in the North? How many are in contemplation at the moment? And the Minister is trying to seek refuge under the fact that the Regional Government has been invited. Aviation is a Central subject. The Minister is not even under any obligation to inform the Region. If he did so he merely consulted them on specific issues, and I am knowing for the time that before you raise a matter here you must get the certificate of your Region. Well, that is new departure. It has no constitutional sanction at all. Are you going to scuttle, do you want to abdicate from carrying out your own responsibility merely because one Region does not mention this, or does not mention that? If we feel that a thing is worth doing, which is within our responsibility, whether a Region asks for it or not it is our duty to do it. Are you suggesting . . . (*Interruption*). Well, I have some instructions from hon. Johnson . . . (*Interruptions*) unfortunately I think that would be breaking the monotony of talking on admirable subjects. If it is a question of what the Region would ask for, the Minister has fallen short of one point. Is he suggesting that if this request comes specifically from the Western Region he is going to build it? I challenge him to come out with that statement. I challenge him to come out with the statement that this is not accepted because it does not come from the Western Region. If it comes from the Western Region, if the Ministry is prepared to build it, let him stand and accept that challenge. The Deputy Minister of Aviation has just spoken. In his maiden speech he also referred to undertaking by the Western Regional Government. I am quite sure he is competent to speak for his boss. If he, too is of opinion that if this request comes from the Western Regional Government the Ministry would construct the airport I am prepared to withdraw and ask the Western Regional Government to submit the request. Otherwise it is a lame excuse. If it is worth doing then the best duty of the Government is to consider constructing this airport. Do not seek shelter under anyone and I am not suggesting that the new intermediate airport should be a substitute for the Oshogbo airport. It has already come to stay; it is there and I will be the last person to say that Oshogbo airport should be withdrawn. It is the nearest airport to my own home. I therefore respectfully submit that this motion should be passed.

Question put and negatived.

LAFENWA RAILWAY STATION

Mr A. Rosiji (Egba East) :

*Mr Speaker, Sir, I rise to move the motion standing in my name on the Order Paper.

"That this House calls on the Minister of Transport to consider the remodelling of the Lafenwa Railway Station."

Before I continue with the substance of this motion I would like to thank the Minister of Transport for the efforts which he has already made in carrying out the remodelling of certain railway stations in this country. I refer, as hon. Members know, to the terminal station at Iddo which does justice to the status of this town of Lagos as the capital of the Federation of Nigeria. (*Applause*). I refer also to the railway station at Ibadan and also to the remodelling that is being carried on now at Enugu Railway Station. I have been to two of these railway stations, the Iddo one and the Ibadan one, and I must say that the Iddo one in particular compares favourably with any of the big stations in the United Kingdom.

Now, the Minister has started very well indeed and I do wish that he continues, and it is that wish for a continuation that has brought about this motion. I have no doubt that every hon. Member in this House would like this type of work to be done in his own town. I love my town and I am asking that it should be done in my town, and I do hope that hon. Members, when they see fit, will ask this Government and the generous Minister of Transport to do the same in their own towns.

The railway station at Lafenwa is one of the oldest in this country. It is about sixty years old and there is no doubt that it is due for remodelling. It is no solution that huts should be built, small huts, being built around the main station which is now existing. Time has changed and other things should change with time. The railway station at Lafenwa has had its own day. Another should replace it. There is no doubt that that railway station is of great importance to this country because it is the important link, railway link, between the capital of this country and the capital of the Western Region. Between Lagos and Ibadan the railway station at Lafenwa is the most important.

If we were to look at it this way, suppose we have some visitors coming to this country they will come first to Lagos and the next thing to do is to go to Ibadan. If they were to pass from Lagos to Ibadan, see a beautiful one in Lagos and see an ugly shack at Abeokuta before getting to Ibadan it does not speak well, first of this country and secondly of Abeokuta. This sounds sentimental but it is not sentimental ; it is real, because the good things which we can derive from visitors from overseas who come here will depend on what we are in their estimation. We have no reason to doubt that and I do not think any hon. Member will doubt it. But in addition to all this that station is of great importance to the economic development of this country.

Economic development is one of the most important things that face this country. Self-government or no self-government, economic development has a place of great importance in this country and transportation is one of the props on which economic development rests. The Division of Egba is known very well to be one of the most important, if not the most important, producers of kola nuts in this country. These kola nuts go by rail to the North and the importance of that trade to us in Egbaland and in particular my constituency in Owode for we deal exclusively in kola nuts, cannot be over-estimated. The kola nut trade in Egbaland is of great importance to us and I have been told that nowadays people tend to take their kola nuts by lorry to Ibadan for railing to the North. That simply shows that the station in Lafenwa is most inadequate for the purpose which it is supposed to serve.

I must cut my speech short because I want this matter to be dealt with today. In any event in addition to the transportation of produce the passenger transport is very important. There is no suitable waiting room for anybody. The place where tickets are bought is most disgraceful and I would like the hon. the Minister of Transport to produce all the arguments which he thinks are necessary in this case. He knows them ; he should produce them, all of them, and please grant me the remodelling of Lafenwa Railway Station.

* Speech not corrected by Member.

[Lafenwa Railway Station]

23rd August, 1955

[Lafenwa Railway Station]

Mr A. A. Ajibola (Egbado North) :

Sir, beg to second.

*Question proposed.***The Minister of Transport** (M. Abubakar Tafawa Balewa) :

Mr Speaker, Sir, I am grateful to the hon. Mover for saying good things about my Ministry, but I am afraid that I will have to oppose the motion. (*Applause*). Railway stations are not remodelled in order only to satisfy local prestige. The policy of the Railway for remodelling stations is based on the traffic volume obtained at the different stations. At present there are many more important stations the buildings of which require remodelling more than Lafenwa Station.

The Lafenwa Station has got adequate accommodation at present. I was thinking that the Mover was going to produce some facts to support his case but he intentionally took us along a journey round and round the points. He told us that the station is one of the oldest in the country, that many passengers use it and that it handles much freight. The hon. Member could have sought for information from my Ministry and which I have no doubt will save much of our valuable time. Railway resources, Sir, are committed to very urgent and more important things.

Lafenwa Station is provided with one platform line, two through roads and also sidings of various lengths. I am informed that three passenger trains each way stop there every day except Sundays when there are only two. In addition Limited trains in each direction stop there five times a week. The number of passengers using the station has decreased steadily from 101,000 in 1950-51 to 62,000 in 1954-55. The tonnage of goods booked from the station has also declined from approximately 10,000 tons in 1950-51 to less than 8,000 tons in 1953-54. In 1954-55 this figure rose to nearly 12,000 as a result of the closing of Abeokuta Station and the transport of goods formerly booked there to Lafenwa. In my view, Sir, the accommodation provided at Lafenwa is quite adequate. This does not mean that if there is enough traffic which would justify remodelling the station that the Railway should not consider it.

I am sorry, Sir, I will have to oppose this motion because there is no plan at present for remodelling Lafenwa Station. Sir, I beg to oppose.

M. Muhtari, Sarkin Bai (South West Kano) :

Sir, I rise to oppose this motion. I am very afraid, Sir, that the time is very nearly up and hon. Members may recall that during the March Session I appealed to the Minister of Transport and Works then, to reconsider the extension of the Kano Railway Station. It was built in 1914 and I would support this motion if the hon. Member had said that he would like the Government to consider the remodelling of the railway stations in the main towns right from Lagos to the North. So, Sir, I oppose the motion. (*Laughter*).

Mr J. A. O. Akande (Egba North) :

Sir, I rise to oppose the motion. What we want in Abeokuta is not the remodelling of our railway station. What we actually want is that Government should help us to solve our unemployment problems. Our sons and daughters have deserted the town for this reason. What is worse? Arbitrary taxation is now the order of the day in Egba Division. We who have been chosen to represent our people will continue to fight until we get the best things of life for Egbaland.

Mr Speaker :

Order, Order ! I am sorry to interrupt the hon. Member but it is a quarter to six and I am bound to interrupt the debate.

[Adjournment]

23rd August, 1955

[Adjournment]

Mr G. O. D. Eneh (Udi) :

Mr Speaker, Sir, I propose to speak on section 19, Cap.14 of the Laws of Nigeria, Volume I. Section 19 reads as follows : "The manufacture and the assembling of firearms, arms of war or ammunition are hereby prohibited except at arsenals established by the Imperial Government or by the Government of Nigeria".

During the Budget meeting of this House in April a motion standing in the name of hon. D. C. Ugwu was moved for the repeal of this Ordinance. This House unanimously accepted the motion for the repeal of that section of the Arms Ordinance which deals with the manufacture and assembling of firearms. We know that the standard of smithing in this country is advancing to a very high standard and that dane guns, cap guns and double-barrel guns are being manufactured by the people in the rural as well as in the urban areas.

The motion under reference received the due attention of this House and it was supported by all sides of this House including the Government. But since April we have not heard anything about this motion. It is the wish of the people in the rural areas that Government should give sanction to the motion under reference. I have it on command from the people of my Division that this matter should be pressed home logically and that the Government should be asked to make a statement on this matter very urgently.

The question before the House is non-contentious. It has been decided already. The motion has been passed and I am asking the Chief Secretary to the Government to give an assurance to this House that immediate action will be taken on this motion without further delay. Sir, I beg to support the motion for adjournment.

The Chief Secretary of the Federation (Mr R. F. A. Grey):

Mr Speaker, the hon. Gentleman was so good as to give me notice of this matter. I have referred to the record of the debates of the last meeting and the position is not perhaps quite as he put it. The Chief Secretary, Sir Hugo Marshall, did move an amendment to a motion, proposed by the hon. Mr Ugwu I think, and seconded by the hon. Member who has just spoken, both of whom come from areas where the manufacture of these weapons is a life-long tradition —also, I understand, their use—..(Laughter)...and the Chief Secretary said, Sir, that this was a fairly formidable matter, that it involved not only a mere amendment to the law but, as he explained it at the time, this is a subject which is influenced by the Treaty of St. Germain-en-Laye which prohibited the manufacture of firearms over a great part of Africa and prohibited also the manufacture of another thing in which some hon. Members are interested, namely, intoxicating liquor.

The hon. Gentleman has asked, Sir, that the Government take immediate action. I am happy to be able to tell him that after the last meeting the Government had already taken immediate action; but the abrogation of a treaty is not accomplished in a day, nor is the drafting of legislation to the satisfaction not only of Members of this House but of the Regional Governments, all of whom are vitally concerned with this. The Government has taken action, and will continue to take action, and I have no doubt the hon. Member will continue to raise the matter and continue to press it forward... (Loud laughter)...and in the end I trust we shall all be satisfied. (Laughter).

Mr L. L. Lakunle (Oyo North) :

Mr Speaker, Sir, my subject is the system of communications in Oyo North. Mr Speaker, Sir, anybody who has ever been to Oyo North will agree with me that the system of communications there is perhaps the poorest in the country. I would therefore, Sir, call upon this Federal Government to provide money for the immediate construction of a post office to serve the people of Oyo North.

[Adjournment]

23rd August, 1955

[Adjournment]

Mr T. O. S. Benson (Lagos West):

Sir, I rise to support the remarks of the last speaker. I was there myself and it was almost impossible for me to get into touch with the Parliamentary Leader of this Party. When I was in difficulty and I tried to get him or the Minister of Labour, hon. Chief Okotie-Eboh, but there was no telephone communication there and I really support the last speaker that all efforts should be made as soon as possible to provide telephone services.

Mr Speaker :

Order, Order.

Adjournment

And it being six o'clock, Mr Speaker adjourned the House without question put, pursuant to Standing Order 4 (7).

Adjourned accordingly at six o'clock until 10 a.m. on Wednesday, the 24th of August, 1955.

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Debates in the Federal House of Representatives of Nigeria

Wednesday, 24th August, 1955

The House met at 10 o'clock

Prayers

(Mr Speaker in the Chair)

QUESTIONS AND ORAL ANSWERS

Question—

***O.62. Oba A. Aiyeola :**

To ask the Minister of Transport :—

How many expatriate officers are employed in the Hotel and Catering services of the Nigerian Railway ; and what annual profit have these services earned since 1950 ?

Answer—

The Minister of Transport :

The Nigerian Railway does not operate an hotel and catering service. Nigerian Hotels Limited provide a catering service on certain long distance passenger trains for which the Railway provides the Restaurant and Canteen Cars. This catering service is unremunerative and the losses incurred in it are reimbursed to Nigerian Hotels Limited by the Railway. No profit has been earned by the Nigerian Railway from these catering facilities.

I regret that I cannot inform the hon. Member of the number of expatriate officers, if any, employed in the Restaurant and Canteen Cars provided by the Railway.

Question—

***O.118. Dr E. U. Udoma :**

To ask the Chief Secretary of the Federation :—

Why was it that the Gorsuch Commission Report was issued first to the Press for publication before copies were delivered to Members of this honourable House ?

Answer—

The Chief Secretary of the Federation :

Copies of the Gorsuch Commission Report were posted to hon. Members at about 9.30 a.m. on the 24th of June, and were released to the Press on the afternoon of the same day. The receipt of the Report in Nigeria had been unavoidably delayed, unhappiness among Members of the staff was being fostered by rumours circulated about the Report and it was in the public interest that it should reach the Staff Associations, Unions and the Press as soon as possible. Had the release of the Report been held up to ensure that all Members of the House received their copies before copies were sent to the Associations, the Unions and the Press, a delay of several days would have resulted.

*Supplementary Question to No. *O.118 asked by Dr E. U. Udoma*

Dr E. U. Udoma :

Would the Chief Secretary explain why the Reports were marked "Secret", and yet they were open to the Press ?

Answer—

The Chief Secretary of the Federation :

I shall require notice of that, Sir. I had no knowledge that they were marked "Secret".

ORDERS OF THE DAY**THE PATENTS, DESIGNS, COPYRIGHT AND TRADE MARKS (EMERGENCY)
(REPEAL) ORDINANCE, 1955—SECOND READING****The Minister of Trade and Industry (Mr R. A. Njoku) :**

Mr Speaker, I beg to move that a Bill entitled "A Bill for an Ordinance to repeal the Patents, Designs, Copyright and Trade Marks (Emergency) Ordinance, 1945", be now read a second time.

In moving the second reading of this Bill may I remind hon. Members that the ordinance which this Bill seeks to repeal, namely the Patents, Designs, Copyright and Trade Marks (Emergency) Ordinance, 1945, was enacted as a war time measure. This ordinance was made retrospective to the 3rd of September, 1939, when the Second World War broke out. The original ordinance had two main objects in view. Firstly, to safeguard the sale of non-enemy substitutes for products which were covered by Patents, Designs or Copyrights in force in Nigeria and owned by enemy subjects or enemy nationals. The second object of the original ordinance was to suspend the trade mark rights of an enemy subject where it was difficult or impracticable to describe an article or substance without the use of such a trade mark. Now, such measures are always applied by different countries in times of war.

The British Parliament passed a similar act, namely the Patents, Designs, Copyrights and Trade Marks Emergency Act, 1939, for the same purpose. In fact, our local ordinance was modelled after the British statute. Hon. Members are aware that many inventions, works, processes, preparations and the like, including drugs and other medicinal preparations may be covered by registered patents, designs, copyrights and trade marks owned by enemies or enemy subjects. Such products cannot be procured from these sources, from the original sources, that is, from the enemy sources, during hostilities. Therefore substitutes are generally made and sold during that period. It has always been found necessary to protect the makers and distributors of such substitutes against actions for infringement of such substitutes which may be taken by enemy subjects who have registered such trade marks or patents after the cessation of hostilities. It is to provide protection from the claims of enemy nationals to these rights that the ordinance enacted the suspension of such rights. Furthermore, those who made the substitutes are specifically licensed to do so during the emergency period.

In so far as Nigeria was concerned, it was more the sale rather than the manufacture of the substitutes that required protection. The ordinance would, for instance, apply to countries like Germany, Japan, Italy, Bulgaria, Roumania, Hungary and Austria. Hostilities have long ceased and peace treaties have been concluded with these countries. They have all resumed normal diplomatic relations with the United Kingdom and the British Commonwealth. This law has, therefore, become redundant. It is to be found at page 857 of the 1945 edition of the Laws of Nigeria, but it was omitted in the 1948 edition of the Revised Laws. This Bill seeks therefore to tidy up our Statute Book by enacting the formal repeal of this obsolete ordinance.

Mr Speaker, I beg to move.

Mr Kolawole Balogun, Federal Minister :

Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a Committee of the whole House.

House in Committee.

Clauses 1 and 2 agreed to.

[*The Ports (Amendment)
Ordinance, 1955*]

24th August, 1955

[*Second Reading and Committee*]

House resumed.

Bill reported without amendment.

Bill read the third time and passed.

THE PORTS (AMENDMENT) ORDINANCE, 1955—SECOND READING

The Minister of Transport (M. Abubakar Tafawa Balewa) :

Mr Speaker, Sir, I rise to move "That a Bill for an Ordinance to amend the Ports Ordinance, 1954, be read a second time".

Sir, hon. Members would have seen that this Bill has as its object three separate matters. Clauses 2 and 5 deal with the important question of the choice of the elected members of the Authority's governing body. Section 3 deals with the liability of the Ports Authority for the loss or damage of goods carried by it. Lastly section 4 exempts the Authority from complying with the provisions of certain bye laws. Now, Sir, clause 2 of the Bill before the House sets out the manner in which these elected members shall be chosen on the expiry of the two-year period and thereafter at intervals of three years. These provisions as far as is possible follow Ports Authority practice in use elsewhere. A register of ship dues and a register of harbour dues are to be established in order that we may know who is entitled to vote for each class of candidates, and so that we may calculate the number of votes that each voter is worth. It will be clearly inequitable if a firm which only imported five hundred tons of merchandise a year has the same number of votes allotted to it as a firm which imported fifty thousand tons. Hon. Members would have noticed, however, the scale has been tilted against one single commercial interest having a preponderance of votes. Added to these measures one would feel like ensuring that there should always be adequate Nigerian representation on the Authority. The main ordinance laid down that at least one elected Member shall be a Nigerian. Clause 2 of the amended legislation now stipulates that there should always be at least two Nigerians, that is one Nigerian shipowner and one Nigerian importer. If election fails to provide the minimum then section 10 of the Schedule comes into play, by which the Nigerians will receive most of the votes and non-Nigerians would receive the least.

Mr Speaker, Sir, I will not detain the House long over the two remaining matters dealt with in the Bill. Section 88 (1) of the ordinance regulated the liability of the Authority for the loss or damage of goods carried solely by ship. The amended Bill now extends the provisions of section 88 to those goods which are carried partly by train or vehicle and partly by ship. Previously such cases were not covered in law.

Lastly, Sir, section 116 of the main ordinance exempted the Authority from the provisions of the Lagos Town Planning Ordinance and the provisions of the Nigerian Town and Country Planning Ordinance. The last amendment which appears as clause 4 of this Bill is the model of a similar section of the Railway Corporation Ordinance, which has already been approved by the House. This amendment seeks to extend the exemption already conferred on the Authority to all Town Planning and Building Regulations.

Sir, I beg to move.

Mr V. E. Mukete, Federal Minister :

Sir, I beg to second.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a Committee of the whole House.

House in Committee.

Clauses 1-5 agreed to.

[*The Ports (Amendment)
Ordinance, 1955*]

24th August, 1955

[*The Income Tax (Amendment)
(No. 3) Ordinance, 1955*]

Schedule agreed to.

House resumed.

Bill reported without amendment.

Bill read the third time and passed.

THE INCOME TAX (AMENDMENT) (No. 3) ORDINANCE, 1955—SECOND READING

The Financial Secretary of the Federation (Mr A. R. W. Robertson):

Mr Speaker, Sir, I beg to move that a Bill entitled "An Ordinance further to amend the Income Tax Ordinance" be read a second time.

Last March, Sir, in moving an amendment to the Income Tax Ordinance, I said that income tax legislation was notoriously complex. Last week, I moved amendments to the Customs Tariff, also of a complex nature, and I was brought to task by some hon. Members for not explaining the amendments in words of two syllables. Unfortunately, Sir, it is my lot, or it appears to be my lot, to have to move these extremely dull and somewhat complex amendments, but I will endeavour this morning to explain this amendment in simple terms.

The purpose of the Bill is to provide the Federal Government with power to exempt from income tax the income of any statutory body in Nigeria. Existing legislation provides for the exemption of Marketing Boards and also Regional Production Development Boards created by legislation enacted by the former Central Government. The Regional Governments have enacted, or are in the process of enacting legislation to replace the Regional Production Development Boards by statutory bodies. Income Tax is a Federal subject and therefore the Regional Governments are not in a position to include provision exempting these statutory bodies from the payment of income tax. The Government of the Eastern Region has asked the Federal Government to exempt the newly created Production Development Corporation and Finance Corporation from the payment of income tax, and the Western Region Government has sought similar exemption in the case of their newly created Development and Production Board and Finance Corporation. These Governments have also intimated that they propose to seek similar exemption in respect of other statutory bodies that they may create at a later date. Now, the functions of the old Regional Production Development Boards were such as to justify the exemption from tax of all their activities. They were mainly concerned in the development of produce industries and the commercial and technical training of Nigerians. The statutory boards which the Regional Governments are now creating will, however, have very much wider powers, and may well participate in enterprises which are ordinarily carried on by commercial undertakings in Nigeria and elsewhere. In some cases the participation may be in the form of investments in a commercial undertaking. This Bill therefore provides that in exempting statutory bodies from the payment of income tax the exemption may be limited, if necessary, by excluding from the exemption such profits of the statutory body which may have arisen from participation in undertakings of a commercial nature or in a trade or business ordinarily carried on in Nigeria or elsewhere by private enterprise. If this were not done these statutory bodies would have an unfair advantage over private enterprise and also there will be very serious danger that the Federal revenue would be affected by a reduction in the receipts from income tax. For instance, if all the activities of a Regional statutory body were exempt from the payment of income tax, the plantations it developed would also be exempt, although private plantations, and indeed the Cameroons Development Corporation which derives its income from similar plantations, would be paying tax at a rate of 9s in the pound. For these reasons, therefore, clause 22 (2) of the Bill enables the Federal Government to exempt the income generally of statutory bodies, but unless further specific exemption is granted the income which represents the profits from activities of a commercial nature will be liable to tax. Thus the Bill will afford exemption to statutory bodies, will protect the Federal revenue and prevent commercial subsidiaries of such bodies obtaining an unfair advantage over ordinary commercial firms.

[*The Income Tax (Amendment)*
(No. 3) Ordinance, 1955]

24th August, 1955

[*Second Reading*]

It is possible, however, that circumstances may arise which will justify the exemption of a subsidiary even if it were carrying on a business of a kind normally carried on by commercial undertakings, and the Bill empowers the Federal Government to make such exemption if necessary.

I should emphasise, Sir, that it is not the intention of the Federal Government to exempt under this Ordinance Utility Corporations such as the Coal Corporation, the Electricity Corporation, or the Ports Authority. The Bill is intended to assist Regional Development Corporations, Finance Corporations and similar statutory bodies.

Clauses 2 (1) and 3 repeal the existing exemption from income tax of the Regional Development Production Boards. Any Boards still functioning will have to apply for exemption under the provisions of this new Bill. Clause 4 provides that where the income of any statutory body is exempted, the exemption will apply without restriction for the current year of assessment. The various Marketing Boards at present enjoy total exemption as I said before, and it would be inequitable and administratively difficult to apply any restriction to which they may now become liable under this Ordinance in the middle of the year.

In Committee Stage, Sir, I propose to move a small amendment by the inclusion of a new clause 5. This is merely to correct a typing error. An 's' has been put into one of the sections of the principal Ordinance and it should be deleted.

I beg to move.

The Minister of Trade and Industry (Mr R. A. Njoku) :

Sir, I beg to second.

Question proposed.

Chief S. L. Akintola (Oshun West) :

Mr Speaker, I am in some difficulty about this Bill. It is like the curate's egg; it is good but only in parts. I have one observation to make on it and unless the Bill as it is now is amended in appropriate sections it might defeat its own end.

The hon. the Financial Secretary in moving this Bill stated that it was designed to protect statutory bodies, but in the same breath he stated that the subsidiaries of the statutory bodies which undertook to carry on business which could be normally done by ordinary commercial people would not be exempted from payment of tax. That is the point in which it is difficult for anyone to see whether this Bill is intended to protect statutory bodies.

In other words, the absurdity of this improvement is not in one respect. The Coal Corporation is a statutory body. What type of undertaking is the Coal Corporation carrying on? It is an undertaking that could be carried on by ordinary commercial people—any ordinary commercial people in Nigeria alone or elsewhere. In other words if a statutory body is carrying on coal mining and it claims exemption from payment of tax, because it is a statutory body Government may turn round and say, "Listen, coal mining is a business undertaking that is being carried on by private commercial people elsewhere." If it is not so done in Nigeria it is so done elsewhere; in the United States for example, coal mining is being carried on by private people. As this law stands there is nothing to exempt even the Coal Corporation from the payment of tax.

There are the various Production Boards with various subsidiaries carrying on business. In the Western Region for example one of the subsidiaries carrying on business is the Citrus Committee. The extraction of orange juice may be something not ordinarily done in one part of the world, but in this country private people undertake this kind of enterprise. According to this, the profits of the Citrus Committee would not enjoy exemption from payment of tax. This is a way by which this Bill may defeat its own end.

It is mentioned that this is done in order to prevent the Production Boards and statutory bodies from competing unfairly with private commercial organisations. The comparison is not apt at all. The principle of taxation normally is that public bodies are exempted from payment of tax on their profits on one ground and one ground only. Private people do not share dividends from the profits of public bodies ; whatever profits are made belong to the public and therefore if the profit is exempt from payment of tax the benefit accruing from the exemption does not go to any particular individual, it goes to the community as a whole. Therefore if all these public bodies and their subsidiaries are exempted from payment of tax the exemption would not benefit any particular group of people or any particular individual, but that does not hold good for a private commercial concern.

If you have the A.B.C. Limited and it makes profits, at the end of the year, if there is any exemption from tax it will go to benefit all the shareholders of the A.B.C. Ltd. That cannot be said of the East Regional Production Board, or the East Regional Finance Corporation or the North Regional Finance Corporation or Production Board. If the Board makes any profit it is put into a fund which will go to benefit the Region as a whole. In various parts of the country today we have the new type of organisation known as the Finance Corporation. This Corporation may give out money to assist business enterprises, to assist small industries. When it gives out this money normally it may charge some interest, but according to the law as it stands the Finance Corporation may be compelled to pay tax on its business enterprise because it makes some profits. But to whose pocket does the profit of the Finance Corporation go ? It goes to the pocket of the Finance Corporation itself. Nobody gets any benefit from it ; it benefits the people as a whole and on that ground the Finance Corporation should be exempted from payment of taxation, on its profits.

It may be argued that the Finance Corporation may be exempted, but according to this law it does not follow automatically that the Finance Corporation will enjoy exemption. What does the Finance Corporation do ? It finances business enterprise ; it finances some development projects. But what are the banking organisations for ? What is the work of the ordinary financier ? It means that the Finance Corporation enters into a field where you can find private commercial or business organisations.

Well, Sir, according to this law as it stands the Finance Corporation may not enjoy that exemption. If hon. Members read section 2 carefully, subsection (2) (i) it will be observed that it is stated there that "any income arising from a trade or business carried on in Nigeria by such body, or any dividends received by such body from a company carrying on a trade or business in Nigeria, shall not be so exempt unless the Commissioner is of the opinion that such trade or business is not one of a kind ordinarily carried on by commercial undertakings whether in Nigeria or elsewhere,". That is the crux of the whole matter. It means that if any corporate body in this country or any statutory body carries on a business that can be done by private people in Nigeria or elsewhere it will not enjoy this exemption.

I respectfully submit that this runs counter to the principle of exemption from taxation. The principle of exemption is that public bodies are treated in a different way because their profits are not intended to benefit private people but the general public. For this reason I respectfully oppose this Bill because it runs counter to the ordinary principle of exemption from taxation.

Secondly, I oppose it because it defeats its own end. It does not assist these various statutory bodies. It may also be realised that statutory bodies in Nigeria are more or less in the nature of pioneers intended to assist the development of this country. Take the Coal Corporation for example. It is in a similar position. It is assisting the industrial development of the whole of Nigeria. The Corporation itself is entitled to enjoy the benefits that kindred organisations enjoy all over the world and if the Corporation enjoys this exemption I see no reason why its various subsidiaries should not also enjoy the same exemption.

Mr Speaker, Sir, I beg to oppose.

[*The Income Tax (Amendment)*
(No. 3) Ordinance, 1955]

24th August, 1955

[*Second Reading*]

Mr G. O. D. Eneh (Udi) :

Mr Speaker, Sir, I rise to support this Bill designed for the exemption from income tax of statutory bodies such as the Regional Production Boards. The object of the Bill is simple. It was presented in lucid terms and it shows the difference between utility Corporations and ordinary Corporations.

The Government intends to exempt statutory bodies but in so far as they enter into machineries by which they make money those subsidiary bodies involved shall not be tax-exempt. That is pure and simple. We know those bodies—offshoots of different Corporations—that are making money in the country and such bodies should be taxed for the welfare of every individual in this country.

In supporting this Bill I wish to raise a point relating to the Income Tax Ordinance generally. Certain firms here have established subsidiary companies. In establishing these companies incorporated in Britain, the subsidiary ones incorporated in Nigeria are agents. I may use this as a concrete example—John Holt (Liverpool) Ltd. and John Holt (Nigeria) Ltd. The companies established in Nigeria are agents of the companies established in Britain and for the purposes of taxation I think that it is the profits that the subsidiaries in Nigeria make that the Government of Nigeria is taxing.

I want to know the Government policy in regard to subsidiary companies belonging to foreign firms. A situation arises as to the rates of taxes that should be paid by these companies. In Nigeria the standard rate is 9s-6d in the pound, but companies registered in Britain are taxed as much as 19s-6d in the pound. I want to know whether it is on the profits that the subsidiaries make in Nigeria that the Government is taxing or on what principle.

Mr Speaker, I beg to support.

Mr E. C. W. Howard (Special Member) :

Mr Speaker, Sir, I think it might assist hon. Members if I might be allowed to quote one example of what I think it is that the Ordinance to amend the present Ordinance is trying to do. When the hon. the Leader of the Opposition said that certain statutory bodies in this country will lend money to people to start businesses I think it might well be that one of those businesses might be electrical contractors for the installin of electrical equipment. Well, if that man starting up that small business has to compete with the E.C.N. who have their Department selling similar things and that Corporation has to pay income tax on its profits I do not see how this small business can compete and I don't see therefore how it can ever pay the man, and I suggest that this Bill should receive support.

The only other observation I would like to make is that I have heard in this House more than once that U.K. companies pay tax up to 19s-6d in the pound. I can assure the hon. Member that it is not by any means usual for companies in England to pay tax at that rate.

Mr M. A. Ajasin (Owo South) :

Mr Speaker, Sir, it should be noted that any attempt to carry out this Bill would create bad blood between the Regional Governments and the Federal Government. The Regional Governments on their own have been trying to develop certain industries in order to be able to make some money to prosecute their different schemes. In the West, East and North, there is the question of primary and secondary education which the different Regions have taken in hand, and particularly in the West the question of universal free primary education. These social services have to be paid for.

The Corporations give out money to their subsidiaries to develop trade so that in course of time they will be able to make profits and these profits derived therefrom will go into the public funds to maintain the social services such as education, development of hospitals, etc. In the Eastern Region there is a proposal to develop the cashew industry as well as a soap

factory. If profits from these factories proposed are taxed the money they make will not stay in the purse of the Regional Government of the East, and the Eastern Regional Government has spent a lot of money to develop its social services. It is a thing that this House should know that the Regional Governments have not got such wide fields from which to get money for their several development projects as the Federal Government; so it is a thing that the Federal Government should have to look into and see that these small ways from which the Regions can make some money are not taxed. It should not be expected that these Corporations should have their monies tied up in the banks and not made use of.

According to this Bill the dividends paid back to the Corporations will be taxed. It is not only that the subsidiaries will be taxed but when the subsidiaries make some profits those profits paid back in the form of dividends to the Corporation will be taxed. I think this is very bad indeed and the Government should be more considerate.

Another thing that should be remembered is the question that these subsidiaries will be taxed on three occasions. The machinery that will be used for establishing these industries will be imported into this country and will be taxed; then the products from these industries when going out of the country also will be taxed; again the profits that these subsidiaries will make will be taxed. So that this is getting too much on these Corporations and their subsidiaries. I feel that the Government should look at it from the point of view that it is difficult for the Regions to be able to make sufficient money from their Corporations.

If the Central Government had not been so industrious as to establish industries to make money and the Regions have been trying one way or another to make money to be able to get something into their coffers, the Federal Government should therefore not be so jealous as to think of bringing a Bill now in order to tax the meagre profits that these Regions would get. So, Mr Speaker, Sir, I beg to oppose the Bill.

Mr A. Adeyinka (Ibadan Central) :

Mr Speaker, Sir, I rise to support this Bill. I would refer the House to section 2, sub-section (1) where actually this question of taxation is mentioned. This Bill intends to exempt certain Corporations from taxation. But it says that unless the Commissioner is of the opinion that such trade or business is not one of a kind ordinarily carried on by commercial undertakings, any income arising from a trade or business carried on in Nigeria by such Corporations or any dividends received by such bodies from a company carrying on trade or business in Nigeria shall not be so exempt from taxation.

It is simple enough. All the arguments adduced by the Leader of the Opposition did not have anything to do with the Bill at all. He said that the money that these statutory Corporations make is for the interests of the people. Is he trying to tell us in this House that the Income Tax the Federal Government receives is not for the interests of the people of this country? This Bill is simple: it is non-contentious and all the argument adduced by the Leader of the Opposition is to waste the time of this House.

Therefore, Sir, I support the Bill.

Mr L. O. Tobun (Epe) :

Mr Speaker, and Gentlemen, I oppose this Bill and in opposing it I would like to refer to section 8 of the Ordinance which reads "For the purpose of obtaining full information in respect of anybody's income the Commissioner may give notice to such person requiring him within the time limit stated in such notice :—

(a) to complete and deliver to the Commissioner any return specified in such notice ;

(b) attend personally before him for examination with respect to any matter relating to his income ;

[*The Income Tax (Amendment)*
(No. 3) Ordinance, 1955]

24th August, 1955

[*Second Reading*]

(c) Produce or cause to be produced for examination at the place or time specified in such notice, which time may be fixed as the Commissioner may specify, books, documents, accounts, and returns which the Commissioner may deem necessary" . . . and so on.

Now, if you look through this amendment Ordinance and if the hon. Members had listened to the hon. the Financial Secretary they would have found that the explanation as given by the Financial Secretary was so technical that the ordinary man cannot understand it, in referring to the income or profits of statutory bodies to be exempted. It is all well and good hearing such explanations in this House when we have not seen the working of the provisions in practice, particularly under the section which I have just read out to you.

In the principal Ordinance certain provisions empower the Commissioner of Income Tax to call in returns before he makes an assessment and this very section of the Ordinance empowers him to make assessments without calling for any returns. In that case, under this section, to which I have referred before, section 8 of this Ordinance, he can assess certain statutory bodies or any individual for that matter. The individual is given a space of time in which to send a return and if the return is not forthcoming within the prescribed period the Commissioner makes an assessment.

The point I would like to make is that in making such assessments the person making it must be such a responsible person that when he determines an assessment he does not determine it arbitrarily. There are cases where a return was called for and the return was not made in the time stipulated and an attempt was made, Sir, at determining the person's income. A person like that should be assessed normally but because he does not submit any return the Assessment Officer becomes offended and a person who has not made an income tax return is asked to pay, say, £4,000 tax. Hon. Members I will ask you, when a man whose income is not over £500 is assessed £4,000 where is he going to get the money? He cannot get it and what happens is that he will be taken to court and prosecuted and then he will be asked to pay the tax. When he pleads the magistrate will say that he is not the person making the assessment and the man cannot produce a receipt to show that he has paid his tax. The magistrate gives judgment that £4,000 tax should be paid by a man who is not able to earn an income of £500.

The Attorney-General of the Federation (Mr A. McKisack) :

Point of order. Is not the hon. Member overlooking the standing order which requires a debate to be relevant. He is discussing the Income Tax Ordinance which was before the House at the Budget Meeting.

Mr Speaker :

I think he was being irrelevant but I did not understand enough about the income tax to stop him earlier. It is quite clear according to the Attorney-General that the hon. Member is being irrelevant to this order. I will ask him to be relevant or resume his seat.

Mr Tobun :

Mr Speaker, I may be out of order but the fact is that I am considering section 8 of this amending order. I oppose the Bill, Sir.

Mr T. O. S. Benson (Lagos West) :

Mr Speaker, Sir, I rise to support the Bill. It is clear on what items taxes should be exempt and those on which tax should be paid. The only addition I would like to make, Sir, is that whilst we are here passing laws to exempt some corporate bodies from paying income tax I think, Sir, it will not be out of order to suggest to this hon. House that until such a time that the amount spent in elections to the various legislatures is regulated any remuneration paid to us . . .

Chief S. L. Akintola (Oshun West) :

Irrelevant. What has election got to do with this

The illustration I gave on the question of protection was one I might repeat again because if you take any case they are all basically similar. I referred to plantations and I mentioned plantations because they are a good illustration. It might be a transport company or it might be a series of retail shops or anything; but the plantation is a good one. And the illustration is this—there are two plantations, I own one and the man next door to me owns the other. Both of us pay income tax on the profits made. I carry on with my plantation but one of these statutory corporations takes over this other plantation. If this limitation that has been included in this Bill was not there, the profits made from the plantation run by the statutory body would be free from tax. So the object is that if one plantation pays tax the other one should pay also; never mind whether a private individual owns it or whether a statutory corporation has taken it over. There can be nothing fairer than that, and there is the simple explanation. It might be, as I said, a small private concern or any type of commercial operation, big or small.

Chief S. L. Akintola (Oshun West) :

*Mr Chairman, Sir, when scientists find themselves in a quandary the best way out is to accuse all their listeners of lack of understanding. They always seek shelter under unintelligible terminologies and that is precisely what the hon. the Financial Secretary is doing. He accused us of not understanding a simple Bill like this. I have stated one principle which he has not controverted. As a rule public bodies are exempt from payment of tax on one principle—because the profits made are not going to the pocket of any private individual. That cannot be denied and there is another point. Under this I also quarrel with one point and that is the corporation itself may not even enjoy any exemption. If the corporation carries on any business which any private commercial firm can carry on, the Commissioner may say, you are not to enjoy this exemption because after all you are doing nothing. You are doing plantation, you own a large farm. Although you are a corporation, farming is an undertaking which a private commercial interest can do therefore you are subject to taxation. That is what this Bill means. So that it is not only exempting the subsidiary of the corporation, it is also taxing the corporation itself.

If any corporation carries on a business undertaking which a private person is carrying on in Australia or in England the Commissioner of Income Tax may say, well this type of enterprise you are carrying on is being carried on by private people elsewhere therefore according to this law you must pay tax. Where there is a restricted exemption when profit goes to the pocket of any individual shareholder by all means let us tax such a profit, but where the profit does not go into the pocket of any individual why do we have to tax that person. It is unnecessary juggling with figures; it may even end in mere paper transaction.

Under this law, and I am open to correction, the Electricity Corporation of Nigeria may not enjoy any exemption because it may be argued that after all the Electricity Corporation of Nigeria is carrying on electricity undertaking which private people are carrying on perhaps in Switzerland or in Norway and therefore must pay tax on its own operation. If the hon. the Financial Secretary argues that that is not the case then I will humbly submit that this Bill is on the side of ambiguity. It can be translated either in the sense that such corporation must pay and under the same law it may be construed that it must not pay. It is therefore ambiguous if the intention is not to make the corporation pay.

The hon. Rosiji made one statement which the hon. the Financial Secretary rounds up. He asked, "why are you always afraid of the big combines? Why have you got a timid Government which will always run away from realities." You talk of Syrians and Lebanese, U.A.C., John Holt, the Financial Secretary will always take to his heels. Why are you afraid of them? Not long ago the House of Representatives passed a Bill—Aid to Pioneer Industries Bill—it was designed to protect big businesses. What has been done to protect small business people? Now that the various Regions are enjoying their economy that the country is becoming free and they want to start industries on all sides which the Federal Government has not done for years it is then that it occurs to our Government that the big business must be protected. All

* Speech not corrected by Member.

[*The Income Tax (Amendment)*
(No. 3) Ordinance, 1955]

24th August, 1955

[Committee]

these business undertakings, the corporations, the subsidiaries of the corporations, who are going to start industries in the North and in the East in order that the protection must be open to U.A.C. and various other people, these industries must be made to pay tax. Why should we describe them as pioneer industries ?

We respectfully submit that this is not in keeping with the principle of taxation in other parts of the world. A public corporation is a public corporation ; the money belonging to a corporation belongs to the public. I would make one observation on the speech of the hon. Mr Howard. If a public corporation lends money to a private concern, whether that private concern trades with that money, the private concern is subject to payment of tax. It is not to be exempted. But the public corporation itself may enjoy the exemption. If money is lent to a private electrical company by the Finance Corporation that private electrical company does not automatically become a subsidiary of the Finance Corporation ; it is a separate organisation and it must pay tax. The main point which the Financial Secretary is running away from is when a corporation makes profit the profit does not go to the pocket of any private person. It is for the benefit of the public, it will be spent in the interest of the public and in any other part of the world such profit must enjoy exemption from taxation.

Mr O. Bademosi (Ondo South) :

Mr Chairman, Sir, there are certain points which lawyers may not be able to see by their way of legal argument. In business you find that cost accounting comes into play. I will give an example. Take the Railway Corporation. Suppose today it decides to run buses here in Lagos and that subsidiary company which it may form to run such buses in Lagos is exempt from tax, what will happen. Instead of collecting fourpence as all other bus owners are doing now, it can collect twopence. If it finds that by collecting twopence it can drive all other buses out of the market, Zarpas and all the others will go. What is going to happen ? Running these buses at twopence per passenger is not going to yield any profit. It is going to drive away all the bus owners who are operating and are paying taxes in the country. The same thing will happen if the Railway Corporation decides to run a motor transport, say, from Ibadan to Ogbomoso. If the hon. Chief Akintola has a lorry plying that road and he charges 7s on that road and the Railway Corporation decides to run that service it can push Chief Akintola out of the market by reducing its charges to 4s. The result is that 4s will fall below a profit-earning level of operating transport between Ibadan and Ogbomoso. The country will thus be deprived of an accruing income tax chargeable on the Corporation for running that transport system. In the meantime it shall have driven Chief Akintola, a potential taxpayer, out of the market. The revenue of the country will be affected.

Then we come to derivation of revenue. The revenue of this country is partly derived directly or indirectly from all the inhabitants of this country. It is not from corporations. If you starve the private individuals who are businessmen out of earning profits, how do they keep up. Their purchasing power which yields indirect tax to the revenue of the country will drop or altogether cut off. If people do not understand the idea behind the Bill they should come out and say so. The Financial Secretary gave an illustration. Take the Cameroon plantations for instance. There are private people there engaged in banana plantation. If the corporation decides to start trading in banana and is exempt from income tax what is going to happen to the ordinary farmer who toils year in year out to raise banana. He will be driven out of the market. The corporation can afford to undersell him and so drive him out.

Mr Chairman, this is a very simple Bill for which we should congratulate the Government for bringing out to protect private individuals. The Ikorodu Trading Co. today is engaged in crockery manufacture. What happens if the Agricultural Department, in its soil research, discovers a suitable type of clay and starts to make crockery : it can afford to undersell the Ikorodu Trading Co. if that department is exempt from tax. I say that this Bill is designed

of section 24A of the Bill is to avoid any frivolous objections which would otherwise have constituted an impediment to the operation of the scheme as amended. Suppose for the sake of argument that an order amending the scheme has been approved and put in hand, and very late somebody decided to take the matter to the Court on the grounds that he was not given ample opportunity to lodge his objection because of his absence in the United Kingdom or elsewhere. If that was possible, it would lead to an endless business which might in effect, jeopardise the whole scheme. Mr Speaker, Sir, it would be futile to conceive a perhaps vital amendment to a scheme of this nature without safeguard to ensure its execution within a reasonable time. Sir, subsection (2) of the same section makes adequate provision for hearing objections by anybody whose interest may be affected by the Order amending the scheme. One of the safest safeguards which appears to have escaped the notice of the Opposition is that the power to approve an order is exercised by the Governor-General in Council. It does not fall within the individual responsibility of any Minister. There is therefore no reason whatsoever to suppose that the power will be misused.

Hon. Mr Benson required the assurance to that effect. The L.E.D.B. of which the hon. Gentleman is a member is a body comprised mainly of prominent citizens of Lagos. I believe that the hon. Mr Benson and the hon. Mr Dosunmu who is also a member together with their fellow members of the Board have a duty to ensure that all objections have been disposed of before any recommendation is submitted for making an order. Sir, a speaker from the Opposition Bench, speaking on the second reading of this Bill the other day, said that the clause should be deleted because the composition of the government may change in the future and the power to approve may be used in a way which will not then command the confidence of the people. It would however be wrong to imagine a situation which has not arisen or is not likely to arise, and to seek to reject a clause on imaginary and conjectural premises. Mr Speaker, Sir, to say that the people of Lagos are going to be deprived of their land as has been stated by one member from the Opposition the other day is to pervert the argument. The Government has made clear its policy on this issue. It is mainly to empower the L.E.D.B. to acquire the land for the purpose of the development scheme and thereafter to reconvey it to the original owners when it has been fully developed and is ready for building purposes. The argument used in this attack and objection will have been better used if it had been directed to the purpose of warning the people against voluntary alienation of land which is now in practice.

Sir, the Government has the dual responsibility of looking after the interest of all citizens of Lagos and to safeguard as best as possible the interest of one section which might suffer at the hands of the other. Omission of this duty will simply open avenues to frivolous litigation which might impede and eventually paralyse the whole scheme. Sir, I beg to move that the question be now put.

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

The Minister of Land, Mines and Power :

The question I have to put now is "That the Lagos Town Planning (Amendment) Bill be now read a second time.

Question put and agreed to.

Bill accordingly read a second time."

Mr Speaker :

Committee stage, when ?

The Minister of Land, Mines and Power :

Now Sir.

House in Committee.

[*The Lagos Town Planning (Amendment) Ordinance, 1955*]

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Clauses 1 and 2 agreed to.

Clause 3.

Mr L. J. Dosunmu (Lagos East) :

Mr Chairman, I beg to move the amendment standing in my name to the effect that sub-clause (3) be deleted from the Bill. In commencing my argument on this matter, Sir, I should like to take your leave to refer to the original Ordinance which is proposed to be amended and the particular section in question which is contained in Part IV. Mr Chairman, I will read again the sub-clause in dispute. It says Sir, that "the validity of an order made under subsection (1) shall not be questioned in any court on the ground that a person whose interests are affected by the order was not given an opportunity to object". Before I go on, I would just like to make one point clear and this is the point which seems to me that the Minister did not appreciate. This section does not prevent what he calls "frivolous litigation" in court. It is open to anybody aggrieved to go to court after the order has been made. This section seeks to lay it down that we cannot complain of an order on the ground that we were not given an opportunity to be heard. That is the only ground on which the law seeks to shut out aggrieved persons. It is entirely wrong for the Minister to say that his purpose is to prevent frivolous litigation. The section says that on the ground that you are not given the opportunity to make your feelings known on a scheme, you cannot challenge the validity of the order approving such scheme. Without saying very much I should like to ask the Council of Ministers or the Minister concerned in particular why he singled out this precise ground as the only ground on which we cannot question the vitality of an Order? Sir, section 2 of the same subsection requires the Governor-General to give such opportunities as he deems necessary to people whose interests are affected. But the following subsection again says "you are not to query an order made if you were not given such opportunities". In effect Mr hon. Minister, you are given by subsection 2 an advantage by the right hand and by subsection 3 with your left hand you are withdrawing that advantage. That makes absolute nonsense of the whole provision. It seems that the Government don't want to hear any objections at all.

At the beginning, I referred Mr Chairman, to the original Ordinance that is intended to be amended by this new one. With your permission, I read, Sir.

"A scheme may be varied, amended or revoked by a subsequent scheme prepared or adopted and approved in accordance with the provisions of this Ordinance and the Governor in Council on the application of the board may by order revoke a scheme in whole or in part if he thinks that in the special circumstances of the case the scheme or any part thereof should be so revoked."

Then followed an important proviso. The old law provided that "The board shall afford such opportunity as it may consider necessary for the lodging and hearing of objections to the proposed variation and amendment by persons thereby affected". This proviso that we are now debating was not included in the old law and I do not think that it requires the ingenuity or the knowledge of the hon. Minister now to fathom out this new proviso. I dare say that it is because people are making very effective use of this important proviso in the old law that Government seeks to shut out that opportunity by making this new proviso. I refer you to that section again "that the board will afford the opportunity of being heard before the scheme goes into operation". Mr Chairman, it is imperative on the Board to call on objectors, people whose lands are affected. The words used there are "shall afford such opportunities to those whose interests are affected", but in the new law put forward by the Minister, he takes that responsibility from the Board and vests it in the Governor-General in Council, and if you look at the phraseology of the new Bill, you will find that it is made as loose as possible. It has ceased to be imperative, it has ceased to be obligatory on the Board to call people to lodge complaints against the Bill. The new section which is intended to replace the old one is very different, and is put in a negative form. I invite you Sir, to subsection (2) of the clause, "no other amendment shall be approved before such a time as the Governor-General may consider

I shall, Sir, refer the House to the new law and to the existing ones and shall in conclusion prove to the House that if possible this section 3 should be expunged from the law.

Mr Chairman, in the old law contained in Volume III of the Laws of Nigeria, page 559 the proviso states—"Provided that the board shall afford such opportunity as it may consider necessary for the lodging and hearing of objection to the proposed variation or amendment by a person thereby affected". But in the new law, Sir, section 3, subsection (2) is clear—"No order amending a scheme shall be approved under subsection (1) before such opportunity as the Governor-General in Council may consider necessary has been given for the lodging and hearing of objections to the proposed amendment by the persons (if any) whose interests may be adversely affected thereby". That is a very good law, Sir, it agrees with the existing law. It is this section (3)—"The validity of an order made under subsection (1) shall not be questioned in any court on the ground that a person whose interests are affected by the order was not given an opportunity to object, or a sufficient opportunity to object to the amendment of the scheme". That is a bad law, Sir. I submit, Sir, that if the Attorney-General agrees that the old law is good he should expunge this subsection (3). What is the necessity for it? It is unnecessary, unwarranted and useless. I am going to submit two reasons why this subsection should be removed.

One, the law if passed is going to be exercised by the L.E.D.B. It is going to be a very dangerous weapon in the hands of the L.E.D.B. The mover of the amendment spoke on this because he happens to come from Lagos, otherwise he would not have spoken at all. In the L.E.D.B. there are nine members of his party, I am the only one there of my party. By this law they can demolish any house. They can say Mr Benson's house is not good, finish, and it will be demolished; Ojukwu's house is not good, it will be demolished. People like Chief Shodipo who have got many houses in Lagos will have their houses demolished. It is a very dangerous weapon in the hands of the L.E.D.B.

Secondly, it is a dangerous law in the hands of the imperialist because Lagos is a colony and if the white people as distinct from Africans or Nigerians in the Council of Ministers decide to use any particular space for any purpose they may decide that so and so buildings should be acquired; our Ministers will not be there when they are exercising this law. I am prepared to submit that the Minister who has submitted this Bill has got honest intention. I am conceding to him that the Bill is well-meant, but to us who have practised for about ten years in Lagos and have gone into objections and claims, we know what is happening. When Government decide to take a particular place they will take it. This law is a bad law for the Africans in Lagos in general. It affects the Northerners, the Westerners, the Easterners and the Cameroonians.

If the Minister says he has given the assurance, well and good. But one point I would like to ask the Minister, Sir, if a law is bad, why, only give assurance. I would say remove the law! I am speaking in the interest of the people of Nigeria in general and the people of Lagos that I represent through my party the National Council of Nigeria and the Cameroons.

Mr Chairman, after I have stated the reasons it is for the Council of Ministers to decide. But my point is that it should be forgotten that the amendment was moved by hon. Mr L. J. Dosunmu who unfortunately is a member of the Action Group. The Bill should not be opposed for that reason. What should be done is that this amendment should be accepted. There is no reason whatever to oppose it because the Opposition has brought the amendment to this House. We have been told by the Governor-General, who has got the last say in this House by his reserved power, that we should consider any reasonable point brought by the Opposition. Therefore in this particular case the amendment should be accepted, but if the Council of Ministers feels that the assurance only will satisfy the answer then it is left to them. But it is my duty fighting for Nigeria and Lagos the Federal capital to make it clear to this House what I think is good for this country and for Nigeria.

[The Lagos Town Planning (Amendment) Ordinance, 1955]

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Finally, I am well aware of the fact that this Bill is being moved—the signature under it is A. McKisack, Attorney-General of the Federation. I can conveniently say that if this Bill is being moved by any particular member of the Council of Ministers the result would have been different. The House would not have allowed it to pass and I am saying that the Attorney-General is a member of the Council of Ministers. I am appealing to the Council of Ministers to accept this amendment. I would like to cite an instance. During the debate on the Railway Corporation there was a clause affecting the inhabitants of this country, a motion was moved here and my co-whip advised the House to accept the amendment. It was accepted and passed by this hon. House. So likewise I am asking that this amendment be accepted, but if the Minister feels that the assurance is sufficient then I have no objection.

The Minister of Communications and Aviation (Mr K. O. Mbadiwe) :

Mr Chairman, I rise to oppose the amendment proposed. I declare that any government, whether it be this Government today, or government of tomorrow or government at any period, must be run on a principle which will make for strong foundation for generation to come. (*Hear, hear*).

This Government is not here, as I have repeated often and often, to impose its will, or what is repugnant to the conscience to the Members of the hon. legislature. Mr Chairman, otherwise the country would not undertake to pay them to come here. (*Interruption*).

Hon. Members, if the small group of the Opposition will be allowed to interrupt me when I am speaking it is time they be told where to stop.

As I have said, and I am making myself clear, this Government is a government run by two parties eminent in this country, that has within six months produced a record which can stand anywhere. When the Leader of the Opposition was on this side of the House, in the Government Bench, I dare challenge anyone to tell me that what he produced when he was sitting here, which we have not duplicated. Mr Chairman, I think we are all dignified men and people who want to be respected should first of all respect themselves. If any member of the Government feels in fact that any particular Bill is not acceptable, I think it is his duty in his parliamentary party to put up an amendment, and the Government have always considered, whether on this side or that side, reasonable amendments ; but no person should take upon himself to move an amendment on the floor of this House in order to embarrass the Government. That will not be accepted.

Mr Chairman, if in the opinion of this House we consider that this clause is not in the best interests of the people there is power to amend the clause and the usual channel is to put the amendment in the regular form. You will agree with me that this Government have considered your feelings when, without your demanding it, it has accepted reasonable amendments. The idea that the Government want to rush everything should be dismissed once and for all. I oppose this amendment.

Alhaji Ahmadu, Sarkin Fulani (North East Sokoto) :

Mr Chairman, Sir, I am very very surprised to see many debates on clause 3 of the Lagos Town Planning Bill. My reason for opposing the amendment was that as Lagos is the Federal capital of Nigeria, the people of Nigeria ought to do their best to bring Lagos into line with other civilised cities in Africa, not of Europe. I say so, because I have never seen even a village in Europe that I could compare with Lagos in sanitation and road widening. But in Africa where I have visited there are several cities including Cairo where I noticed that their people have agreed to their Government to do what they can to improve their capital towns which they did. So in my opinion, Sir, we must congratulate the Minister for helping the people of Nigeria by presenting this Bill to this hon. House which I am sure everybody will whole-heartedly agree to on seeing the Lagos town situation at the moment.

Mr Chairman, Sir, if and when Lagos had perfectly been planned and improved and deserves its name as capital of Nigeria, not only the people of Lagos but also people of Nigeria will be proud of it. So, I beg to support the original Bill as I see no reason for long debate on it as there is nothing wrong with it, Sir.

Mr Z. B. Olokesusi (Ekiti South) :

Mr Chairman, Sir, I feel that useful time will be saved in this House if in the course of this Bill Members can just be patient to see more of how this law will be in practice than in theory.

I want to say that my idea of the clause that is proposed to be deleted is this, that when an amendment is proposed by a board, a board which is composed of the representatives of the people, the amendment is put to the Governor-General in Council who asks the board "Have you given sufficient opportunity to the people to object?" The board will say "Yes, sufficient time has been given to people to object", because they are representatives of the people and know their wishes. Then the Governor-General in Council will say "This order is granted. Make the amendment." So says this clause, and in order that useful time may be saved, in order that useful money may be saved, the validity of such an order made under subsection (1) shall not be questioned, not for any reason whatever. That is all that the clause is seeking, it does not seek that no time will be given to people to object. I think, Sir, there is nothing in this sub-clause that justifies the deletion, and therefore I am asking that the clause be there and should not be amended.

M. Bello Dandago, Sarkin Dawaki (South West Central Kano) :

Sir, I beg to move that the question be now put.

Question proposed "That the question be now put".

The Committee divided. Ayes, 125 ; Noes, 17.

AYES

2 S. F. Nwika.
3 G. O. Ebea.
17 Mamudu Bayero.
18 Rilwanu Abdullahi.
21 Muhammadu Ubangari.
22 Umaru Karim.
23 Ahmadu Babandi.
24 Abdulkadir Maidugu.
25 Muhammadu Sagir.
26 Ibrahim Iyan Katsina.
27 Sheju Shagari
28 E. Damulak.
29 Hamza Gombe.
30 Sule Share.
31 Musa Hindi.
32 Moses A. O. Olarewaju.
33 Usuman Angulu Ahmed.
34 Baba Danbappa.
35 Haruna Wakilin Daji.
36 Usuman Sarki, Sardaunan Bida.
38 Dembo Kaningkon.
39 Mormoni Bazza.
41 Alhaji Ahmadu, Sarkin Fulani.
42 Aliyu.
43 Abdullahi, Magajin Musawa.
44 Abba Jato.
45 Alhaji Adamu Danguwa.
46 Hassan Rafin Dadi.
47 Abdu Rahamani.

49 Ahmadu Danbaba.
52 Usman Kalgo.
65 F. Ngale.
68 J. U. Udom.
70 L. A. Lawal.
71 F. U. Mbakogu.
72 E. C. Akwiwu.
73 J. O. Igwe.
75 H. O. Akpan-Udo.
76 N. N. Onugu.
77 N. A. Ezonbodor.
78 P. Eleke.
79 J. M. Johnson.
80 D. O. Enang.
81 B. O. Ikeh.
82 F. E. Offor.
83 G. O. D. Ench.
84 M. A. Sanni.
85 J. Mpi.
86 E. O. Imafidon.
87 P. H. Okolo.
90 C. O. Komolafe.
91 H. O. Chuku.
92 D. N. Abii.
93 Dr E. O. Awduche.
94 S. J. Mariere.
95 Z. B. Olokesusi.
96 A. Adeyinka.
98 L. S. Fonka.
99 J. Mboyam.
111 Zubairu Bamu.
115 Ladan Fari.

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- 116 Isa, Sarkin Agwara.
 118 Muhammadu, Sarkin Shira.
 119 Baba A. Gurumpawo.
 120 Muhammadu Bello, Alkamawa.
 121 Muazu Lamido.
 122 Maitama Sule.
 123 Mudi Kazaure.
 124 Hashime Adaji.
 126 Alhaji Aminu Tafida.
 127 Aliyu Bissala.
 128 Danmale, Madakin Gona.
 129 Baba Daradara.
 130 J. A. G. Ohiani.
 132 Abdu Sule.
 133 J. Assadugu.
 134 Abdulkadiri Makama.
 136 Alhaji Usman Garwaro.
 137 Muhammadu Bida.
 138 Yakubu Wanka.
 139 Iro Mashi, Sarkin Garbas.
 140 Patrick M. Dokotri.
 142 Maikano Dutse.
 143 Hassan Yola.
 144 D. A. Ogbadu.
 145 Sanni Okin.
 146 Ibrahim Usman.
 148 J. C. Obande.
 149 Alhaji Muhammadu Munir.
 152 Ahmadu Rufai Daura.
 153 Muhtari, Sarkin Bai.
 154 Chief J. Y. Dimlong.
 155 Galadima Maikiyari.
 156 Abubakar Garba.
 162 P. Aiyuk.
 164 J. I. G. Onyia.

NOES

- 13 E. O. Oyedeji.
 15 Chief I. S. Popoola.
 56 J. G. Adeniran.
 58 R. N. Takon.
 60 F. N. H. Ayeni.
 61 L. J. Dosunmu.
 62 T. A. Ajayi.
 63 S. W. Ubani-Ukoma.
 64 A. A. Ajibola.
 100 E. O. Fawole.

The Chairman :

The motion has just been carried on a division and the question I have to put accordingly is on the amendment to clause 3, page C 230 of new section 24A.

Question "That the question be now put" put and agreed to.

Original question put accordingly "That sub-clause (3) of clause 3 be deleted from the Bill".

The Committee divided. Ayes, 11; Noes, 53.

AYES

- 13 E. O. Oyedeji.
 15 Chief I. S. Popoola.
 58 R. N. Takon.
 60 F. N. H. Ayeni.
 61 L. J. Dosunmu.
 100 E. O. Fawole.
 102 M. A. Ajasin.

- 165 O. Bademosi.
 166 H. O. Abaagu.
 167 L. L. Lakunle.
 168 Aja Nwachuku.
 169 F. O. Mbadiwe.
 175 A. E. Ukattah.
 176 D. E. Okereke.
 177 J. M. Udochi.
 178 J. L. Nsima.
 179 J. A. Effiong.
 180 Rev. E. S. Bens.
 The Chief Secretary of the Federation.
 The Financial Secretary of the Federation.
 The Attorney-General of the Federation.
 The Minister of Trade and Industry.
 The Minister of Communications and Aviation.
 The Minister of Transport.
 The Minister of Land, Mines and Power.
 The Minister of Natural Resources and Social Services.
 The Minister of Labour and Welfare.
 The Minister of Works.
 The hon. M. T. Mbu.
 The hon. Kolawole Balogun.
 The hon. Victor Mukete.
 Chief O. Owch.
 D. C. Ugwu.
 U. O. Ndem.
 Bukar Dipcharima.
 174 J. I. Izah.

Tellers for Ayes

Mallam Bello Dandago, Sarkin Dawaki.
 Mr D. K. Onwenu.

- 102 M. A. Ajasin.
 103 Oba Adetunji Aiyeola.
 104 D. L. G. Olateju.
 106 Olayemi Tobun.
 157 Chief S. L. Akintola.
 160 Jaja Wachuku.
 161 Dr E. U. Udoma.

Tellers for Noes

Mr V. D. Phillips.
 Mr T. T. Solaru.

- 103 Oba Adetunji Aiyeola.
 104 D. L. G. Olateju.
 157 Chief S. L. Akintola.
 161 Dr E. U. Udoma.

Tellers for Ayes

Mr T. T. Solaru.
 Mr Duro Phillips.

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[The Factories Ordinance, 1955]

NOES

- 2 S. F. Nwika.
 20 Ahmadu Fatika.
 41 Alhaji Ahmadu, Sarkin-Fulani.
 44 Abba Jato.
 50 Sadik.
 55 E. C. W. Howard.
 71 F. U. Mbakogu.
 72 E. C. Akwivu.
 73 J. O. Igwe.
 75 H. O. Akpan-Udo.
 76 N. N. Onugu.
 80 D. O. Enang.
 81 B. O. Ikeh.
 83 G. O. D. Eneh.
 84 M. A. Sani.
 86 E. O. Imafidon.
 90 C. O. Komolafe.
 92 D. N. Abii.
 93 Dr E. O. Awduche.
 94 S. J. Mariere.
 95 Z. B. Olokesusi.
 96 A. Adeyinka.
 98 L. S. Fonka.
 99 J. Mboyam.
 111 Zubairu Bamu.
 118 Muhammadu, Sarkin Shira.
 121 Muazu Lamido.
 122 Maitama Sule.

*Clause agreed to.**Clause 4 agreed to.**House resumed.***The Minister of Land, Mines and Power (Alhaji Muhammadu Ribadu) :**

Mr Speaker, I beg to report the Bill from Committee to the House without amendment and move that the Bill be now read the third time and passed into law.

Mr Kola Balogun, Federal Minister :

I beg to second.

*Question proposed.***Chief S. L. Akintola (Oshun West) :**

*I only rise to have it recorded that for the first time in the history of this Legislature a Bill is being passed without the support of the accredited representatives of the people directly concerned and this House will note carefully that this Bill, although passed, is without the support of the people of Lagos. Both the representatives of the people of Lagos have solidly opposed the relevant section of this Bill, and now that it is passed, I want it to be recorded that it is without the support of the indigenous people of Lagos.

*Question put and agreed to.**Bill read the third time and passed.*

THE FACTORIES ORDINANCE, 1955—SECOND READING

The Minister of Labour and Welfare (Chief F. S. Okotie-Eboh) :

I move that the Factories Bill be now read the second time. In doing so, Sir, I wish to say that it is with great pride and pleasure that I present this Bill to this well-established legislature and to say that this Bill marks an important landmark in the history of labour

* Speech not corrected by Member.

- 123 Mudi Kazaure.
 130 J. A. G. Ohiani.
 142 Maikano Dutse.
 145 Sanni Okin.
 153 Muhtari, Sarkin Bai.
 156 Ahubaker Garba.
 164 J. I. G. Onyia.
 169 F. O. Mbadiwe.
 171 Chief J. S. Olayeye.
 174 J. I. Izah.
 175 A. E. Ukattah.
 176 D. E. Okereke.
 177 J. M. Udochi.
 178 J. L. Nsima.
 179 J. A. Effiong.
 The Chief Secretary of the Federation.
 The Attorney-General of the Federation.
 The Minister of Trade and Industry.
 The Minister of Communications and Aviation.
 The Minister of Transport.
 The Minister of Land, Mines and Power.
 The Minister of Labour and Welfare.
 The hon. M. T. Mbu.
 The hon. Kolawole Balogun.
 The hon. Victor Mukete.

Tellers for Noes

Mallam Bello Dandago, Sarkin Dawaki.
 Mr D. K. Onwenu.

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24th August, 1955

[*Second Reading*]

legislation in Nigeria. For the first time, Sir, we are moving from the general protective measures of an omnibus labour code towards the enactment of an individual and specialised piece of legislation based on the most recent experiences and practices.

Sir, the Factories Bill was first dealt with in this country as far back as 1949. It was not possible for the Government to present a Bill before the legislature on that occasion and it was shelved. Again in 1953 my predecessor in office had the occasion of bringing up this Bill again and had it reviewed in the light of the developments then. Similarly it was impossible for the Bill to see the light of day. But Sir, I consider myself very fortunate indeed as far as those of you who are present here today to debate this spectacular Bill because of its far reaching consequences in affecting the working population of this country.

Sir, you will recall that in the speech from the Throne during the Budget Session His Excellency mentioned that a Bill would be introduced that would protect the safety, health and welfare of the working class in this country. I too had to follow suit and made a statement before this House that this Bill which was mentioned by His Excellency was going to be the workers' charter and the first of its kind in this country. Now I therefore honestly believe that this Bill will receive the acclamation of all sides of this House. It is a Bill that transcends party politics. It is a Bill which I am sure that the respected Opposition will accept with approval that we all hope is in their hearts. I am sure that no one can afford to play with industrial legislation that does not affect the pocket of the worker but affects his very existence. I believe that when Members shall debate this Bill they shall bear in mind that this is a Bill that affects our brothers and sisters who are employed in manual labour, and manual labour, Sir, is carried on in all areas of this country and thousands of people are engaged in it; excepting those people who are engaged in clerical and domestic services.

Sir, this Bill is designed to protect the health, which is so important, the welfare, and also the safety of workers; and it will be applicable to a gigantic factory as it will also be applicable to the small tailors' workshops in Lagos or in Orlu or in Aba or in Sapele for that matter and in any such workshop as long as more than ten people are employed this Bill will affect it. If I may here sound a historical note. The United Kingdom Factories Act of 1833 was debated for three days and since then you will agree with me that the world has progressed and enlightenment has run from one side of the globe to the other.

I therefore share the hope that we will all be spared three days' debate in this particular case which will be a demonstration that all of us who are representing our constituencies in this House are showing signs of true enlightenment of twentieth century civilisation. Sir, the growth of factories and industrial enterprises has spread from one corner of this country to the other and it is only necessary for a government that is responsible to realise that the protection that is given to our brothers and sisters who are engaged in the factories and industrial enterprises is not sufficient under the present legislation.

There was a time when machinery was not protected at all, and no consideration was given to protective measures that were required. People were exposed to dust, fumes, etc., that are inimical to the health of working people. Therefore one will realise the necessity of making this Bill which is somewhat long and complex, but it must be so since it is designed to deal with a wide range of conditions in factories and establishments of greatly varying size and to deal with a multiplicity of materials and substances.

It is important to make clear the extent to which this Bill will apply. As I say, it will apply to all premises in which ten or more persons are employed in manual labour in the making, altering, repairing and so on of any article or part of an article. It does not however, apply to mines, which are covered by the Minerals Ordinance. All the foregoing is described in detail in Parts I and II of this Bill. The next stage, as to the registration of factories, the Bill provides that factories have to be registered. You will observe from Part III that provision is made for the registration of existing factories and for the registration of new premises. This is necessary to be done because I believe that apart from other considerations, even you as

the safe access to working places, the provision of hand rails, etc. In this particular case we require precautions which may be necessary against dangerous fumes and against explosive or inflammable matters. Proper precautions against fire are also required by the Bill, including facilities for the escape of workers. You know the danger that will occur in a factory which is enclosed having no necessary provision for exits from which people may escape in case of fire. It is provided in this Bill that sufficient exits must be provided in factories that are enclosed to enable the people to escape in case of any fire.

There is another provision which is also to me important. It will be complimentary to the Members of this House. It is no good, of course, taking precautions after someone has lost his life. Therefore if a Factory Inspector finds dangerous conditions, a magistrate's court, on a complaint being made, may prohibit the use of the works, or require the defects to be put right. I must say that no matter what we say, if we want to get down to brass tacks we must realise that magistrates in determining cases under this legislation will have no interest to watch except the safety of the workers, and if a factory is found to be dangerous, it is provided that an inspector will have to take the owners of such a factory, after due warning, before a magistrate and the magistrate will have to decide under this law whether the factory will be closed temporarily until such wrongs are righted. A wall may fall, a building may fall and destroy lives as we have seen in this country. This Bill by making such provision is certainly there to protect the lives of the people.

Parts VI and VII, the welfare sections of the Bill, largely commend themselves. They provide for the provision of drinking water and washing facilities. Certain factories are not even provided with drinking water, and if their workers are thirsty a very stubborn head man may not even allow them to go and get water to drink. So it is provided that in any factory where more than ten people are employed drinking water and washing facilities must be provided. It is also provided that there must be first aid equipment. It is also provided that the taking of meals in rooms where injurious substances are kept is prohibited. That is to say, sometimes we have factories using chemicals and in the water used for washing these chemicals workers dip their hands. After all we are not Europeans or Englishmen that eat with forks and knives. You will agree with me that a man who works in a laboratory or with dangerous chemicals needs to wash his hands thoroughly before he takes his meal. So we provide that sufficient water is available and steps should be taken when water is used in proximity to such dangerous chemicals that a special room should be provided where a worker's food will be kept and where he will also have the opportunity of washing his hands clean of the chemical he has used before he takes his meal. I hope this provision will also be welcomed by the hon. Members here.

Provision is also made for protective clothing where necessary and also for places where workers can keep their clothes. Those of you who have been to the United Kingdom will have found that even on the streets the labourer is not discernible from even the lawyers. His face is ever shining and he wears a tie. If he rides a motor-cycle you will find him wrap in a paper his other clothes that he would like to use and he moves like a complete gentleman. Naturally gentility is not reserved for lawyers and doctors alone. Gentility, as a matter of fact, is not reflected in money alone but on the gentleness of the person, and I believe that quality is not the exclusive right of people who are highly placed in society alone. So the workers have the right to have a room where they can change their clothes and also for washing. They have to take their bath and dress up like gentlemen and go home to meet their beloved ones.

You will also find that in some factories there is a type of machine for welding. Some people do not realise what harm welding will do to the eye. In some factories in this country you will be sorry to learn that some people injure their eyes by exposure to the light that arises from welding. Eventually such people may become blind. We therefore make provision that goggles or screens must be used in such factories in order to protect the eyesight of workers. Eyesight is something that you cannot purchase at any price.

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One problem that has faced us in the framing of this legislation has been the absence of full statistics about industrial accidents. Full figures are only available for Government establishments. I am sure that this House will be shocked if figures are available to know the number of deaths and accidents that have occurred in factories in this country. But I am happy to say that by giving these figures you will be able to accept what has happened to your kith and kin in this country from factories which have not provided protective measures which this law seeks to provide. In the Government establishments alone in 1954 there were thirty-three deaths and 568 injured. This happened in 1954 in Government factories alone, can you imagine in other factories. Hon. Members is it your wish that we should continue to live in such a state of affairs and lose the lives of our beloved ones in this country ?

Hon. Members :

No

The Minister of Labour and Welfare :

If No, I implore all of you to help to pass this Bill without any amendment whatsoever.

Mr Speaker, Sir, there is another aspect of this Bill that I would like to touch upon, but as it seems it receives the unanimous approbation of all sides of the House I think it will be a sheer waste of time for me to continue to enumerate the provisions. There is no ground whatsoever that Members have not carefully considered that is provided for the health and safety of the workers in this Bill. I honestly believe that you will all join with me to send this message to the working classes of this country. A message that will go from the Opposition as well as Government supporters of this House thus :— “No more shall a husband leave his house in the morning to look for a means of livelihood and come back in the evening to the house with a hand tied, one finger off or one arm off”. A message that will go to the workers of this country that their beloved ones need have no fear that in the evening they will be told that their beloved one who has gone to work and by the fall of a crane or through unguarded machinery is lying dead or injured in the hospital. I think that message is what everyone will like to send to his family. Therefore I wish you to join with me in sending this message to the workers of this country. Here is a thing that transcends political matters, and that message is this, “That this hon. Legislature on the 24th day of August in the year of our Lord 1955 has been able to pass legislation that will protect the safety, the health and the welfare of the workers of the Federation of Nigeria.”

Mr Speaker, Sir, I beg to move.

Mr M. T. Mbu, Federal Minister :

Mr Speaker, Sir, I rise to second the second reading of this Bill. To be able to take part in this debate is in itself a great privilege. This Bill, as the Minister of Labour and Welfare told us, has a rather long historical background. At this juncture Sir, let me say that all Ministers of Labour appointed under the Macpherson Constitution had contributed, or knew something about the making of this age-old Bill. The Minister of Labour and Welfare is to be congratulated for succeeding in introducing this Bill to this House with a view to getting legislative assent. He has accomplished a remarkable feat which his predecessors could not achieve. The Leader of the Opposition, Sir, will remember vividly his days in the Ministry of Labour and recall his contribution to this Bill. If it were true, Sir, that persons appointed to the Ministry should possess specialised training then it does not require any logic to know that the Minister of Labour should not have been the one to introduce this Bill. It is therefore illogical for anyone to imagine that people to be appointed to the Ministry must necessarily be men of specialised training.

One of the most outstanding eminent world statesmen of the day is Sir Winston Churchill. Here is a great man who has achieved fame not only in the contemporary politics of the world but in the literary eminence of the twentieth century. During his school days, Sir, this great

sending to the Chief Inspector a written notice containing the particulars set out in the First Schedule to this Ordinance". The title of this Bill says "An ordinance to make provision for the health, safety and welfare of persons employed in factories and other places, and for matters incidental thereto and connected therewith". Mr Speaker, Sir, if therefore this Ordinance will operate as from the 1st of September, 1956, if the Bill is being passed into law I just want to know what is the line of action advanced by the Council of Ministers as to the protection of the lives of those persons who are now engaged in factories, so long as the ordinance is going to be introduced as from the 1st of September, 1956. Mr Speaker, Sir, may I also refer to section 69 of this Ordinance. Section 69 of the Ordinance says the Governor-General may appoint a Chief Inspector, and so on. What is the need appointing a Chief Inspector now? Because, for all I know, the duty of the Chief Inspectors is to receive applications from those who want to establish factories but the effective date of the Bill is 1st September, 1956 and the Chief Inspectors appointed now will have nothing to do until 1st September, 1956 and, besides that, too, Mr Speaker, it will also go to mean that even if the Boards are set up, the Boards and also the Inspectors will have no right at all to reject any application which is being sent to them. Mr Speaker, Sir, as I have already said, in other words it will only mean that all the factories which have so far been opened will only be working under any conditions. Therefore I am suggesting that I am praying the Federal Government to make the effective date of this Bill most nearest, so that it will have to guard the life and safety of everybody now and even until 1956.

Mr Speaker, I beg to support the Bill.

Mr E. C. W. Howard (Special Member):

I am quite sure that anyone who has the interest of workers and of the orderly development of industry in this country at heart will welcome a measure of this sort, and I do not wish to take up the time of the House speaking very much about it, but I have just one or two points which I think, might well be mentioned.

First of all, I think I am right in saying that in other countries where such regulations are in force experience has shown that in the proper application of the act the quality and experience of the Chief Inspector and Inspectors is the most important feature, and I was therefore extremely pleased when the hon. the Minister, in moving the Bill, did say that this aspect of it would be given very great attention. Although I have great sympathy for the last speaker I do hope that Government will not be persuaded to introduce these measures until such time as they have got adequately trained inspectors to enforce them. Nothing could be worse than to have untrained and inexperienced busybodies running around factories. (*Laughter*). They will certainly be a nuisance to the workers and the management. Other points I have to mention are less important, but I would have preferred that in the powers given under this Ordinance the reference to colour washing be removed. I quite agree that walls should be clean and structures should be sound, but is there not a little danger that someone might decide, "Well, this wall should be blue, and this wall should be pink, and another will be of any other colour"? So that I do not see the necessity for that.

Another point to which I would like to draw the attention of the House is: some people feel that it might have been useful if included in the Bill is some reference to the fact that when Inspectors visit a factory, although it is clearly understood that their visit cannot be advertised in advance, at least when they do arrive before they wander around they should report their arrival and establish their identity. That will remove a possible source of friction.

Another point I have to mention was put to me by someone else, and although I do not take it too seriously of course the Minister might wish to examine it. It has been suggested that under the powers of the Inspectors, where they may examine persons, the word examine might be misconstrued as having a rather medical flavour, which might be embarrassing as both female and male labour would have to be examined. (*Loud Laughter*). I appreciate

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the fact that in the legal profession the word is quite well understood, in examination and cross-examination of witnesses. Of course in the courts if anyone misunderstood these terms the learned Judge, or Magistrates, Grades I, II and III would be there to put him right. (*Loud Laughter*). But if the factory inspector wandered loose round the factory and had the same misapprehension, there might not be anybody in authority to curb his enthusiasm.

The only other point which I have to make is that it does seem as if there is rather a lot of literature to be posted on noticeboards. I do hope that these will be kept down to the minimum as some of the workers may take quite some long time trying to read it and this will interfere considerably with production. Beyond that I welcome the Bill and commend it to every Member of the House.

M. Maitama Sule (Kano Urban Area) :

Mr Speaker, Sir, it has always been the custom and habit of this hon. House to give praise to any praiseworthy Bill from all sides of the House. This Bill is non-contentious, and it is none that calls for controversy. It is only for that reason of giving praise to that praiseworthy Minister who moved this Bill and brought it before the House that I rise to support the Bill. As Nigeria is gradually being industrialised, a fact, Sir, that necessitates the building and maintaining of factories, it is only too important, Sir, that something is done to set up a standard for such factories and at the same time to safeguard the interests of the workers employed in such factories. In these circumstances, therefore, Sir, I am glad to see that this Bill is doing exactly the same thing. In the first place, Sir, I am very happy to have noted that protection has been provided for the workers employed in factories and for young people up to the age of eighteen. At the same time steps are being taken to see that children who have not reached the age of puberty are not employed by factories. This has impressed me a great deal. In England and other parts of the world it had been the habit of some factories to employ people who were not up to the age of being employed. And that habit may have gone into the minds of some factory owners in this country and so it is very good that right at the start something is done to protect these people from engaging children in their factories.

Another thing is this, that it is always the case in factories all sorts of injuries are likely to happen ; there are accidents of all kinds. People have to work with machines. There is ample opportunity for people to be protected in all the factories where they work, and I therefore see no point in debating this Bill further. The factory owners themselves on the other side have been protected by this Bill. The welfare of the workers has been protected. Those factory owners who have not got enough money to build the factories of the standard required by this Bill have been given ample time and opportunity for five years to do same. The powers to make regulations by the Minister will be debated and if there is anything that this hon. House feels that is not good, this hon. House has the chance of doing everything. So I think this is one of the best Bills, if not the best, that has ever been brought before this House, and with that, Sir, I beg to support whole-heartedly, and in doing so I would like to say something similar to what the Federal Minister has said that never in the history of industrialisation of Nigeria has so much been done to this Federation as this Bill has done to it now.

Mr J. M. Udochi (Kukuruku) :

Mr Speaker, Sir, I rise to support the second reading of the Bill. This Bill is a great advance on the road of social legislation in this country, and the Government of the Federation deserves the thanks of this House for a well thought out and carefully planned Bill that has made very laudable provisions for the safety, health and welfare of the workers of this country. The Bill might not be called a Magna Carta, but I think it is a charter of the freedom and rights of the workers of this country. When one remembers the spate of agitation that has followed legislation of this kind in other parts of the world one would realise the great work that has been done by this Government for the people of this country. Even in England, that country that is most humane and liberal in her laws, factory legislation did not come as a matter of course. It was after very serious agitation raised by the suffering of innocent people in factories.

The Minister of Labour and Welfare (Chief F. S. Okotie-Eboh) :

Mr Speaker, Sir, I rise up to say that I am very thankful to the contributors to this happy debate and for their generosity in showering these praises on me which I am sure, I do not merit as such but which I feel should go much more to the Attorney-General of the Federation whose ability in drafting business of this nature to my mind, is second to none in this place. (*Hear, hear*). Also I wish to put on record that my Commissioner of Labour as an expert, has impressed me a great deal since I took over this Ministry. He has worked night and day in seeing that this Bill is presented and I think you will all join me also in passing those encomiums to him as Head of my Department and a true adviser.

Further Sir, I would like to say that not only you in this House have accepted this Bill as you have done honestly today, but the All-Nigerian Trade Union Federation, a federation of labour unions of repute and standing, has also examined this Bill and has given its accord. Further, Sir, the Regional Governments have all been consulted over this Bill and I am happy to tell you that they are all in agreement, at least they have nothing to say against this Bill. That shows that this Bill really has received the approbation not only of the hon. Members of this House but of our respective Regional Governments. (*Hear, hear.*)

Now Sir, to answer a few of the major points, I would like to say that I am thankful to the Leader of the Opposition for the very reasonable observation which he made about the number of people that should constitute a factory. I want to assure him that in taking the number ten, we feel that this is a step forward in the right direction at the moment.

We take into consideration the point raised by one of the hon. Members, Mr Howard, who warned us about the quality of the Factory Inspectors who will administer the Act. If we reduce it below ten at the moment, you will agree with me that the necessary personnel of quality who will be required to handle the duties will not be available at this stage. I want to show that his suggestion will be closely taken to heart and as we progress with this Bill by the grace of God, if we remain in power in 1956, I can give him the undertaking that his advice will be seriously taken into consideration and when we find that the time has come, we shall ask the number to be reduced. (*Laughter.*)

I also wish to assure my hon. friend Mr Phillips that we will as soon as possible publish a simple guide to assist the people who are operating factories in this country and also assure him that no fee will be charged. (*Hear, hear.*) I want him to remember seriously that we have no power to make any regulation, to introduce any clause into this Bill, unless it be first laid before this House.

To come to the effective date of 1956 with which my friend on the opposite side, supporter of this Government, has had some quarrel, I want to say that it is necessary to give a small factory a period of one year to reconstruct and get used to the conditions set out in this Bill and one year, I feel, is reasonable, otherwise you will accuse this Government of trying to destroy the small businessmen in this country. When you are thinking of large factories that will be able to reconstruct within one year, it is difficult for a poor man who is managing a small factory employing about ten people or more and if you impose the conditions of this Bill too hurriedly, you will find that you will be destroying the small businessmen of this country at the expense of the major businesses. There is no question of this Ordinance penalising the small enterprises of this country. That is why one year is fair for everybody to put his house in order.

Mr Speaker, Sir, I beg to move, and to ask that the question be now put.

Question "That the question be now put" put and agreed to.

Original question put accordingly and agreed to.

Bill accordingly read a second time.

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Mr Speaker :

Committee Stage when ?

The Minister of Labour and Welfare :

Now, Sir.

Mr Speaker :

Could we have a break for only ten minutes ? I will be back if the quorum can be back. Sitting is suspended for ten minutes.

*Sitting suspended.**Sitting resumed.**House in Committee.**Clause 1 agreed to.***The Chairman :**

Will hon. Members stop me if they wish to talk on a particular clause.

PART I

Clauses 2-4 agreed to.

PART II

*Clause 5.***Mr H. O. Akpan-Udo (Ikot Ekpene) :**

Mr Chairman, although I notice there is provision for the exception of certain factories, I feel that the case of native factories which have been part of the tradition of the people such as the cotton factories in the North and the pottery factories in the East and West should be expressly exempted, so that these people may not be embarrassed in the implementation of the Ordinance. I would like the Minister of Labour to make a statement on this.

Mr F. U. Mbakogu (Awka) :

Mr Chairman, I have a little quarrel with the definition of "factory". I thought the definition of "factory" should have included where mechanical power is used. As it stands now it means any carpenter having about six to eight or nine labourers helping him will form a factory. Sir, I do not think that is the real meaning of a factory. A factory should include the use of mechanical power, otherwise if there are ten labourers working together in a place, that place becomes a factory. That is the little observation I have to make about it.

M. Aliyu Bissalla (Abuja) :

Mr Chairman, Sir, I think this Bill is quite all right, and as the last but one speaker mentioned about the pottery centres I think he has to know that these centres are not meant to be factories. Such pottery factories as he has just spoken of are meant to be schools where training facilities are given, not such factories as would come under the definition of factories as provided in this Bill.

Where it refers to machines, of course, we know that some of these centres have some sort of machines, yet even then I think it is quite understood that this Bill excludes a school where training is given. Therefore, Sir, I support the Bill.

The Minister of Labour and Welfare (Chief F. S. Okotie-Eboh) :

Mr Chairman, Sir, I wish to say that I do not think that this House will support the idea of beginning such a Bill with exemptions. The moment you start exempting one or two factories anywhere, motives will be read into it and then we will have no end to exemptions.

to get away with breaking the law. About the issue of £100, it is clearly stated that the fine of £100 is the limit. It does not mean that you must be fined £100. The Magistrate may fine even £2, and the law does not prevent him from doing so.

Question put and negatived.

Clause 9 agreed to.

Clause 10.

Mr A. E. Ukattah (Bende):

Mr Chairman, Sir, we have here a word that in my opinion is not quite proper; it is rather too loose, that is "forthwith" in line 5. "If at any time after a notice has been sent to the Chief Inspector in pursuance of the provisions of section 8 or section 9 of this Ordinance, any change occurs with respect to the particulars set out in that notice, the occupier of the premises to which the notice relates shall forthwith..." In my opinion, Sir, I think a definite period ought to be given. An unscrupulous Chief Inspector might create room for unnecessary prosecution. It does not give the occupier any chance at all because "forthwith" might mean a day or two after the change is introduced and then the Chief Inspector may go along and say: "Well, you have delayed in making this known to me".

So, I respectfully submit that a fixed period of about four weeks should be inserted.

Clause 10 agreed to.

Clause 11.

Mr G. O. D. Eneh (Udi):

Under section 11 (3), Mr Chairman, powers to appoint the Board—"The Board shall consist of a chairman and not less than four other members, and the chairman shall be a person having legal qualifications". I think that four members are insufficient for a Board that will look after the factories throughout Nigeria. I know the words "not less than four" may mean more than four if necessary, but I propose that the panel should be something in the neighbourhood of ten members in order to get in businessmen as well as interests of labour. Also it will be necessary that this Board should move from place to place in order to hear appeals in the Headquarters of the Regions instead of the Board asking every appellant to come down to Lagos.

Oba A. Aiyeola-Afolu II, Ewusi of Makun (Ijebu Remo):

Mr Chairman, Sir, I have a little observation to make in regard to the personnel of the Board of Appeal. It has been provided that the chairman of the Board of Appeal should have legal knowledge or be a legal practitioner, but I am suggesting that as the questions that will come before the Board of Appeal will almost invariably be of a professional nature, a doctor, who is qualified in industrial diseases or things of that kind should be included in the Board of Appeal.

I have no objection to Members who may wish to increase the number of the members of the Board of Appeal, but I ask the Minister of Labour and Welfare to consider, when nominating members of the Board of Appeal, including a doctor who is really qualified in industrial matters.

Clause 11 agreed to.

Clause 12 agreed to.

PART IV

Clause 13.

Dr E. O. Awduche (Onitsha):

Mr Chairman, I do not intend materially to alter any of the provisions of this "Bill of Rights" prepared for the workers, but I just wish to make an observation on clause 13 (b) which deals with the cleanliness of the floors of the workhouses. I am suggesting that the

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Ordinance should provide for the floors to be made of impervious material so as to facilitate cleaning. Already provision has been made that the Chief Inspector might under some circumstances exempt certain institutions from some of the provisions, so that those factories whose floors are already made of pervious material might be exempted from the clause, while the new ones might be made of concrete or impervious material.

Mr O. Bademosi (Ondo South) :

Mr Chairman, in building factories it is not always possible to make all floors of impervious material. In some instances you will find that you occupy an existing building where you have to instal light, machinery and so on, and sometimes the floors are made of timber and it takes a lot of trouble to change them to concrete. Also it is not always that people who are building factories have enough funds to make concrete deckings where factories must of necessity be of one or two storey buildings. So I am putting in for the consideration of the mover of this amendment that it is not always possible to make concrete floors and I suggest that the clause be left as it is.

Dr Awduche :

Mr Chairman, I have not moved an amendment ; it is just an observation.

Clause 13 agreed to.

Clause 14.

Mr F. U. Mbakogu (Awka) :

Mr Chairman, it is unfortunate that I have not had the opportunity to move an amendment to subsection 6 of section 14. It is stated there that if an Inspector so requires there shall be posted in the workroom a notice specifying the number of persons who, having regard to the provisions of this section, may be employed in that room. I had wanted to delete all the words from "if" to "shall" and to substitute "an Inspector shall require to be posted". The section as it stands now might help the occupiers of the workshops to evade the provisions of the section with regard to accommodation.

Mr D. N. Chukwu (Awgu) :

I have to make my observations, Sir, under subsection (2). "A factory shall be deemed to be so overcrowded as aforesaid if the number of persons employed at a time in any workroom is such that the amount of cubic space allowed for every person employed is less than four hundred cubic feet". Mr Chairman, if this is so, a room of 10' x 10' x 10' will simply allow two to three persons in a workroom. This is actually insufficient and I humbly ask that this be changed to three hundred cubic feet. The reason is because of the small size of the average room we have in the provinces or in a town like Lagos due to lack of land ; and the real number of persons required in such rooms should be stated.

Oba A. Aiyoola, Afolu II, Ewusi of Makun (Ijebu Remo) :

Mr Chairman, I find the provision under subsection (2) of clause 14 of four hundred cubic feet for a worker in a factory for new factories to be erected after the coming into effect of this Bill to be adequate. But for factories which have been operating, the provision of 250 cubic feet for the first five years is allowed. I should like to have an assurance from the Minister of Labour and Welfare that after five years the restriction which this section seeks to provide would not work to the detriment of these old factories. In view of the fact that accommodation these days is very scarce it may make factories which have been in existence five years prior to the coming into operation of this Bill to have difficulty in qualifying for a factory, and so it would tend to thwart or oust these factories so that they would be obliged to close down.

The Minister of Labour and Welfare (Chief F. S. Okotie-Eboh) :

I think, Sir, that the provision is adequate—400 cubic feet, and the relaxation allowed, Sir, at the moment for a period of five years. If a factory is not able to comply within five years,

says that the appeal can go to the High Court and it means that it cannot go to the Federal Supreme Court. I think that these are matters which the High Court can properly deal with rather than carrying a matter of that nature to the Federal Supreme Court. It is not that the provision is being made whereby an appeal is shut off from some people. Rather it is being put down here that these matters can be competently dealt with by the Magistrate's Court and the High Court.

Clauses 30-44 agreed to.

PART VI

Clause 45.

Mr O. Bademosi (Ondo South) :

Mr Chairman, Sir, I think we ought to be satisfied that the worker has been called upon to co-operate in the preservation of his own welfare. It is a common experience in working houses to see a common cup being used at a drinking point. I think here, it should be laid down as a principle that every worker coming into a factory where drinking water is provided should come with his own drinking vessel in order to prevent contamination.

Clause 45 agreed to.

House resumed.

Mr Kola Balogun, Federal Minister :

I beg to report progress.

Mr Speaker :

Would you report progress to sit again what day ?

Mr Kola Balogun :

Tomorrow.

Mr Speaker, I have to move that the House do now adjourn.

Mr V. E. Mukete, Federal Minister :

I second.

Adjournment Debate

Mr L. L. Lakunle (Oyo North) :

Mr Speaker, Sir, I made a motion yesterday but the Minister in charge of the subject was not in the House. Now I want to repeat the motion so that he may give me an answer, Sir. The motion is that I am calling on this hon. House to provide money for the immediate construction of a Post Office to serve Oyo North, to improve the telephone at Iseyin and then extend it to all other important places in Oyo North.

The Minister of Communications and Aviation (Mr K. O. Mbadiwe) :

Mr Speaker, I have listened very attentively to the hon. Gentleman and this House is aware that a White Paper on the reorganisation of the Posts and Telegraphs Department was accepted by this House, and I want to say that within that reorganisation programme it is intended to look into the facilities of the Posts and Telegraphs system throughout the country ; but the hon. Member is informing me now that the whole of Oyo North has no Post Office at all. I will cause this matter to be investigated and as a result of the investigation I will know what action to take. (*Hear, hear*).

Adjournment

Mr Speaker :

The question is "That this House do now adjourn."

Question put and agreed to.

Adjourned accordingly at twelve minutes to six o'clock until 10 a.m. on Thursday, the 25th of August, 1955.

Debates in the Federal House of Representatives of Nigeria

Thursday, 25th August, 1955

The House met at 10 o'clock

Prayers

(Mr Speaker in the Chair)

QUESTIONS AND ORAL ANSWERS

Question—

***O.116. Dr E. U. Udoma :**

To ask the Minister of Transport :—

Whether he is aware that the closure of Opobo Port has paralysed the commercial life of Opobo Division and the surrounding Ibibio country; and when he will take steps to declare the port open for ocean-going vessels ?

Answer—

The Minister of Transport :

The hon. Member's attention is invited to the reply given in this House on the 31st of March, 1953, to his Oral Question No. 86 on the same subject and to which I have nothing further to add.

2. Government is not aware that since then there has been any material change in the depth of the Opobo bar which still remains at 8 ft. to warrant a re-consideration of the decision to close the port to ocean-going vessels in January 1950.

Question—

***O.117. Dr E. U. Udoma :**

To ask the Minister of Transport :—

What is the present depth of Opobo Bar and is it a change for the better since silting set in ?

Answer—

The Minister of Transport :

The present depth of Opobo bar is 8 ft. with the exception of a slight increase of one foot in 1950, there has been no material change since 1947 when the depth was 7 ft.

*Supplementary Question to *O.117 asked by Dr E. U. Udoma*

What does the Government intend to do ?

Answer—

The Minister of Transport :

Sir, a survey of the bar was carried out early this year and there has not been any material change in the depth.

*Supplementary Question to *O.117 asked by Dr E. U. Udoma*

Is the Government prepared to dredge the river ?

Answer—

The Minister of Transport :

No, Sir.

The Attorney-General of the Federation :

This, Sir, is taken direct from English law. (*Laughter*).

Clause 70 agreed to.

Clause 71.

Dr E. U. Udoma (Opobo) :

Mr Chairman, it is here provided in this Bill that an inspector should prosecute defaulters. That is an obnoxious provision in our laws which should not be perpetuated by the Government. I think it is wrong to expect an inspector to prosecute successfully in court. I know that it is done in the Produce Inspection Department, but very unsatisfactorily. This Bill regulates and protects the health of workers in a factory, and I think if a defaulter should be prosecuted, such prosecution should be done properly by a competent and trained person, and I would suggest in this case a Crown Counsel.

An hon. Member :

Pleading the cause of lawyers !

Dr Udoma :

Of course I have to jealously guard my own profession. It should not be abused by every and any individual. I think quite apart from any professional jealousy, Sir, there is the question of the public health involved in this matter, and I should expect that it is in the interests of the public that when a person defaults and is to be prosecuted, such prosecution should be done thoroughly in order to ensure conviction which will serve as a deterrent to others.

Sir, very often in our courts when inspectors prosecute on matters of adulteration of produce, defendants in such cases generally go scot free on the ground that inspectors do not know what material evidence to produce against such men. Therefore it would be better that in view of the public revenue and the public health involved, prosecution should be conducted by competent prosecutors.

The Minister of Labour and Welfare :

We think that the prosecution can be done by an inspector who is properly trained for the purpose and the execution of this Bill unless it is a legal technical issue when it may be necessary of course for us to call the Crown Prosecutor.

Clause 71 agreed to.

Clauses 72 and 73 agreed to.

PART XII

Clauses 74-86 agreed to.

Clause 87.

M. Sanni O. B. Okin (North Ilorin) :

Mr Chairman, we have now come to the end of the new Bill. As the Bill stands it will no doubt cost an additional sum of money. I therefore suggest that funds be made available by the Federal Government and the Governments of the Regions whenever factory owners apply for additional loans. By so doing, Sir, I think the conditions laid down will be effectively fulfilled.

Clause 87 agreed to.

PART XIII

Clause 88 agreed to.

Schedules 1-5 agreed to.

House resumed.

[*The Factories Ordinance, 1955*]

25th August, 1955

[*Third Reading*]**The Minister of Labour and Welfare :**

Sir, I beg to move that the Bill be now read the third time and passed into law.

The Attorney-General of the Federation (Mr A. McKisack) :

Sir, I beg to second.

Question proposed.

Chief S. L. Akintola (Oshun West) :

*Sir, I have just some suggestions to make on the whole Bill. One is that you have a long array of papers to be exhibited by the factory owners. I would appeal to the Minister to do all he can to minimise the number of papers to be posted on the factory walls. Not only to minimise them, to cut them very short and make them as brief as possible; and not only briefly, I would also appeal to him to make it intelligible to the ordinary man. This Bill will affect a large number of people and it is easy for people along the coastal areas to understand; but for the benefit of other people who will be affected, I would appeal to the Minister to give a résumé of it in the principal Nigerian languages, may be in pamphlet form, in co-operation with the Public Relations Department.

Mr F. U. Mbakogu (Awka) :

Mr Speaker, Sir, I rise to support the third reading of this Bill. In doing so I wish to say that the presentation of this Bill is a matter for congratulation to the Government on its progressive policy and a matter also for jubilation by the Nigerian working class. Mr Speaker, Sir, I wish to say at this juncture that the aim of this Bill is to remove the privations and social unrest among the working classes; it is to preserve the health and morals of workers and to create a healthy environment for the working classes.

Mr Speaker, this is a very important stage in the evolution of a healthy atmosphere of work for Nigerian workers. There has never been anything equal to this, except the housing scheme. I seize this opportunity, Sir, to congratulate the Minister of Labour and Welfare, and thank God, I must say he is the right man at the right moment. (*Applause.*) Mr Speaker, Sir, I would only compare him to two people. Firstly I would compare him to Robert Peel, the father of English factory legislation, when he moved the Health and Morals of Apprentices Act in 1802. I would also compare him to Robert Owen, who was a philanthropist and started factory reform in his own factory, the New Lanark Mill.

Mr Speaker, I would say that this Bill should have been called "The Nigerian Workers' Charter". I am filled with pride and happiness that this Bill passed as easily as Robert Peel's Bill of Factory Legislation passed in 1802 with the support and sympathy of the whole House. The fact that there is no dissension from the Opposition is proof that it was humanitarian enough. I was hoping to see my hon. friend, Mr Jaja Wachuku, rising up to oppose the Bill ..(*Laughter*).. but I could not see him. In supporting this motion I must pay tribute to the humanitarian leaders of factory legislation in England whose work the Minister of Labour has emulated.

Mr Speaker, Sir, I support the third reading of the Bill.

Mr H. O. Akpan-Udo (Ikot Ekpene) :

Mr Speaker, Sir, in supporting the third reading of this Bill I note that there is plenty of provision for the safety, welfare and health of the workers in factories, but it appears that there is no specific mention as to the provisions in connection with the conditions of employment, and I hope the Minister will do all that is possible to make sure that the standards of remuneration to workers in factories are protected. There should be provision limiting hours

* Speech not corrected by Member.

stay in the service at all, and he had to do it. Now that is the background to a lot of work we are to consider today.

That is the strain that has been put upon the people who work for us and all things considered we have got through the last twenty months or so since this decision was taken surprisingly well. The Government is conscious, Sir, that it has been well served and it has taken the opportunity in preparing this White Paper, in the last paragraph, to pay tribute to what has been done for the Government and the country by the public service, and I hope the House will endorse the tribute that the Government has paid.

The problem of splitting the service was one for the Regions as well as for the Federation and as early as, I think, April 1954, the Western Region came to the conclusion that the best way to accomplish this was to set up an independent investigator to enquire into the structure, salary and other remuneration of its new regional public service. And the Government of the Western Region in addressing the Central Government, as it was then called, laid great stress on the advantage of having an independent investigator as opposed to having a reorganisation from within the service and laid great stress on the advantage of having at all stages consultations with the people who were affected by what was being done. That was a point of view with which the Government of Nigeria entirely agreed and that is the view which we have sought to have regard to in what has happened since. The fairest and most effective way in the long run of carrying through reorganisation of this kind is to give everybody, heads of departments, staff representatives, staff associations, unions and so on, a chance to be heard at all stages to put their view before the Commissioner and in due course when the Commissioner has made his report, to put their views on his recommendation before the Government. That is what we have done, Sir, and it is a fair way but it is a very slow way. It would be easy enough for the Government to take snap decisions about matters which may not involve a great deal of money and which may not seem of very great general importance but which may make all the difference between content and discontent to the people affected by it. So that is what we have sought to do and if this policy of negotiating instead of imposing decisions has led to some of the matters with which Mr Gorsuch dealt in his very voluminous report not being finished with, the Government is in no way sorry for that. The matters still left for decision are, compared with what has been done, minor matters and will be settled, and we hope properly settled, and settled in a way that will bring lasting content.

The Government of the Federation was very willing to agree with the Government of the Western Region that we should have this independent investigator but it was obvious that although each of the four governments was to be free and independent in its staff relations, what one did would inevitably affect the others and so we tried to get the agreement of all governments to setting up this commission. That agreement was obtained in the end but there is one important respect in which one government differed and I think I should mention that because it is of importance not only in enabling us to understand, I think it is paragraphs 155-159 where the Commissioner talked about the Eastern Regional proviso, but it is also important in considering the relevance of what has been done by the Government of the Eastern Region in this field. The reservation made was that while the Government of the Eastern Region agreed that the constitutional changes made an examination of the structure of the new service necessary, it did not agree that there was any apparent cause for an upward revision of salaries and so special terms of reference were devised by the Commissioner to meet the wishes of that Government. They are set out in the report; I shall not read them, but he was to enquire into the structure and the remuneration of the public service, with special reference to the problems arising out of the constitutional changes, and he was to examine the problem from the point of view of each of the governments in the light of all the facts that were involved both in similarity and divergence and he was to make recommendations. One other point I would like to make in this connection is that although the officers who serve in the Southern Cameroons in matters which elsewhere would be "regional" matters under the Constitution are paid from the funds of the Southern Cameroons, they are, under the Constitution, all

[Report of Commission

25th August, 1955

on Public Services]

members of the Federal Service. So that the decisions we take here will be binding on the Southern Cameroons Government. They will be free to decide the number of officers that they will employ but if they employ such officers they must employ them on the terms that are settled for the Federal staff.

Two important methods of interpretation I must mention, the Commissioner interpreted his terms of reference as applying to the established members of the four public services but not to casual and daily-paid staff or to officers whose employment is temporary whether or not it is governed by formal contract.

In paragraph 57 of the White Paper the Government declares its intention that officers employed on the normal contract equivalent of pensionable terms will receive benefits based on the same principle as those which we here concluded should be applied to established staff. The application may take a little working out in individual cases but the principle will be the same in respect of contract and established pensionable staff.

Then, Sir, there is the fact that the Commissioner interpreted his terms as not extending to daily-rated workers. It is explained in paragraph 5 of the White Paper that the Government has started negotiations with the Federal Industrial Whitley Council on this important subject. I have no doubt that all Members are familiar with the principle of Whitleyism but it may be appropriate for me to mention them this morning so that what is happening in regard to daily-rated workers may be judged against the proper background. The principle of Whitleyism, Sir, is that employers and employees should set up a joint negotiating body, two sides, one representing the employer and one representing the employed. In government circles they are described as "Official Side" and "Staff Side". And the aim is to reach agreement. There is no voting. It is common practice that the two sides should be equal in number but if they are not it does not matter. Opinions are expressed as the opinions of one side or the other. If there is agreement, then after report to the Governor-General and subject to the provision of funds by the Legislature, that agreement is put into effect. If there is no agreement, it is referred to the Government and the Government will explore what other means of settling it and what other opinions there may be. This has been found to be a very useful and acceptable way of dealing with this matter and it was a severe blow to the progress that had been made in Whitley Councils when the constitutional changes meant the breaking up of Councils which had been working for some years. However, they have been got going again and the Federal Industrial Whitley Council has been considering daily-wage rates. Indeed, Sir, negotiations are going on as I speak and I would like to remind the House, Sir, that not only is this a method of negotiation that has proved its worth in recent years but it is a method of negotiation which depends on two sets of people sitting down in mutual confidence and working out their common problems. It is all done by agreement and in the melancholy event of a disagreement there is still agreement to produce a joint statement. From that, Sir, one may judge the merit of statements that have appeared in a daily newspaper recently that a crisis has occurred or a deadlock or some other sensation. People must sell their product I suppose. (*Laughter*). But the greatest service that can be done by us at any rate, whatever may be done outside the House, is to allow these negotiations to go ahead and if, as I hope, agreement is reached before the House rises, it will immediately be reported to the House and I have no doubt that the House will wish the Government to be prompt in giving effect to whatever agreement is reached.

Only one other remark before I pass on to what to most of us is a serious subject not deserving cheap witticisms and that is that an agreement has already been reached about new rates for artisans who are daily-rated and effect will be given to it at once.

In the White Paper that has been laid upon the Table the Government has tried to give a clear explanation of the conclusions it has reached on the report. We have set out in this White Paper all the recommendations that are accepted as well as those that are rejected and

that the most recent communication from the Secretary of State, who recruits staff for us as well as for other Territories, contains phrases like these: "Candidates for the Administration are very far short of requirements and those we can select do not want to go to Nigeria".

"It is difficult to find a graduate with teacher-training experience for temporary appointment overseas".

"Of the applicants proposed as Inspectors of Works (Building) two failed to attend the interview and the third withdrew".

"Water Engineers, there are no candidates in view".

"Accountants—there are no suitable candidates so far".

"Specialist Obstetricians—posts will be advertised but it is very doubtful if candidates will be forthcoming".

And I could go on through the list if we want people for jobs requiring qualifications that are not yet possessed by a sufficient number of Nigerians, we must enable them to come; and inducement does not mean bribing them, it means no more than affording such conditions as will be acceptable—because a man will not leave his own home and go anywhere overseas unless, by so doing, he is enabled to meet his responsibilities and that is all that these words mean.

Now, Sir, if I may say just a word or two about discrimination. Government has no intention to emulate the ostrich, which is said to put its head in the sand at the sound of danger. Government has no intention whatsoever of saying that these arrangements contain no element of discrimination. The world is full of discrimination. Some men have fine heads of hair, some have not. What is that but discrimination? (*Laughter.*) A Corporal has two stripes, a Sergeant three; what is that but discrimination? Necessary and justifiable discrimination. The Government has no intention of saying that there is no discrimination here but it does declare that there is not and will not be any unfair discrimination. (*Hear, hear.*)

The Commissioner, Sir, decided that inducement addition by itself will not suffice and it is easy to do a little arithmetical sum and work it out, that for an officer in the A scales, the inducement addition recommended by Mr Gorsuch will bring him about £390 more over eighteen years than would expatriation pay. For a scale B officer, £320. So, the Commissioner then thought that he must find what else he could do. Undeterred by knowledge that there would be, or, cries of discrimination, or in more colloquial language, "What is sauce for the goose is sauce for the gander," (a phrase which seems to me to overlook the fact that, until both are cooked, the needs of each are very different) (*Laughter*), the Commissioner suggested a system of children's allowances. For the reasons which I hope are sufficiently set out in the White Paper paragraphs 13 and 31, the Government has, after long and anxious thought, decided that it must reject the proposal and put forward instead alternative proposals which are set out in paragraph 32. I doubt, Sir, if the Government's ingenuity will suffice to anticipate all the arguments that will be raised against what it has decided to do and it will be best if I leave the White Paper to speak for itself. The Government is satisfied that it has given this matter most careful thought and it would not be without careful thought that it would reject the recommendation of so wise and experienced a Commissioner, but the Government has rejected it and put in its place some alternative proposals. I may say, Sir, although you will want to hear from the Financial Secretary rather than from me on the subject of cost, the cost to the country will be substantially less than the Gorsuch proposals and the net addition to the officers consequently less also.

Apart from the new salary scales and new arrangements for overseas officers, most interest is likely to centre round the grading of individual posts and to those who would have the Government grade every post in this public service, with some twenty-two thousand people, I would say that in no country where there has been a comprehensive review of structure and remuneration in the public service has it been possible to grade all staff in the twinkling of an

eye. In the Sudan, I understand, grading teams operated for nearly a year after the Salaries Commission had reported. In the Gold Coast, grading proceedings after the Lidbury Commission took a long time and so too in East Africa. We have asked the Secretary of State for the expert as the Commissioner himself recommended and in advance of his coming, we are trying to settle such matters as can be settled and we are preparing for him information on those matters we do not think we are able to settle for ourselves. The White Paper mentions each of the groups of posts where this must be done and I invite attention also to what is said in paragraph 34 about super-scale posts and in paragraph 35 about grading of Permanent Secretaries and in paragraph 37 about the Judiciary.

Mr Speaker :

May I say one thing. I think the House won't want the remarks of the Chief Secretary to be curtailed. The Standing Orders provide that the time may be extended by a motion made and question put. Perhaps somebody will move that that time be increased and his speech not curtailed.

Mr Kola Balogun, Federal Minister :

I beg to move that the time for the Chief Secretary be extended by a quarter of an hour in view of the importance of the speech he is making.

Mr M. T. Mbu, Federal Minister :

Sir, I beg to second.

Mr Speaker :

I think the House would agree that the time of the Chief Secretary be extended by a quarter of an hour.

The Chief Secretary of the Federation :

Mr Speaker, I am grateful to you, Sir, and to the House and I am happy to say that I have no intention of taking up even the whole of the time that my colleague has asked for me.

The salaries of Judges have now passed into law in consequence of what has been done in this House since we met. The salaries of Magistrates are not provided for in the law and the Government, having had the advantage of hearing what has been said of these people from all sides of the House, proposes, now that the Chief Justice-designate has returned to Nigeria, to confer again with him and give consideration to the salary of Chief Magistrates and to other posts which are not mentioned, including one not mentioned by the Commissioner himself, the Chief Registrars in the new system of Courts. The Commissioner himself foresaw the need to set about this matter by stages. He provided in an appendix to the Report a system by which it is possible to convert people to new salaries and thereby give them the immediate advantage of the increased provision for the Service while leaving the grading over for a little while, and he recommended a system also for settling the grading of the posts about which he himself had offered no advice. The Government intends to get on with that work as speedily as possible with the advantage of the suggestions that he has made and with the knowledge of the views of the House on the subject.

Pages 8 and 9 of the White Paper deal with various matters which are of considerable importance to the persons affected by them, but which are not matters affecting the Service as a whole. I hope the Government's conclusions on them are sufficiently apparent from the White Paper and the House would not want me to go through them.

In paragraph 58 reference is made to the Voluntary Agency teachers. These, of course, are outside the scope of Mr Gorsuch's Report because they are not employed by the Government, but it is on the approved salary scales for Voluntary Agency teachers that the Government grants for Voluntary Agencies are in part calculated; so, obviously, the Government has a

higher than his Regional counterparts. I say embarrassing because this is the only department where the Federal head happens to be an African, while in all the other departments the Federal heads are expatriates.

Whether this was an innocent oversight or a deliberate act, whichever way you look at it, it emits a nasty stench and leaves one flabbergasted as to the other items which place the African far below in wages of his European counterparts. It is therefore no wonder that so many departments are refusing the Gorsuch awards as being inadequate and below expectation.

I am sure the whole House will agree with me that from this aspect of the Report the whole award is suspicious and boils down to a Greek gift which even though pleasant must be looked upon with suspicion.

I am, however, happy that this Government realises that the Chief Medical Adviser is undergraded and have promised to look into the matter. I therefore congratulate them for this wise and equitable decision.

Chief S. L. Akintola (Oshun West) :

Don't be afraid of k.o. !

Mr Benson :

Mr Speaker, Sir, I am not afraid of k.o. He is my parliamentary friend and political brother.

I am happy that this Government realised it and promised to look into this matter.

The grouping under this head is as follows :—

Chief Medical Adviser to the Federal Government—Present, Group P ; proposed, Group 3.
Director (North, East and West)—Present, Group D 2 ; proposed Group 3.

It would have been fantastic and *infra dig* had the Government not decided to reconsider the position of the Chief Medical Adviser to the Federation which I am glad they are now proposing to do, and for which I congratulate them. It happens that this is the only department where an African is Chief Adviser, and where a Federal departmental head would have earned the same pay as his juniors, the Directors in the Regions, if the Government had not adopted the wise step they now intend to adopt.

An hon. Opposition Member :

They have not adopted it !

Mr Benson :

They have adopted it. You do not read it, you read only Communist books. (*Laughter*).

Mr Speaker, Sir, to the Government I doff my hat on behalf of the whole House.

In order to drive home to Members my point, let us see the groupings in the Department of Education and Secretariats.

The Chief Federal Adviser on Education—
Present Scale, Group D 2 ; proposed, Group 3.

Director (North, East and West)—
Present Scale, Group G ; proposed, Group 4.

Secretariats—

Chief Secretary to the Federation :
Present, Group A 1 ; proposed Group 1.

Civil Secretary (Regions) ;
Present, grade II which is about £3,000.

It is obvious from the above remarks that the Chief Medical Adviser to the Federal Government would have been unfairly treated if the Government had not decided to look into the matter.

Another bouquet for the Government is that the Government have had the foresight to realise that teachers and nurses not having been provided for in the Gorsuch Report was an oversight. The Government has now decided to grade nurses as technicians which is in fact high grade for which I am grateful to Government. As for teachers, the Government realising the importance of their profession have set up a committee where the Nigerian Union of Teachers would be represented to consider and make recommendations on their grading.

If you turn to paragraph 16 of the Federal Government conclusions on the Gorsuch Report you will observe that Information Officers in the Federal Information Service and News Editors in the Nigerian Broadcasting Service are senior journalists who have attained professional status.

In paragraph 146 of the Gorsuch Report, Mr Gorsuch grants professional status to certain officers in the Police and Customs and they are grouped with lawyers and doctors, even though they have no degree or hold no world-wide professional qualifications. Information Officers and News Editors are now under Scale A 2, but Mr Gorsuch proposes Scale B for them instead of Scale A where they belong. Lawyers and doctors have the special advantage of Scale A (upper segment) extension which no other professionals have. Nobody quarrels with that since they deserve it, but let other professionals be on Scale A (ordinary). Journalists, especially the senior ones, are professionals and should be given Scale A which is a professional grade. Paragraph 16 of the Government's statement leaves room for action and rectification.

I have said enough while debating on the Magistrates' Court and High Court Bills and I would now thank the Government for realising that the grading of Chief Magistrate is unfair and that they are considering this matter and also that of the Magistrates. For instance, I think that the salary of the Chief Magistrate is rated at £1,500 in the Gorsuch Report, whereas their counterparts in the Regions receive about £2,000. In fact the £1,500 is lower than the salary of ordinary Senior Magistrates in other Regions. However, I am very happy that the Government are looking into it.

In conclusion, the Federal Government should take the initiative to confer with the Regions on the possibility of creating more facilities for inter-regional transfer of officers. Gorsuch has hinted at this. An officer should be allowed transfer from one Region to another, or from the Federal service to a Regional service and maintain continuity of service. See paragraph 60 of the Government's statement on Gorsuch published on Sunday, 21st August.

Members of this House, as I take my seat, let me remind you of the memorable words of Thomas Jefferson :

"A wise and frugal government which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their pursuits of industry and improvement, and shall not take from the mouth of labour the bread it has earned—this is the sum of good government."

To the hon. Members who form the Council of Ministers, I speak in the words of Sophocles.

"But who can penetrate man's secret thought,
The quality and temper of his soul,
Till by high office put to frequent proof,
And execution of the laws."

By our acts and legislations we shall be judged by the masses for whom we legislate, and by our different constituencies who I am sure will be happy with this White Paper and observations thereon.

paragraph 262 of the Report says the present scales "Recruit H 1, £75 per annum". Now the proposed scale, that is Police Under-Recruit, is £90, that is £15 per annum increase, which is 15s increase per month. Now, H 2, that is Third Class Constable, £86 x 4-94. They remain there for three years. The difference is £12 per annum. This is not attractive enough, Sir. There are people with Cambridge School Certificate who have likeness for entering the Police Force. Now, coming to see the conditions of service under Police Force and comparing it with the conditions of the ordinary clerks in the office I think this would not be encouraging to them. As ordinary clerks are graded under Scale D, for which the salary recommended is £150 per annum, that is new entrants, so that I mean, that the conditions of service in the Police Force is not attractive and no people with better educational qualifications would like to enter the Police Force, and even now you find that people with better qualifications flock to the Judicial Department where scales of salaries are satisfactory. The Council of Ministers does not go below the recommendation of Mr Gorsuch, and therefore, I find no blame but I am asking the Government to consider the necessity of bringing in men of better quality to this important department by improving the conditions of service of this Department.

Another point, Sir, is Customs and Excise. This department is a noble department under Central exclusive list. Seventy per cent of our revenue comes from this Department. They are now grouped under Grade D with the ordinary clerks. I am now calling upon the Council of Ministers to consider giving them a separate scale, when the technical grading team will set out to work. I am suggesting that Scale 'C' (Executive Grade) that is technical, would be suitable for this department. By this, Mr Speaker, Sir, I refer to paragraph 129 of the Report.

Before I conclude I would like to add that enough has not been said about Voluntary Agency teachers by the White Paper, in view of the fact that teachers contribute the greatest share in the building of this country. I will humbly request that whatever action is contemplated about teachers' salary in Lagos territory this would be released in the earliest convenient time of the Council of Ministers. With these few remarks, Mr Speaker, I beg to support.

Mr P. M. Dokotri (Jos):

Mr Speaker, Sir, I would like to draw the attention of this House to the fact of the attendance of this hon. House. The good attendance of this House indicates a good interest that this legislature has towards the protection of the common man. The common man, Sir, is you and me. This, Sir, is the Government of the N.C.N.C. and the N.P.C. (*Hear, hear*). It is a Government, Sir, for which I should be proud. It is a Government, Sir, for which I am proud, not because of what it is, but because I feel it is a Government of the people of this country. It is a Government of the people which will always protect the interests of the people, and that is why today the attendance is so great. The reason for the good attendance of the House is to protect the interest of the people in order to put effectively the recommendation of Mr Gorsuch. The Federal Government, Sir, is financially sound and that indicates how well this Government has been working for the past twelve months. You can always know that a Government is a good government if that Government is financially sound, because, as we understand it, no government is good without it being financially strong. You will realise that the statement that this Government made in the last financial year indicates that we have a good financial surplus. With that surplus this Government will always respect the interests of the working classes. This Government has been able to do quite a lot of good to improve the working conditions and to improve the amenities of the working class. This Government, Sir, I feel is a magnanimous Government because it has agreed to line up with the Regional Governments on the recommendations which Gorsuch has proposed for the working class. The Northern Regional Government, I should say, has been more magnanimous in recommending what I might consider to be a much greater scale for the working class, and as a result of that and in disagreement with what the Chief Whip of the N.C.N.C. has said, I do feel that the Northern Regional Government should receive congratulation Number One

in that it has presented a greater scale of salaries for all its staff. The Northern Regional Government, Sir, has made its recommendation due to the fact that at this transitional stage Nigeria wants expatriate staff. Nigeria wants experienced staff, and we must tackle these problems from two angles. First, to encourage the expatriate staff from outside Nigeria by giving them what Mr Gorsuch has described as inducement allowance, and secondly by giving to the indigenous staff greater stimulus. I do feel, Sir, that it is a good thing to encourage the expatriate staff because without the expatriate staff and without experienced staff it is impossible for Nigeria to develop economically and otherwise. I should like to inform the House that I attended a course at the University College, Ibadan, on the economic development of Nigeria, and one of the important aspects of that lecture was that Nigeria, being what it is today, it is impossible for this country to develop economically without the experience of other people. It is impossible for this country to develop economically without getting the experience of other countries, and also it is impossible for this country to develop unless you improve the manpower of the country and the population as well. There are two things by which you can improve the population of the country in order to make economical development worthwhile. The first is either you allow people from the outside to come into the country, and thereby establish the different developments of the country, or else secondly to increase the population of the country from within. As you could see the whole of the Northern Region is sparsely populated.

It is very important that rather than encourage people from the outside of the country to come in it is much better to encourage the population within and to encourage the increase of that population. I do feel, Sir, that the Federal Government should be the parent Government of the country and that being the parent Government, it should be a little bit higher than the Regional Governments in all respects. As a result of that I always feel that it would not be for the best interests of this country if the Federal Government should fall short of the recommendations of the Regional Governments in increasing the emoluments of the members of the establishment. If you allow the Regional Governments, as is the case now, to give greater emolument to its staff than the Federal Government, you will be precipitating a drift of labour. If a man is seconded from the Northern Regional Government to the Federal Government and he feels that he has not that inducement, he will definitely resent coming to the staff of the Federal Government. I do feel therefore that as the Northern Regional Government has been so magnanimous in giving this inducement, I feel that the Federal Government should give as much inducement in order to balance the equilibrium. I have one interest at my disposal and that is that in accepting the recommendation of Mr Gorsuch, I would like the Federal Government, being the parent Government of the country, to consider very seriously the interest of the people in private enterprises. If you do not stabilise the condition of employment in the Government and in private enterprises, there will be a serious drift in manpower from one end to the other—it might be from one of the Regions to the Federation or from the Federation to the Regions or from the Regions to private enterprise. As the position is, I do realise, Sir, that the five Governments of the country are trying to make the Federal establishment and the Regional establishment as a privileged class. That should not happen. While Government supports increase in salary, it should be good if Government should take the initiative to persuade private enterprises to be able to recommend equal salary for its staff. I am particularly speaking, Sir, of the mining industries and the mercantile firms. It is for Government to increase the salary of its own workers and to seriously consider people who are in other interests such as the mining industry, mercantile firms and what is described as the Nigerian Electricity Supply Corporation. This Corporation supplies electricity to all the mining industry in the North. I think it would be for the best interests of the country for all these people engaged in corporations and private enterprises to be well protected, otherwise you would have discontent or perhaps a drift from those private enterprises into the Government establishment; and as the Government cannot absorb all the skilled and unskilled staff from all these places, there is bound to be frustration in certain sections of the country. That should not be tolerated here at all. Mining industry,

Now I have also to refer to the matters affecting Voluntary Agency teachers. I was a little surprised to find that even though the Secretary of the Nigerian Union of Teachers, Mr E. E. Esua, gave oral evidence before the Commissioner, that no mention of teachers' salaries in Voluntary Agency schools was made in the Commissioner's Report. I do hope that the time has come when matters affecting teachers would be given adequate consideration by Government. It has been the habit or the tendency of the Government to vacillate whenever matters affecting teachers are brought forward. I want to say that teachers do a very great job, educating people in this country, and that those who have gone to Universities and Colleges to graduate spend very long years in preparation for the education which they have acquired in order to come to this country to educate the children, and that a graduate who has specialised in education is as good in his own field as any other person and must, therefore, be adequately remunerated. So also are teachers who are trained locally—they spend four to five years in Normal Colleges to be trained and when they come out we expect that, to be very fair, they should be given salaries commensurate with the hard work that they are doing.

A former speaker has made mention of the Police Force.

Some hon. Members :

Definitely you are not. (*Laughter.*)

Mr Nwika :

I endorse what he said about the Police Force. Whatever we may say against the Police Department there is no doubt that they are doing a very good job of work in protecting our property, in maintaining peace, and so on. I therefore want to appeal to the Government that the Police Department should be given adequate consideration in whatever recommendation they may be making in matters of salary. If we are to bring our Police Department to be as near to good as those in the United Kingdom and in the United States of America, we must ensure that people who are qualified educationally are recruited into the Police Force. It is unfortunate that at present young men with their Class Six Certificates and their Cambridge School Certificate, whenever they want to join the Police Force have to undergo the same training as those who are just fresh from elementary schools, and after graduating from the Police College they have to be classified with the third-class constables. This is unfortunate because their counterparts in other Government Departments have better salaries and more rapid promotions than they have. I do hope that the educationally qualified Policemen who have graduated from the Police School may, after their training, be classified as Lance Corporals and that those two intermediate grades, first-class and second-class constables be preserved for those who have the necessary educational qualification. The same thing applies to the Warders in the Prisons Department. If they have the same educational qualification as their counterparts in the other Government departments they should be given equal conditions of service, promotion and salary.

Mr Speaker, Sir, I have no quarrel with the recommendation or conclusions reached by the Council of Ministers. I strongly endorse whatever they have presented to us this morning and I hope that they may be implemented as soon as possible. Mr Speaker, Sir, I beg to support.

M. Bello Dandago, Sarkin Dawaki (South West Central Kano) :

Mr Speaker, Sir, time is little but the matter is little too. I am supporting the motion before the House. (*Hear, hear.*) Whatever anybody would say in this House, let him say it. But there is one inescapable fact and that is that Government has done generously enough in accepting, Sir, almost all that the Commissioner recommended. That is the evidence, Sir, that this Government has a sincere desire to promote and to protect the welfare of our workers. (*Hear, hear.*) Sir, Members have showered on our Council of Ministers praises that they have done a splendid job of work. To them I say that is why they are there. We know the

merit of each one of them and that is why they are there. (*Hear, hear*). I would strongly say, Sir, that some of the cases which are awaiting decisions—the Committee going into that, Sir, will do their best to give their report as early as possible. (*Interruptions: "Next year" "Do not mind, Jaja."*). Earlier than that! Sir, I am thinking of some people who are complaining that their cases are not gone through properly, but I think that such a Committee is dealing with that. I will only add, Sir, that the Committee do their best to submit their recommendations to the Government at the earliest. Sir, I will say that when this recommendation is implemented the practical result of the recommendation—that is the counting of the money—will not be long delayed.

* **Mr J. S. Tarka** (Jemgbar):

Mr Speaker, Sir, in supporting, I beg to congratulate the Government for the good deed they have done in bringing up this White Paper for the interest of the common man. (*Cries of: "Where is he?"*) The lawyer, myself, the teacher, the Chief Secretary, the Speaker, and every Tom, Dick and Harry. I beg to make a few observations and the first of the observations is paragraph 251—Education Officers.

Sitting suspended.

Sitting resumed.

Mr Tarka:

Mr Speaker, Sir, I was blaming something on Government when you cut me short. Mr Speaker, I rise again to continue. I am doing this with a clear mind as I do not belong to any of the Government Parties.

Some hon. Members:

What do you belong to?

Mr Tarka:

I belong to U.M.B.C. Independent. I am referring you to paragraph 251 whereby I was mentioning the Female Education Officers. I would like to make it a point of explanation that in this group of employees or Civil Servants they are females. These females come out to promote the standard of education of future mothers, whereby the big lawyer will get a highly educated wife to suit his profession. I feel that the pay provided to this group of people is very inadequate. We must see that this group of people are human beings and at least they should live up to expectation. I go on to refer you to the part of that paragraph under the Heading "Certificated Teachers". I feel that the starting point for these people which is D 1 and D 2 is very poor. It shows that in this group—the gap between Mr Ojukwu and Chief Akintola and myself is too big. (*Laughter.*) I wish that Government could link up this gap whereby the common worker has no big difference with capitalist and the big lawyer and the big politician and the man in the working class.

I go on to the local agency teachers in the same group. In certain cases, these teachers are deprived of one tenth of their pay for religious purposes, *e.g.*, D. R. C. M. Mkar in Tiv Division, and I think that this is an intellectual dishonesty. I go under the same group, to make an observation. I regret that there is no provision for a special grade for Rural Science Teachers, because I feel that this class of teachers play a very important part and their output is greater than the output of the ordinary teacher and I feel disappointed that this class of teachers has not been considered. I am appealing therefore to both sides of the Government Parties or the Government Bench to reconsider its stand on this issue.

I go on to refer you to paragraph 265 of the Report—Group H 9. This group I think is meant for Sub-Inspectors as shown in paragraph 262. The starting point is so queer and it should have been better than this because this class of people are supposed to come up right from Third-Class Recruit to Third-Class Constable after that grade which takes a long

time ; in cases where they have to get on straightaway, this place is meant for undergraduates, and you must compare this with an undergraduate getting into the Police Force. He loses a big turn in another department where his contemporary at the University is getting a very high pay. I think that that is a discouragement to the highly educated people. These people are discouraged from getting into the Police Force. In this case too, I go on to appeal to the Government to reconsider its stand. These people have to stay on that grade for six good years and you know what six years is in a place where dissatisfaction abides. I hope this is no El Dorado day for the worker. With these few comments, I think I will give way to other speakers.

M. Muhtari, Sarkin Bai (South West Kano):

Mr Speaker, Sir, in rising to contribute to the debate on the report of the commission on the public services of the Government of the Federation of Nigeria, I have one or two points to make. But before I do so, I should like to pay tribute to Mr Gorsuch and to express my personal appreciation of the immense knowledge on his subject. Indeed Sir, Mr Gorsuch deserves congratulation not only by the hon. Members in this House but by the four Governments of this country. (*Hear, hear.*)

Again Sir, a special note of gratitude is due also to the Federal Government for inviting such an expert and for helping him in carrying out his duties. Secondly Sir, I support whole-heartedly the Government conclusions on this Report. It is very clear, straightforward and in the best interest of the workers of this country.

Now Sir, on to my first point, it may appear unique but, Sir, the end of it, I am sure, will be Federal responsibility. Sir, Native Authorities who are not financially capable of coping with the Regional Governments in this respect will have it hot, they will either risk to cope with the Government in which case they will call for financial disaster that will end in frantic increases in taxes or they pay the workers what the revenue can afford and lose some of their efficient workers. Now Sir, this matter was raised in the Northern House of Assembly and there was promise by the Premier of the Region that the Regional Government was ready to do everything possible to get the Native Authorities out of these troubles, and I must congratulate the Northern Regional Government for that, but nevertheless I do feel that the Federal Government should do everything possible to give the Regional Governments every possible assistance, monetary or otherwise, preferably monetary so that the Native Authorities may enjoy more from their respective Governments. Sir, both troubles are due to panic and it is that panic that we want to dispel. I am appealing to the Government to look into this matter seriously.

My second point Sir, is a question of price control. Before the war, we used to buy one bag of corn for 5s but now, it costs 50s, 1,000 per cent increase. One roll of calico used to cost 4s but now it costs £1, that is to say 500 per cent increase. Well Sir, workers are crying "Gorsuch, Gorsuch" but at the same time forgetting what necessitated the invitation of Gorsuch. Had prices remained stable or at any rate lower, neither the Harragin nor the Gorsuch Commission would have been necessary. Sir, at this point I am appealing to Government to do everything possible to control the prices as strictly as possible and to the satisfaction of the workers and the ordinary people of this country.

My next point Sir, is that Government should please speed up payment of arrears and to do so in full but not by instalments as in the case of Harragin, because the mouths of the workers are already watering.

My last point Sir, deals with transfers. We on this side of the House, especially the Moslems, do not like such transfers, and I hope that Government would see to this. Many Northerners resign from the Government Service because of these unnecessary transfers, although in some cases they may be necessary. Sir, I beg to support.

Mr A. E. Ukattah (Bende):

Mr Speaker Sir, in rising to support this motion, I am glad to be afforded an opportunity of joining the Council of Ministers in thanking Mr Gorsuch for his ability to produce this report on the structure and remuneration of the public services of this country. The fact that Mr Gorsuch is an expert on a variety of economic and social problems of the world is reflected in the report now under consideration by this hon. House.

Mr Speaker Sir, next my congratulations go also to the Council of Ministers on its careful scrutiny and consideration of this report and its acceptance of most of the recommendations and suggestions as are revealed by the White Paper now in the hands of every hon. Member. But Sir, there are some points I feel like touching on which I hope the Government will note in good faith. The first set of points relates to matters that are within the terms of reference of the Commissioner and the second deals with matters which, though outside Mr Gorsuch's terms of reference, are not unconnected with certain inevitable social services rendered to this country.

Mr Speaker Sir, I cannot but confess that I am not satisfied with Mr Gorsuch's recommendation on the salary scales for the Posts and Telegraphs workers. Mr Gorsuch seems to have grouped all P & T workers as Clerks as is exemplified by his recommending the salary scale of clerical workers for such technicians as Sub-Inspectors. I hope, however, that the hon. the Minister of Communications and Aviation will appreciate this fact and will adjust matters before the implementation of the new salary scales.

Mr Speaker Sir, my next observation is on the Police Force. Perhaps it was not revealed to Mr Gorsuch that certain men enter the Police Force with such certificates as the Senior Cambridge certificates. It is not fair that such class of constables should have exactly the same initial salary as those with Standard VI certificates. Where then lies the inducement for these higher certificate holders to join the Police Force if, according to Mr Gorsuch's recommendation, such Senior Cambridge holders who are constables can only earn £162 per annum in their tenth year, *i.e.* as first-class Constables. In other words, such first-class Constables can only earn in their tenth year what their contemporaries in other Departments would earn in their first year. This Sir, to my mind, is unfair and unattractive. Apart from this Sir, I beg to urge that the third, second and first classes now existing in the Police Force of this country should be scrapped. There are no such ranks, I understand, in the Gold Coast, and I wonder why they should be allowed to exist in the Police Force of this country.

Now Sir, I come to the second group of my observations. It is true that Voluntary Agency teachers do not come within the scope of the Commissioner's consideration. I do deplore this omission, however, but I am glad that the Government has thought fit to set up a Committee on behalf of these Voluntary Agency teachers, which Committee must work out a reasonable salary scale for the teachers, otherwise, Sir, there can be no point in talking of mass education and turning out technicians, instructors, and so on, if the affairs and well-being of these teachers are relegated to the back-ground. In my own humble opinion Sir, I think that the idea that Voluntary Agency teachers and their affairs should be considered last is an idea that now should belong to the back-waters of thought.

Next Sir, I turn to the daily-paid labour. Here again, Sir, I congratulate the Government on establishing the Whitley Council for negotiations, though this matter is not yet concluded, and although it is outside the purview of Mr Gorsuch's recommendations. I must warn that there should be no further delay, Sir, in arriving at conclusions, which conclusions I advise should be reasonable for the daily-paid labourers of our Federation. All hon. Members are appreciative of the fact that the services rendered by this class of workers are invaluable and I think their affairs should be the concern of every legislator of this country.

Mr Speaker, Sir, at this juncture, I must thank the U.A.C. for immediately following the footsteps of the Nigerian Governments in reviewing the salary scales of its workers. I hope that other mercantile establishments and all Government Corporations will follow suit immediately, in order to eliminate any discontent which might otherwise arise among their workers.

To conclude, Sir, I am extending my second round of congratulations to the Council of Ministers on their boldness and firm stand in the question of allowances to the children of expatriate officers. There is no sense, Sir, in, for instance, a child of an expatriate officer coming to earn £10 a month when that child does not render an ounce of service to this country, when a Nigerian worker with wife or wives and children earns £5 or £5-10s a month. With these few observations, Sir, I beg to support the motion.

Mr L. S. Fonka (Bamenda) :

Mr Speaker, Sir, I rise to associate myself with the subject under discussion. In doing so I have the following observations to make. I have observed, Sir, that these conclusions which have been arrived at by the Council of Ministers have kept two groups of people under suspense. The first group, Sir, is the teachers employed by the Voluntary Agencies. (*Hear, hear*). I am really very much surprised to see that the case of these teachers should be decided by a Committee which is to be set up, in a remote future, perhaps. Then I do not understand why, if these teachers are to have the same salary as Government teachers, the Government should not approve their own scale along the same lines as the salary of the Government teachers.

Hon. Members :

Ask them there. Ask the Financial Secretary.

Mr Fonka :

Does this suggest to us, Sir, that the Government is going to accept any scale that will be approved for these teachers by the Committee which is going to be set up? And if Government accepts a different scale for these teachers to that of the Government teachers what is going to happen? They will become dissatisfied; and these teachers, Sir, have always not enjoyed the same amenities as Government teachers. Well, the Government teachers have always some allowance—travelling allowance, leave allowance, and all such things, but the teachers in Voluntary Agencies have not been given these amenities, and I think that if the Government is to treat the Gorsuch recommendations very fairly these teachers under the Voluntary Agencies too must be considered and given better salaries than even the Government teachers. (*Hear, hear*). The fact that a Committee is to be set up to decide salary for these teachers shows that the Government teachers are very shortly going to draw arrears whilst these teachers employed by the Voluntary Agencies are sitting down and praying and wondering what is going to happen. I say that the impatient ones are going to resign even before they get whatever scale will be approved for them by this Committee. I say, Sir, that it is wrong for the Government to keep the souls of these long suffering teachers under suspense.

The next group of workers kept under suspense according to me is the daily-paid workers. (*Hear, hear*). It also suggested that a Committee would be set up to examine their own wage position. It means also that these people have to wait and wait indefinitely until such a body is set up. And I think that everybody will enjoy this Gorsuch recommendation equally and at the same time and the same rate when everybody gets the arrears, because, as one hon. Member said, as soon as these arrears are drawn, up will rise the prices of things and all those who will have had their arrears will go to the shop and buy things and those who will not get their arrears at the same time will have to feel dissatisfied. I am appealing to the Government to arrange it in such a way that this Gorsuch recommendation concluded by the Council of Ministers would be enjoyed at the same time by everybody. Somebody had mentioned something about price control. I think this is very very important indeed and cannot be over-emphasised.

Well, it is not practicable perhaps, but if we have to enjoy Gorsuch recommendation which we are now praising the Council of Ministers for, it will not be of much use if the prices of goods rise indefinitely. With these observations, I support the motion.

M. Ibrahim S. Usman (Wukari) :

Mr Speaker, Sir, obviously, now that we have reached the subject we have come to discuss at this sitting of the House—that is on this vital but delicate issue which all the employees and employers have been anxiously waiting to hear—what decision will be taken in this House which affects both the employer and the employee. Well, our decision in this House will be a reconciliation, a measure which has finally been taken between the Government and the employee of the Government and other enterprises, or the employees of other firms if they will also agree to look and then follow the footsteps of the Government. But the idea purposely is to discuss the Gorsuch recommendation on the Civil Servants. Now, Sir, inside the recommendations submitted by Mr Gorsuch and reviewed by the Government there are some odd points. Those odd points were this suggestion that the Commissioner's report be referred to a special body, that is the grading team which might consider the criticisms of those who have spoken, or the Associations which we have been told in the morning by the Chief Secretary that there is a Whitley Council, that it is going to submit their recommendation and then the teachers have their own final body which did submit their recommendations and that the grading team will look into it and try to rearrange how the employees are going to be put on their appropriate grade. The daily-rated workers whom we have now in transit on to the Whitley Council to submit a strong recommendation to the Federal Government and the three Governments agree that whatever recommendation submitted as a result of this negotiation will be accepted by the Government; and therefore I think most of the things have been there and we are now here to suggest to the Federal Government those points about which the Government is doubtful and will like to hear our opinion on them. In principle they have accepted all the recommendations, only all those points which it is not for us here to give our opinion. We can say whatever we like. There are some of our criticisms here which will be sound and there are some which will not be sound to be accepted by the Government, and even here our criticisms will be compiled and looked into. Those that will help the grading team and the Whitley Council which will be set up by the Government, they will look into it. Therefore everybody is at liberty to criticise as he likes. Sir, every sincere and responsible person should join the Government of the Federation in paying tribute to Mr Gorsuch and invariably to the members of the Council of Ministers for adopting the recommendations with only minor corrections. Sir, it is a common experience that every worker wants to get an adequate remuneration or an income which would enable him to maintain himself and his family, with a standard of living which can afford good health and energy to maintain it and to work efficiently.

The main principle on which every initiative of workmanship is being conducted is the maintenance of good condition in the service which might consequently bring increase to our national output of goods at factories, a sound national income. So the Government must evaluate the so called indigenes to stimulate the zeal of the worker. Mr Speaker, the most important part of the work done by the Commissioner and accepted by the Government is that which solved the problem which in this country most people have been talking about and that is the bridging of the gap between the Senior and the Junior Service, and that has now been done. Sir, this provision will give incentive to many workers or employees who have been deteriorating by the raising of their grade salary now.

Now, Sir, in this particular point I have some comments to make to the Government and those grading teams if they come to do their work. I suggest that they should enumerate all those employees who have suffered lack of promotion from the Junior to the Senior grade. They should give the scale C or any nearer it so as to compensate them for their lack of promotion. These should not necessarily take any examination as has been suggested by Mr Gorsuch but only those who may not reach the top later and try seeking for promotion. The grading team

You would bear me out that the hon. the Chief Secretary let the cat out of the bag the other day. When I asked what time the White Paper would be laid the hon. the Chief Secretary in all humility said I bore responsibility for it all. I will prepare all the draft, I will do all the spade work but I have not done it. He is the sole author of the whole thing and if he is not ready nobody will be ready.

What you are reading in this White Paper is the product of the brain of one and only one man and that is the hon. the Chief Secretary. I must say this in all fairness to the Chief Secretary that the language of the White Paper is lucid, graceful in style, very informative, but like everything itself that our intelligent Chief Secretary produces it is exceedingly deceptive. (*Laughter*). What do the people affected expect? What do they want to know? Are the workers, the civil servants, interested in more committees to be set up? They want £- s- d- How much are you going to give, that is all they want to know. You may appoint inquiries and committees till doomsday, nobody is interested. The question is have you got any figures ready. What figures have you got for them. Your very much beloved daily-paid workers but you have not got any figure to present them. All you want to present them is committee, inquiry; and one hon. Member said that the Chief Secretary's speech gave much food for thought. The average civil servant is not interested in food for thought; he is interested in food for tummy, and this White Paper does not give any indication as to what will be the weight of the morsel. What increase is granted this document is silent on the point. What is more important the Government has not treated this hon. House very fairly. We are all interested in improved conditions for our workers and as Mr Gorsuch has remarked, we want an efficient Service; we want a Service that will give value for money and more than that we want a contented Service. But it does not end there. The Government has recommended here that this improvement in the conditions of service will cost the country so much. That is good so far. But we have left undone those things that we should have done first. What about the duck that lays the golden egg; how do we meet this bill? I am not suggesting for a minute that the money should not be paid. But who pays the money in the final analysis. We all pay, the workers themselves pay. How are we going to meet the bill?

The International Bank Mission submitted a report to this Government over a year ago—a report on the economic development of Nigeria. Now that report gives a clue to the economic emancipation of this country, the industrialisation of the country, improvement in the agriculture of the country, improvement in the communications. If that report had been followed the effect would be to increase the prosperity of this country but we have done nothing about that; we are increasing our bills without thinking of how we are going to meet the bill. What concrete proposal has ever been brought to this House which will give the ordinary farmer more power in order that he may be able to pay for the service that he is having. None. No plans whatever. We have left undone all those things that we ought to have done. The economy of this country is precariously poised on a very slender trade. What is the main source of the revenue of this Federation—customs duty. And circumstances may occur over which we have no control at all which may disrupt the whole of this economy. Gorsuch can only depend on a stable economy for this country; without stable economy a thousand Gorsuches will not achieve anything. Our first duty is not only to come forward with a lengthy bill to debate; the Government should have been courageous enough to suggest to us wherewith to meet this growing commitment. I am quite sure that what I am saying is quite beyond the comprehension of some of the Government Parties. They are so used to bowing to the edicts of Mbadiwe that they are impervious to reason. Reasonable people even from the Government Parties are absent; they know that these things lead nowhere. Men like Ojukwu who understands economics and business, you cannot find them here. Even the courageous Benson is absent. Because they know that you are not putting the first thing first.

The International Bank Mission stressed the urgency of economic development for this country because whatever you may say the ability of the people of the country to pay will

decide whether they will eventually pay or not. I appeal to the Government that it is not too late yet for them to address their minds to this vital and important matter. I think the time is seriously overdue for the International Bank Mission Report to be debated in this House in order that the Government may have the mandate of the people to undertake a real work of development. I say this in all seriousness whether we like it or not soon again we shall have another Gorsuch. Not long ago there was in 1945-46 a revision of salaries of civil servants. In the year 1950 there was T.A.R.P. In 1952 you still have another. Now here we are still contemplating giving another increase. I am sure that this will never end because the standard of living of our people must keep on increasing. But if we are going to be provident we must start thinking now how are we going to be able to meet this growing commitment. If even we pay now and we do not feed the duck that lays the golden egg what happens eventually is that the duck will die and there will be no more golden egg. Therefore the taxpayer of Nigeria who pays this money must be looked after. His earning capacity must be increased; plans must be made either in the development of agriculture or the industrialisation of the country which will increase his earning capacity. The White Paper is not in the air, it depends on a sound economy and any sensible man who will argue Gorsuch who forgets to mention the economic stability of this country must be living in the air. Mr Gorsuch will leave Nigeria in the lurch unless we are prepared to meet the commitment that his report has presented to us.

Reading paragraph 20 of the Report, the Commissioner suggested that we must guarantee the efficiency of our Civil Service. We must ensure that our Civil Service gives us value for money, and we must ensure too that our civil servants are happy and contented. On the question of efficiency it must be remembered that if our Service is not efficient we are not getting value for our money but there can never be real efficiency unless there is a proper system of training. It is unfortunate that the Government Paper glosses over training. I would therefore invite the attention of the hon. House and the attention of the Council of Ministers to the important report of the West African Survey Mission on the training of civil servants in Nigeria by Lt.-Col. J. Imrie and D. G. Lee. This is very important if we want to get value for the money that we are giving away now. The report states briefly what we are going to do in order that we may raise the standard of our Civil Service, the type of training that is necessary if we are to receive value for our money. It is unfortunate that in presenting the report to us although the Commissioner himself laid great stress on training, our Government does not provide any recommendation or any line of action that we are going to adopt in connection with the training of our civil servants. I have thought that in the various sums asked for there would be provision for training African Civil servants. But the Government White Paper is silent on that vital point. Yet Mr Gorsuch stated categorically that these three conditions should be fulfilled. I say it was glossed over. If you pay workers and you do not ensure their efficiency you are just throwing away your money.

The next point is that we should have value for our money. How do we get value for our money? It is not only by working, it is by ensuring increased productivity. Where you have a clerk who spends three hours out of six out of office loafing about you are not getting value for your money. Where you get an officer whose production is not up to the peak you are not having value for your money and I respectfully submit that unless we have value for our money soon we are no longer going to get any money to pay to the workers. The government report does not indicate what it proposes to do to give us full value for the money that we are going to pay. The various government departments in the railway workshop, in the coal mine, in different factories this report will impose additional responsibility on the employers; in the mercantile firms more money will have to be paid and the employers, whether they like or not, circumstances will force even the private employers to pay but if they pay and the production does not keep up what they pay, eventually there will be bankruptcy. I am disappointed that the Government White Paper is silent on what recommendation we have for increasing productivity without which people will never have full value for their money.

Ministers but with other organisations representing the staff and all who are concerned. This is not a dictator government. (*Hear, hear*). The Leader of the Opposition tried to base his argument on the Gorsuch recommendation by saying that we are asking this House to agree to accepting Gorsuch recommendations which will mean an expenditure of a very large sum of money, but that we as a Government have failed to put before the House an economic programme by which the money could be obtained or forthcoming. I am very surprised, Sir, to hear this point from the Leader of the Opposition. Why do we have to revise these salaries? Why do we have to induce overseas officers to come to this country? We do these things so that we could have qualified people to come and help in the economic development of the country. We may have large areas of uncultivated soil, we may have all the riches buried in the ground in this country, but if we do not know how to get them these riches will remain unexploited. The Leader of the Opposition, Sir, will agree that we are very anxious to get the services of people from overseas because we have not yet got enough indigenous people with the knowledge of technology to assist in the development of the country. Sir, Government asks the House to accept the recommendations made by Mr Gorsuch which are only just the minimum which might attract people to come to Nigeria. Let us not make a mistake. Mainly because of political reasons, people in this country seem to have the idea, Sir, that in England, in Germany and other parts of the world there is a long line of expatriate officers with all the necessary qualifications dying to come out to Nigeria. I must say that this is not so. Now, the Chief Secretary in the morning spoke of many vacancies in the Senior Service. We do not want to be static. We want to go forward. We cannot even fill the vacancies now existing, much less to create new posts for which we cannot have the men. Sir, the hon. Member spoke at some length on the International Bank Mission, and he said that the Federal Government is responsible for not bringing forward a White Paper on the International Bank Mission Report. If politicians in Nigeria will only be a little bit more careful, if they will only think of the good of the country, things like the International Bank Mission Report and things like the economic development of Nigeria will go much faster than if the politicians say things in which they do not really believe. (*Applause. Cries of: "Shame, shame"*). Sir, I can remember attending conferences with the Leader of the Opposition on different matters, and in those conferences all of us were agreed, Sir, that for some time to come Nigeria will be in very great need of overseas officers. You cannot expect an overseas officer to come into this country and supplement his living by getting money from his own country simply because the salary paid to him here is inadequate. Sir, I was expecting, and still expect, better contributions from the Opposition Bench. We were told by the Leader of the Opposition that this Government is famous for believing in little committees and such things, and that we are inactive. That is the accusation Sir. The White Paper gives the House Government's recommendations on the Commissioner's findings. It is only fair that we should leave the special job to the special people who are qualified to do it. (*Hear, hear*). The Opposition seem to think that no money would be paid out until after the grading team has worked and has produced its report. Sir, I want to say that this is totally wrong. The Chief Secretary, when he was speaking in the morning—if they would only listen—told us how the thing would be done and also he told us that in some part of Africa, even in the Sudan, it took the grading team a year to do their work. This is only commonsense. Sir, the Government is as anxious over the public money as individuals are anxious over their money. I am very sorry, Sir, that my Friend the hon. Mr Jaja Wachuku seems to be completely ignorant of the Gorsuch recommendation. (*Hon. Members: "Shame, shame"*). Obviously Mr Gorsuch made his recommendations and he produced conversion tables, and the hon. Member can read them. Sir, the hon. the Leader of the Opposition spoke of training Nigerians within the Services. We all agree with him. It is really a matter which must go fast, and I would assure him that the Government would do all in its power to see that this training is given priority over everything. It is true that we shall all receive complaints from Members of the House and also from people outside on elements of discrimination in the Service. It is a thing, Sir, which unfortunately cannot be avoided. We have overseas officers and indigenous officers. Their conditions are different and so, for some time to come, Sir, this element of discrimination must exist in our Service. Mr Speaker, Sir, I am not at all

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embarrassed, but I do not like the Opposition to be in the habit of getting one point and repeating it every time. I hope that we are all agreed and no matter what our party affiliation is, that Nigeria will be in need of overseas officers for some years to come. Why not then, Sir, go all out courageously and tell everybody of this thing that if we want these people to come we must be prepared to pay them? Why then quarrel with allowances and inducements and such other things? If you have the courage to say you believe in it in this Chamber, you must have the courage to say so outside it. Sir, we must face facts. We must know that we in Nigeria are at a disadvantage in getting overseas staff. We are competing with the rest of the world in recruiting staff from overseas and naturally, with the advance we are making towards what people call independence, overseas officers would think twice before they came out to serve in this country. Young men coming out of universities would like to go to a country where they could see a full career before them. This has to be taken into account. In other territories like East Africa and other places where the climate is milder than it is here, the officers could send their children to school in those territories. That is not the case in Nigeria, hence the inducements. I am still hoping that we shall have better and more concrete proposals from the Opposition, and I am hoping that we shall have contributions which will really assist us in future in salary structure and allowances.

Sir, I beg to support the motion.

Sitting suspended for twelve minutes.

Sitting resumed.

Mr H. O. Abaagu (Kwande) :

Mr Speaker, Sir, I am standing up now not to support the White Paper neither to oppose it. I just want to make my own observations now, and after that the hon. Members will know whether I do support the White Paper or oppose it.

Mr Speaker, Gorsuch has become the order of the day and I should really feel that if we have something to give the workers we should have given to the workers that thing which is worthy of giving them. I do not want to take the trouble of going into the terms of the various scales, but I have seen that the increases in the existing salaries have not exceeded an average of about £2 to £3 in each salary, and I do not think that this is sufficient.

Mr Speaker, our workers are not contented. There is always strike today and tomorrow, because we have not been able to give workers a stable scale of salary.

An Hon. Member :

Suggest something.

Mr Abaagu :

If I were asked to suggest something for the workers, I would advance a remedy for that. I should say that the political parties should be more responsible in making their utterances when they go out to canvass for votes. One political party would go out and say, "Gentlemen, if you would return me to power I will give you 20s a day". Another party will go out and say, "Now, do not mind them, we shall give you 30s a day", and this has contributed very very largely to the discontentment of the workers in the country.

An Hon. Member :

How much do you recommend?

Mr Abaagu :

I am recommending no additional salaries, but I am recommending that the political parties should be more responsible in inciting the workers to demand increases today and tomorrow. Mr Speaker, if we really want to be responsible, we should, before making any

With regard to the question of allowances, we are told that Government is looking into them. While we have implicit confidence in the Government, I hope they are not going to delay these for a long time.

When we were here last time, we discussed the question of pensioners, but I do not know what has been done for them. It is likely that we may come back at the next session to ask what steps have been taken to implement this decision about teachers' salaries. That is why, Mr Speaker, I feel that unless Government "bucks up" it will be necessary that these classes of workers, the unestablished staff and teachers of Voluntary Agencies and pensioners will continue to suffer. I suggest that the workers, the unestablished staff, be given at least the minimum now recommended by Gorsuch. That is in the interim, and that when the Federal Industrial Whitley Council has come to a decision that this class of workers will have to get full justice and get arrears back dated to the 1st of October, 1954. If we get that assurance I think all sections of this House will whole-heartedly support the motion before us.

Mr D. A. Ogbadu (South Igala) :

Mr Speaker, Sir, I rise up to support the motion on the floor. In supporting the motion on the floor, I have only two observations to make.

First of all, I will not speak without touching the Judicial Department. Those people, especially the magistrates and the judges, are doing a lot of work. Magistrates have to be in court, they have to listen to cases, writing the cases themselves and listening to the evidence the people are giving and then giving judgment. In future if such a motion is to be tabled, I think the magistrates and the judges might be considered higher because their business is very high.

Mr Speaker, Sir, before I go on I have to say some words about the teachers. Most of you, the people who are here today were educated by teachers who taught you in schools. If you go to the Agricultural Department, before a man becomes a good farmer, he might undergo training and learn many things, and the people who are teaching them are teachers. Most of the people who are here in this hon. House were produced by the Voluntary Agencies. Therefore if the Government officials are going to be benefited, these people who are trained by the missionaries or other types of people who brought us to the required standard which enables us to attend this House, might be considered.

Mr Speaker, Sir, I am not afraid of supporting this motion and I have to pay my tributes to the Chief Secretary—the bold man, the honourable man and the capable man who has presented this White Paper. Since the beginning of this session many people have been speaking. I have been listening to the Chief Secretary and he is always ready at any angle to reply to anybody who is prepared to criticise him. The Chief Secretary, as I have noticed, is a man of whom all of us should be proud.

Mr Speaker, as we are all here to approve this Gorsuch Report the farmers are listening and are getting ready to increase their foodstuffs. Therefore I beg the Government that as soon as this White Paper is passed, the officials must be given their arrears in order that they can go to the markets and buy foodstuffs and store them. Mr Speaker, the reason why I have said this is that at any time that Government proposes to increase the salaries of its staff, the farmers are ready to increase foodstuffs; and as soon as this White Paper is approved, the farmers increase the prices of their foodstuffs. What they had been selling at 10s in the markets before, they sell for 20s.

Mr Speaker, I beg to support the motion.

Mr T. T. Solaru (Ijebu West) :

This man, Gorsuch ! His ears will tingle wherever he may be today ! (*Laughter*). This man has rendered singular service in that he came to this country at our request and has done the work we asked him to do. Whether we accept it or not is our responsibility. But how can

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we escape accepting it? He gave us what we asked for, I think that what we ought to find, to think about, is not whether or not we are going to give Gorsuch to this or to that, because we are bound to.

Other speakers have spoken about the people who have been left out. Lest I should be guilty of the sin of omission, I venture to mention one or two of the people who have been left out of our deliberations. The people who are supporters of Government and people in opposition last session spoke very ably about the need for this country to have a Nigerian Army. My hon. Friend here has mentioned that nothing has been said about service conditions in the Army, as if they are not part of Nigeria or as if they are not serving Nigeria at all. (*Applause*).

These people are under the Chief Secretary and are within his portfolio, and if he was responsible for this paper I do not know (I can see he is hiding his face now) (*Laughter*) I do not know how he will explain the fact that he has said absolutely nothing about the Army. He may say that the Army is in a category by itself; but what category? We do contribute towards paying for them.

The fact is that in 1952, this month three years ago, a motion was adopted in this House and the then Chief Secretary agreed whole-heartedly—he was forced by public opinion to agree because the question was supported from all sides of the House—agreed whole-heartedly to a motion passed in this House about how the Army ought to be run and about injustices in matters of pay in the Army.

Mr Speaker :

Order. The Army is not in the Gorsuch Report, and so the hon. Gentleman cannot go further than to say he dislikes the Report because it does not contain the Army. But he must not go into what he would like done about the Army.

Mr Solaru :

I would then content myself with mentioning that the Army is part of the silent host of sufferers who have been overlooked. Is that within the limit, Sir?

Mr Speaker :

Yes.

Mr Solaru :

Thank you, Sir. (*Laughter*).

Our Government has been accused of indecision. I would remind them of the sorrowful case of the centipede. It had so many legs that it did not know which to move first, and so it stood still. I am surprised that our dynamic Minister of Transport, who always has been looked upon as a centre of energy and force (he speaks forcefully and he moves forcefully and with dignity) I am surprised, Sir, that in this matter he is hiding in the smug complacency of Government when his Government was accused of not having done something speedily. He said: speed, to do things in a hurry? Speed and hurry are not the same thing. They are not the same thing.

Hon. Members :

Teach him (*Laughter*).

Mr Solaru :

You can do something speedily and yet not hurry. You can be urgent without being precipitate.

Hon. Members :

Akwukwo! (*Laughter*).

Mr Solaru :

And so I would remind him and the Government that when we say that they have not attended to these matters very quickly what we are saying is that they should not have left too many things to committees. We know what committees are. If you want to kill anything relegate it to a committee (*Laughter*) and then the committee will choose a sub-committee, and then there will be a sub-sub-committee (*Laughter*) and reports will go on mounting up, and then in the meantime the people we are trying to serve are either down on their knees in the depths of despair or we shall forget them until something else will distract their attention. What we are saying is—do not leave too many things to committees. After all you are a committee of the Government, the executive part of it. If you do set an example of speed and urgency I am sure that your supporters and others will follow the example.

If anybody ought not to be relegated to a committee it is teachers. You ought to say something definite about them. What do I see again? Government must make up his mind about the teaching profession. You cannot talk about development and education and this and that and leave out the teachers. You are always leaving them out. I do not know whether the hon. Minister of Transport himself had not been a teacher. Perhaps now that he is right in the saddle of a Ministry probably he has forgotten the ladder by which he climbed. (*Laughter*). Sir, there is evidence that when this Gorsuch was envisaged we intended to do a good thing and we are being exhorted by the hon. Leader of the Opposition here to carry that doing of a good thing to its logical limit.

If you want to give something you must be sure of your resources, and that is why when Government supporters were shouting and clamouring that he was speaking out of order I was surprised; because if you have no resources how can you pay anything out? You have a shilling and you want to spend a pound. That was why, Mr Speaker, we were being reminded of that.

We have entered, all of us, into a bad legacy and we all know it. The Civil Service of this country was not planned. It just happened, and it happened like anything in Britain. Their constitution happened, everything happened; and they have brought that kind of thing into this country, maybe through no fault of their own, but it happened. But if it goes on it is our fault. What was it they brought into this country? I said an unplanned Civil Service.

When they came they were working single handed and those who helped them were unqualified and there were people to be trained over a period of years. They did not know how to live in a warm climate, how to cope with tropical diseases and had to be surrounded with all comforts. Those things were built up quite naturally in order to retain their services in this country; and I am saying here that no one begrudges them all these things. The thing is that if we who call ourselves representatives of the people do not now review the situation, if we merely think that Gorsuch is the magic word that will open the door to plenty and to peacefulness in this country without adequately facing the problems involved, then the position will be much worse in future. For that is what you and I are here for. Unless we ourselves face the task of seeking the wherewithal of paying this money, of preventing a repetition of this kind of thing, of looking down to the roots to remedy this thing, we shall be failing in our duty.

A man may be hungry and you push food into his mouth. Then he is hungry again and opens his mouth; instead of finding him some work if you go on spoon-feeding him you are not doing him any good, because if he has no work he cannot help himself. In this country we have inherited a legacy of the past. If we sat down and did nothing to see that we have a balanced economy in this country, that we are able to balance our economy and therefore pay for all the services we need, then we would have failed. We are like people in the days of the Roman Empire. In order to keep the mob and the common people contented the Emperor would say: "Free corn from Egypt; free corn from North Africa". It is not free corn that they want.

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Hon. Members :

They want Gorsuch ! (*Laughter*).

Mr Solaru :

No ; that would be free corn. The fact is that unless you take account of the granary from which you are taking your corn, unless you balance your budget carefully, you are bound to fail. You are appointed here to do the thinking for them ; they have no time to do it, and we are calling your attention to the fact that these things could be done. You are awarding Gorsuch today but you must take care that the conditions that gave rise to Gorsuch do not return. If this country is going to pay its way we must find ways and means of balancing our budget.

Sir, we have been reminded of what the Chief Secretary has said about discrimination. He said it is written into the order of nature. He said some people have a healthy head of hair while some people have not. Maybe the Chief Secretary envies other people on that other side of the Bench (*Laughter*) for example, Minister Mbu, who has got a fine head of hair. (*Laughter*). But the point is : by what name of fairness can we discriminate against the Chief Medical Adviser to the Federation. Other people in that same category are treated one way. Why should he be treated in that way. I am not the one to impute motives, but one cannot help inferring (and I do not want to draw any inference that might hurt our friends), one cannot help drawing their attention to the fact that they have not reasonably explained to us why there should be that difference in the case of the Chief Medical Adviser. (*Applause.*)

It is all right for Government supporters to blow the trumpet of Government. You may be blowing your trumpet today, you may be blowing down your nose tomorrow. (*Laughter*). You are ringing your bells today and saying : "Oh you people of the world, see what we are doing for you. Gorsuch here, Gorsuch there, Gorsuch everywhere". You are ringing the bell today, take care that tomorrow you are not wringing your hands and that these people whom you are trying to help, when you have brought down misery upon them by not getting down to earth and thinking how you can improve conditions all round, that your necks will not be wrung tomorrow.

That is why we are calling your attention to it. It is not that we delight in merely criticising. We would like you to get down to earth. It is very difficult for people who are high up in the saddle to know what is going on about them. And so you see, Mr Speaker, that supporters of Government who all this time have supported quite blindly would not like any of the defects to be brought to notice. You know very well, Sir, the object of having an opposition in the Government. . . .

Mr Speaker :

It is a quarter to six and I am bound to interrupt the debate. The hon. Gentleman is entitled to continue tomorrow. Debate to be resumed tomorrow.

Adjournment

Mr M. T. Mbu, Federal Minister :

Sir, I rise to move that the House do now adjourn.

The Minister of Works (Alhaji Muhammadu Inuwa Wada) :

Sir, I beg to second.

Adjournment Debate

Mr A. Rosiji (Egba East) :

*Mr Speaker, there is a matter which affects many civil servants one time or another which I would like to bring to the notice of this House and to have a definite pronouncement

* Speech not corrected by Member.

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on, and that is the treatment that is given to civil servants who have been convicted of an offence which does not involve dishonesty. Now, I would like the Chief Secretary to tell us the principles on which such civil servants are reinstated into their jobs or are dismissed.

In saying this I would like to give one or two examples of the things I mean. I would like to refer first of all to the case of Mr Alexander Gregory of the Commerce and Industries Department. I think that we all still remember that event, when that man was convicted under section 355 of the Criminal Code—assault occasioning harm. He was reinstated into his job. There is another case, that of one Lasisi Jinadu, who was a policeman in the Nigeria Police Force. He was convicted under the same section of the Criminal Code. He was not reinstated into his job.

Hon. Opposition Members :

Discrimination !

Mr Rosiji :

Now what is more important in this latter case is this. I expect that the hon. Chief Secretary will tell me that the circumstances of the offence will be material to the decision taken in every case and that it is a matter for departmental discipline. Even if a man were acquitted it is left to the department to say whether he should not be reinstated to his job; if he were convicted it will be left to the department to decide whether or not to reinstate him. But in this case of this Lasisi Jinadu in the Police Force, before he was tried and convicted, there was a departmental inquiry and the inquiry found that he should not lose his job. He went back to his job until he was prosecuted on the same facts and he was convicted and therefore he was dismissed.

Well, that type of logic I cannot understand. A decision had been taken previously on due enquiry in the department and it had been decided that he should be reinstated. What logic the prosecution can do with regard to the facts of the case in order that this man should be dismissed after he had been reinstated I cannot understand. So I would like the hon. the Attorney-General and the Chief Secretary to let us have the policy on this matter and to look into the case which I have just given—the case of Lasisi Jinadu.

I do not want to say anything that will prejudice this matter, especially in regard to the case of Mr Gregory about which we heard a great deal when this matter was fresh. But here is an example which I would like the hon. the Chief Secretary to deal with.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Mr Speaker, the case of Lasisi Jinadu is not known to me, but I will gladly undertake to look into it and tell the hon. Member the result of my inquiry. I do not propose, Sir, to discuss further now either that case or the other one to which he referred because I think I would be out of order in so doing. Discipline is a matter for the Governor-General and it is a matter, of course, upon which it is within the responsibility of the Public Service Commission to advise and it is not a matter for which there is Ministerial responsibility. But I will gladly explain to the House, Sir, the general policy that underlies these matters.

I do not know whether to be glad or sorry that I must do exactly what the hon. Gentleman said I would do, and tell the House that these matters are decided on the circumstances of each case. He may be pleased that he has accurately forecast what I would say. He may be disappointed that the Government is so vague and cannot give a very crisp, once-for-all statement that would apply to any conceivable variation of case that might come before the Government. But I would ask, Sir, that hon. Members think for a moment of the great variety of circumstances that there can be in cases of this kind, and to think that the distinction between offences which involve dishonesty and offences which do not involve dishonesty is hardly a valid one in considering whether a man should be retained in the Service.

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For instance, if a police constable yielded to a sudden temptation and failed to hand over to its owner some trifle which he saw drop on the road that would be an offence involving dishonesty and an offence of some gravity, but not necessarily great gravity. If on the other hand the gallant police officer, having some small dispute with his neighbour, decided to employ the truncheon given to him for other purposes in beating in the back of his neighbour's head, then that is an offence not involving dishonesty, but one of the kind which, I would think, would certainly debar him from further employment in the Police Force. So that it is not only the nature of the offence, but who does it, and the circumstances in which it is done that would all have to be taken into account.

There will be many cases of civil servants who have committed offences and who have been brought before a court, tried and convicted, but who have not lost their employment as a result of it—motoring offences for instance. There may be other cases not involving dishonesty, but where a man must be removed from the Public Service for the very good reason that he is removed from circulation altogether and spends a period of time in public work—but work of another kind.—(Laughter)—and one could hardly be expected to keep open a lucrative job, say in one of the new “C” scales, for a gentleman who was employing his talents in Broad Street. (Loud laughter.)

So each of these cases does have to be dealt with on its own merits, Sir, and each case—and this really is the important part of the whole thing and is the part that I hope will remove any feeling that Members may have that all is not well in this matter—the important thing is that it depends not only on the Head of Department as the hon. Gentleman said, although he would have to make his report, but on the advice that is given to the Governor-General by the Public Service Commission, and that is a guarantee that the man will be fairly treated.

It is possible, Sir, that in a case such as the one the hon. Gentleman referred to, that the Head of Department might conclude that there was no evidence against the man warranting his removal from the Service, but the Police might have more evidence available to them, might take a different view and prosecute him; and if a man is prosecuted to conviction before a competent court, the Head of Department has really no course other than to conclude that he was wrong and so the man does lose his job. But whether by a court, or whether by the Governor-General on the advice of the Public Service Commission, every member of the Public Service has every opportunity to state his case and defend himself and nobody will be removed from the Service without good cause shown.

Mr A. E. Ukattah (Bende) :

Mr Speaker, the time is short and so I must speak very concisely. In supporting this motion for adjournment, Sir, I wish to present to this hon. House a sorry picture of the irregularities occurring in the Nigerian Railway Traffic on the Eastern Railway line. Mr Speaker, Sir, I beg audience of this hon. House because this matter is as important as, if not more important than, the consideration of the Gorsuch Report. It is shocking, Sir, to reveal to this hon. House that within the last four weeks there have occurred about eight major derailments along the Eastern Railway line. The worst spots, Sir, are Uzuakoli-Ameki and Ameki-Umuahia-Ibeku sections where most of these derailments occurred.

Mr Speaker, Sir, the hon. the Minister of Transport and other hon. Members can hardly fail to appreciate the amount of inconvenience and discomfort that must have been occasioned by these derailments, though no loss of life was involved. In fact, a disastrous incident followed one of the derailments near Ameki-Ibeku where some petrol carried in one of the derailed waggons caught fire and nearly set a whole village on fire. The inhabitants of the village were panic-stricken and they ran away helter skelter. But for Providence, the whole village would have been rendered desolate by the raging and ravaging flames of the conflagration.

Mr Speaker, Sir, apart from this, for many days after the derailment, traffic on the railway line was completely held up, and trader passengers suffered temporary ruin of their trade, and many of the stranded passengers lost their property. Civil servants and other workers returning from or proceeding home on leave or on transfer were considerably delayed.

[Adjournment]

25th August, 1955

[Adjournment]

Mr Speaker, Sir, as I was leaving home for this session the people of the East who were most affected asked me to reveal the shocking situation to this hon. House and to implore the Minister of Transport and the General Manager of the Nigerian Railways to see to it that further derailments were prevented.

The Minister of Transport (M. Abubakar Tafawa Balewa) :

Mr Speaker, Sir, it is rather unfair of the hon. Member to give me only two minutes to reply. It is true, Sir, that there had been derailments on the Eastern line, mainly between Port Harcourt and Enugu. Altogether there had been, I think, about nineteen derailments during the year. It should be remembered that the line between Port Harcourt and Enugu was laid between 1913 and 1916. Usually there is always trouble during rains and this is really giving the Railway Administration very much concern. The Chief Mechanical Engineer was there recently and I understand that the Railway has now sent to the area an additional Permanent Subway Inspector and another is already there.

Finally I have to say that the whole line between Port Harcourt and Enugu will be relaid and we hope in two years. (*Applause.*)

Mr Speaker :

Order, order.

Adjournment

And it being six o'clock, Mr Speaker adjourned the House without question put, pursuant to Standing Order 4 (7).

Adjourned accordingly at six o'clock until 9 a.m. on Friday, the 26th of August, 1955.

QUESTIONS AND WRITTEN ANSWERS

Question—

O.124. Mr F. U. Mbakogu :

To ask the Chief Secretary of the Federation :—

What is the present strength of Nigerians in the Senior Service of each of the following Federal Departments :—

Police	Prisons
Social Welfare	Railway
Education	Legal
Broadcasting	Treasury
Information	Audit
Customs	Mining
Statistics	Posts and Telegraphs, and
Medical	Public Works ?

Answer—

The Chief Secretary of the Federation :

The number of Nigerian Officers in posts now termed Senior Service posts in the Departments mentioned by hon. Member are as follows :—

Police	45	Public Works	15
Social Welfare	3	Medical	66
Education	19	Prisons	5
Broadcasting	9	Railway	113
Information	9	Legal	5
Customs	29	Treasury	7
Statistics	5	Audit	6
Posts and Telegraphs	55	Mining	3

[Adjournment]

25th August, 1955

[Adjournment]

*Question—***O.135. Mr F. U. Mbakogu :**

To ask the Minister of Land, Mines and Power :—

How much was spent by the Government on the Abakaliki Lead-Zinc Mine and is there any plan to revive the project ?

*Answer—***The Minister of Land, Mines and Power :**

No money has been spent by Government on the Abakaliki Lead-Zinc Mine.

The project has never been abandoned and so there is no question of reviving it. A private limited company called the Nigerian Lead-Zinc Mining Company Limited, incorporated in Nigeria, is shortly to be converted into a public limited liability company. Its authorised share capital will be increased to £2,000,000, and there will be a public issue of a proportion of this capital. Of the capital offered for subscription Government has agreed to underwrite £350,000 as Nigerian participation.

*Question—***O.136. Mr F. U. Mbakogu :**

To ask the Minister of Land, Mines and Power :—

What are the terms of agreement between the Government and the Oil Company engaged in the exploration and drilling of Oil in Nigeria ?

*Answer—***The Minister of Land, Mines and Power :**

Presumably the hon. Member is referring to the Shell D'Arcy Company's operations which have been in progress since 1938 and that this is the Oil Company he has in mind.

The Company first took out a series of exploration Licences under section 4 of the Mineral Oils Ordinance ; on completion of exploration they then took out a further series of prospecting licences under the same section. Both forms of licences contain numerous covenants and should the hon. Member wish to study these I would refer him to the Land Registries at Enugu, Ibadan, Kaduna and Lagos where they are registered and are available for scrutiny on payment of the prescribed fee. For example a specimen of an Oil Exploration Licence may be seen at page 25 in Volume 69 of the Lagos Registry and of an Oil Prospecting Licence at page 17 in Volume 34 at Enugu.

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Debates in the Federal House of Representatives of Nigeria

Friday, 26th August, 1955

The House met at 9 o'clock

Prayers

(Mr Speaker in the Chair)

MOTIONS

The Attorney-General of the Federation (Mr A. McKisack) :

Sir, I beg to move the motion standing in my name as follows :

“That the existing Standing Orders of this House be revoked and the Standing Orders contained in the draft a copy of which was laid upon the Table on the 17th August be the Standing Orders of this House, subject to the amendments reported from the Standing Orders Committee as set out on the Order Paper.”

Each Member has, I think, been provided with a copy of the draft orders and this is the draft which the Standing Orders Committee went into a few days ago.

As hon. Members will see from the Order Paper, the changes made by the Committee are few, and, for the most part, they are either corrections of misprints or matters of clarification. But they have made a material alteration to the standing order which deals with notice. As I said when I addressed this House the other day, the draft Standing Orders have relaxed the strict requirements of the previous Standing Orders as to notices. Under the previous Standing Orders the general principle was that first of all there were certain motions or amendments which require no notice. They were set out in Standing Order 17 of the old Orders. But apart from those ones, ten days' notice was required from a private Member and one day's notice from a Member of the Government. That was the general rule.

Hon. Members have expressed dissatisfaction with that, and so the Order has been changed, and Members will see that the new Standing Order 18 sets out the more important motions that require no notice. The list is not necessarily exhaustive, but sets out most of those motions that require no notice, and in Standing Order 19 it will be seen that the ten days' notice has been reduced to five, and in future one day's notice from any Member of the House shall be sufficient in the following cases—an amendment for a motion standing in the name of a Member of the Council of Ministers ; an amendment to a motion of which five clear days' notice has been given ; and an amendment to a motion for the second or third reading of a Bill. I think this will be found to be a considerable improvement on the previous position.

We have also made clear in Standing Order 43 a provision which makes an amendment largely for the benefit of the hon. Mr Jaja Wachuku, who has made effective use of the motion that a Bill be read not now but six months hence, and we have made certain that the hon. Member may be in order in putting in that motion without notice.

We have retained the rule that before a House reassembles there shall be an interval during which notices of motions and questions will not be received. That is to say that one must either put one's notice in before that period or after it. The period remains at ten days. We discussed this in the committee at some length and had expert advice from a member of the House of Commons' staff, and we came to the conclusion that this was necessary to ensure an orderly arrangement of the business of the House. It does not stop a Member from putting in his notice, but he will have to do so at one or other end of the period of ten days.

Hon. Members will also find that the Public Accounts Committee has been given an additional function—that of the power to examine reports from statutory corporations. And I think the only other material change as between the old Orders and the new ones is that certain of the Committees have been slightly enlarged in order to take account of Southern Cameroons representation in this House. That is to say, where under the old Orders the standing order was framed on the basis that there would be one Member each from the three

Regions, that "three" has now been increased to "four", and that applies to the Committee of Selection and the Committee of Standing Orders. The other sub-committees already have quite large enough constitutions to permit the Southern Cameroons being represented.

Otherwise these Standing Orders only reflect changes in terminology owing to the New Constitution—the "Governor-General" appears instead of the "Governor" and "Mr Speaker" appears instead of "the President," and so on. I commend these Standing Orders to the House.

The Financial Secretary of the Federation (Mr A. R. W. Robertson) :

Sir, I beg to second.

Question proposed.

Mr J. A. Wachuku (Aba) :

*Mr Speaker, Sir, I am sure that Members of this House will be very grateful for the motion that has been tabled now, and particularly to the Standing Orders Committee for amending Standing Order 19 (3), that is the period for giving notices of motions. The old Standing Orders required Members to give ten days' notice. I was one of those who had agitated that the period was too long; and the Government had twenty-four hours to give us notice and so I did not see any reason why they should have three or five or anything less than ten days, or why we should not have twenty-four hours too. But considering the nature of the work of the Ministers there may be motions involving getting out facts to give effective replies to the purport of the questions and one should ask for a reasonable period.

I am glad to know that a happy compromise has been reached, I am sure not without strong opposition from the Government Bench, and we have now a fifty-fifty chance. Members can now give notices of motions even when the House is sitting and have the hope of the possibility of such motions being debated during that session—particularly during Budget Sessions which last a long time.

There is one idea I would like to put forward in the case of future meetings of the Standing Orders Committee. It is this, that when we have corporations set up I would suggest that Members of the Standing Orders Committee should explore the possibility of our having a Public Corporations Committee appointed. I know there is some difficulty involved in that; for I think it was proposed in the House of Commons some time ago and there was quite a lot of lively debate about it. I am not putting forward that it should be set up now, but the Standing Orders Committee should explore the possibility of having a committee in charge of public corporations. As the corporations are created, gradually this House loses control over them. The Attorney-General has told us that the Public Accounts Committee will have to deal with accounts. That is a matter of accounts, but the Minister will be responsible for answering for these corporations here and the House has virtually lost control.

For instance, take the Railways. Although it is very rare to have the Railway Estimates debated (I think for the past ten or twenty years, it was mentioned at the last Budget Session, the Railway Estimates have never been debated in this House) yet Government has always been very careful in thrusting these Estimates on the Members when they are tired and are at the tail end of business. They present this bulky document and nobody is interested in examining any item of it. Members just pass it as a matter of course. But that was when we had power to consider the affairs of the Railway.

Nowadays it is running out of hand and exactly the same thing occurs in the case of the Electricity Corporation. Sometimes Members come here and complain about the Electricity Corporation, but we can do nothing. So I am suggesting that the Standing Orders Committee consider setting up a committee about corporations to investigate these complaints and perhaps write to these corporations (for instance when we have complaints that they employ unnecessary, redundant and wasteful staff and waste the resources of the country instead of using the money voted to them for the purpose of carrying out the social services within their competence), such a committee will lay its report on the Table of the House and we will have the opportunity

* Speech not corrected by Member.

[*Standing Orders*]

26th August, 1955

[*Standing Orders*]

to have the affairs of the corporation debated. That is why I would suggest to the Standing Orders Committee to explore the possibility. If it is not possible there is nothing we can do about it. That is why, Sir, I have put it the way that I did.

Mr S. J. Mariere (Urhobo East):

Mr Speaker, Sir, I support the motion, but I want to call attention to Standing Order 7, line 4. It may be just a consequential amendment, but there you will find "The President" instead of "Mr Speaker".

Mr Speaker :

The hon. Member is reading from the wrong copy. Has he not got a copy of the newly printed Standing Orders? There is no "President" in that.

Mr Mariere :

I am reading from the new one, Sir.

Mr Speaker :

The hon. Member may go on making his point.

Mr Mariere :

I just want to call attention to that consequential amendment which has not been made—"The President", line 4, Standing Order 7.

Mr Speaker :

I thank the hon. Member who is probably suggesting amending those words. We will certainly do that. The Attorney-General, I think, will move when the general debate comes to an end to leave out in that standing order the words "The President" and insert "Mr Speaker".

Chief S. L. Akintola (Oshun West):

*Sir, I just have one observation to make on Standing Order 4 (2)—"On Fridays and Saturdays the House shall meet at 9 a.m. and if not previously adjourned shall sit until noon". I feel a little bit hesitant on this because I realise the anxiety of Members to return to their homes as early as possible after the sitting of the House. But at the same time I have a feeling that the work of the House may be more conveniently conducted if Saturdays are left out so that we have sittings up till Fridays, and on Saturdays Members will be free.

I realise that that will mean a loss of about three or four hours, but if needs be we could regain that either by extending the time of the rising in the afternoon to 6.30 p.m. or thereabouts so that at the end of the week Members may be refreshed and have time to go through the lengthy documents at the various sittings.

I think it would be advisable, if subject to the wishes of the House, we can leave Saturday out and I give this assurance to the hon. House that as far as the position is concerned if this request is granted we shall see to it that the sitting of the House is not unduly prolonged. I give that assurance solemnly and I think it will even be in keeping with the practice elsewhere and this, I think, has been productive of a good deal of results. I therefore respectfully submit that we leave Saturday out and sit only until Fridays.

Mr Speaker :

I think I ought to point out that it will be very difficult to amend the Standing Order in that way now, but it would be quite easy after notice given at another meeting or even at this meeting. But it would need some careful consideration to make sure that all the consequential amendments are put in.

I think myself that the idea has to be explored, discussed, perhaps through what we call in England "the usual channels", between the Parties, and then amendments can be put

* Speech not corrected by Member.

Standing Orders of this House, subject to the following amendments reported from the Standing Orders Committee :—

(i) *Standing Order 10.*

Paragraph 3, in lines 2-3, leave out the words "Public Petition Committee" and *insert* "Public Petitions Committee".

(ii) *Standing Order 13.*

Paragraph 9, at the end, *add* the words "or recess up to ten days before the date of re-assembly".

(iii) *Standing Order 18.*

At the end, *add* new paragraph as follows :—

"(8) An amendment proposed under Standing Order 43 (2)".

(iv) *Standing Order 19.*

Paragraph (1), in line 2, after the first word "notice" *add* the words "of motions or amendments".

Paragraph (3), in line 1, leave out the word "ten" and *insert* the word "five".

Paragraph (4), sub-paragraph (b), in line 1, leave out the word "ten" and *insert* the word "five".

Paragraph (5), in line 1, leave out the brackets enclosing the words "or recess".

Paragraph (5), in line 2, leave out the word "ten" and *insert* the word "five".

(v) *Standing Order 30.*

Paragraph 4, in line 5, leave out the letter "A".

(vi) *Standing Order 43.*

Paragraph (2), in line 1, after the word "proposed" *add* the words "without notice".

(vii) *Standing Order 53.*

Paragraph (2), in line 1, leave out the word "or".

(viii) *Standing Order 75.*

Fifth paragraph, leave out the words "printed includes" and *insert* the words "references to printing include".

Standing Order 7.

Paragraph (2), in line 4, leave out the words "the President" and *insert* the words "Mr Speaker".

ORDERS OF THE DAY

REPORT OF COMMISSION ON PUBLIC SERVICES—

ADJOURNED DEBATE ON QUESTION (25TH AUGUST, 1955)

"That this House accepts the Conclusions of the Government of the Federation on the Report of the Commission on the Public Services of the Governments in the Federation of Nigeria, 1954-55, as contained in the White Paper laid on the Table of the House on Monday, 22nd August, 1955".

Question again proposed.

Mr T. T. Solaru (Ijebu West) :

Mr Speaker, Sir, I said yesterday that the name of Gorsuch might well be a name by which even market women and shopkeepers will swear. But, even now, there are some people who will swear at Gorsuch if they could get at him. I mentioned one of them yesterday and I was called to order. I cannot help mentioning them again, and, although I should have spoken very little of them this time, I shall take an opportunity to do so next time, and that is the soldiers who defend this country. But what about those who heal this country? Yesterday we drew the attention of the Government to an anomaly in the recommendations about the

Chief Medical Adviser and his Deputy. We are going to rub it in again, because we know that our Government is rather indolent; they doze away when you mention something, then they wake up with a start, and they doze away again. This time they are going to wake up on this question. The Chief Medical Adviser. People who fill this post are supposed to have been promoted from being Regional Directors of Medical Services, and when they become Federal Chief Medical Adviser they are supposed to have gone up the ladder. But what happens in the recommendations? We find that the recommendations put the Chief Medical Adviser and the Regional Directors of Medical Services at par. And that is only—as far as I can find out—that is the only officer (or officers) who has been so penalised. You will see in the recommendations that the present salary of the Chief Medical Adviser in Group B is £2,485, plus £350 expatriate pay where it applies, totalling £2,835. And it is now proposed that he should be placed on Group 3, which is £2,880, which is the same as the Regional Director. It means then that Mr Gorsuch in his recommendation is asking us to regard the Chief Medical Adviser of the Federation as equal in rank and status and emoluments with the Regional Director of Medical Services. And that is called promotion. That is promotion *de luxe*. They are talking about conversion. I call this inversion. By comparison the Regional Director benefits by these recommendations the total increase of £530 in his emoluments. That is his present salary, that is the Regional Director, is £2,350. He is now proposed to receive £2,880. But what about the Chief Medical Adviser? He benefits by only £45. Well, if you want the figures, here they are. His total emoluments were £2,835, as opposed to the proposed scale £2,880. He has gone up by £45. I suppose we will wait to hear the explanation by what criteria this valuation has been arrived at. It will be surprising to know why this beggarly treatment has been meted to him. And if we have so whittled down the Federation—people who are in the highest supernumerary posts in our Federal Services—it will have to be explained to us whether we are going to whittle down the importance of their office, or whether their responsibilities have so diminished that they must be brought down to the same level as Regional Directors of our Services. Now, no other Federal Chief, or his Deputy, has been so similarly humiliated or mortified. This officer and his deputy seem to be singled out for this despicable treatment. Now, you see that is why we smell a rat, and, Mr Secretary we do smell a rat. The Chief Adviser on Education, and the P.W.D., who were formerly below the Chief Medical Adviser, are now graded to be equal to him. Now, we are asked not to regard this as unfair discrimination. This is a case where unfairness becomes fairness. Again, another instance of inversion—I suppose they were wearing inverted spectacles when they were preparing these reports. The present holder of the post, and this is where I would like to place my emphasis, and this is where I would like Members of the, well, “Government Opposition” I suppose they are, who are always heckling—I would like them to pick up their ears here. They are supposed to be nationalists, and the holder of this post is an embodiment of our hopes. We expect that before long Africans will be right at the head of departments. Here is a single post in which an African is holding office, and his office has been singled out for whatever reason, it has been singled out and you cannot controvert that; and you say we should be quiet about it. Of course you can go on singing the song of imperialism here, and then talk about freedom outside. But these are facts, and they must be faced, and whatever might be responsible for it the fact must be pointed out in this House. The embodiment of Nigerian hopes are thus being shabbily treated. And so we would ask the Government if it is not to stand damned in the eyes of the country, to do something quickly to rectify this anomaly. You talk about recruitment being difficult. Well, recruitment is going to be difficult whether internal or external, whether expatriate or indigenous, when it is quite obvious that some officers are going to be victimised for no reason whatever, because no reason has been given to us. If the Chief Secretary has said in the beginning—he has been rightly termed the Minister of Errors, I do not know about that—if he has explained to us, “Oh, this is a grievous error”, well, nobody would come to rub it in. But he said nothing of the sort and, but for the vigilance of the Opposition even you people would not have found it. You would go out thinking all was well, Gorsuch was wonderful. You will soon find out that there are many people in this

House, should really be given serious consideration. The appropriate grading of teachers is something most essential. It seems to me as if they have been overlooked. I am not saying this because I was once a teacher. In actual fact, Sir, theirs is a noble and most essential profession and there should be enough incentive to attract more young men of intelligence into this profession, Sir. Nurses who have already sent in their petition, should be equally considered. The Police, Sir, for whom the Government will, among other things, provide quarters, should not be subject, I appeal, to the same conditions as they were before.

Mr Speaker, no true lover of Nigeria, no true lover of this country, will hesitate to welcome the idea of inducing expatriate officers to come to our aid, especially at a time when we are very badly in need of this aid. We should not by any means deceive ourselves, Sir, in order to get cheap popularity, by criticising what some people call "expatriate pay in disguise"; I refer to inducement allowances, Sir. Even now, when we feel that we are offering enough inducement to overseas officers, conditions are changing rapidly and better offers are being made elsewhere. It becomes the more important, Sir, for us to support these inducement allowances, especially when we remember that the spirit of adventure which at one time aroused the interest of the expatriates to come out to Africa, the so-called Dark Continent, is now lacking. It is lacking, Sir, because Africa is no longer dark and will soon be as brilliant as Britain and America. I sometimes feel therefore that it is not enough to give them this inducement allowance; more incentive in the form of assurance and responsible and constructive and not destructive criticism must be forthcoming both from the politicians and from the public. (*Some hon. Members : Good talk !*). Sir, I do not think, Mr Speaker, that it will be irrelevant to bring to the notice of the Government certain things which we feel should be considered in order that the few forgotten African workers may keep in line with the rest. The Government should certainly have made up their minds about the daily-paid workers who are just as human as the permanent established workers. (*Applause*). After all these people buy from the same market and are not exempted from all commitments of life.

In the field of commercial enterprises, Sir, the U.A.C. have set the ball rolling and I only hope that this Federal Government will recommend to the other firms to take part in this game of football. Let all the firms kick the ball so that their workers may enjoy. Now, Sir, another important thing which one hon. Member raised yesterday—it might be irrelevant, but I wish to make it clear—is the question of soldiers whose salary was last revised without even consulting them—perhaps because of army discipline, I do not know—in 1953 and who number about 7,000. They should be considered.

Mr Speaker :

The mention of soldiers is an example of a class which has some relation to the Gorsuch Report but is not mentioned in the Report, I had to rule it out of order yesterday.

M. Sule :

I will be most grateful if the Speaker will just allow me to make only a little mention. . . . (*Laughter.*) Mr Speaker, Sir, I will go on. Thank you very much for the correction.

Now, whatever it is, the harm has already been done. They need a separate Commission of Inquiry.

Finally, Sir, I wish to say that this courageous, unselfish, unbiased and appealing decision of the Government, the praiseworthy stand of our Government, the frank and honest views they have expressed, the interest which they have shown in the workers both foreign and local, their good attitude towards our Civil Service and their willingness to accept constructive suggestions for the improvement of workers for which they have made provision—do call for a vote of confidence which, moved and seconded by myself, I do now pass. (*Applause and laughter.*)

I beg to support.

[Report of Commission

26th August, 1955

on Public Services]

Mr N. A. Ezonbodor (Western Ijaw):

Mr Speaker, I whole-heartedly support the speakers on this motion for expressing their gratitude and extending their heartiest thanks imaginable to Mr Gorsuch for the tremendous work done in enquiring into the structure and remuneration of the Public Services, as a result of changes proposed at the Conference on the Nigerian Constitution. I also thank the Council of Ministers for the team work and co-operation in adopting the Gorsuch Report as a most careful contribution to the development of the Federal Government and the Regional Governments. In the Regions—I refer to the Western Region—what they have done as regards the Gorsuch Report is quite incompatible and inconsistent with what we could reason in this House. If you go through the speeches in the last meeting you could have known that what they have done has depicted beyond all reasonable doubts that they are not friends of workers; they have no feelings for the workers in this country, and that is why we of the NCNC feel we are the right people to control this our country. (*Applause and Shouts of: "5s retrenchment!"*) Now, Mr Gorsuch was faced with two aspects of liabilities: how to investigate into the conditions of service in this country and how to make his findings to satisfy everybody. But now in the papers before you here, he was able to satisfy everybody here and all the workers in this country. Most of you will know, or if you are real citizens of this country, you must realise that the workers of this country are suffering.

Some hon. Members :

Tell the Opposition.

Mr Ezonbodor :

We should not come to this House to play to the gallery, as hon. Akintola used to do. Talking too much in this House to gain votes will not help us. We wanted every possible means and ways how to help this country and our workers. The workers of this country must now be happy that the Gorsuch Report is out and our Council of Ministers are going to satisfy every worker in this country. (*Hear, hear.*) Even though the Commissioner's terms of reference did not include or extend to daily rated labour, it is very pleasing to hear that it is the intention of the Federal Government, as soon as the Federal Industrial Whitley Council has been established, to open negotiations on the subject of wage rates for the daily-paid workers employed by the Federal Government (*Hear, hear*) with a view to making such adjustments where necessary as may be required, and if the recommendations of the Gorsuch Report are accepted in this place. This sort of people are very necessary for you to think of, not like the Action Group who can only go there to appease themselves. Life more abundant for the Action Groupers on top is not what we think of today. What we think of today is how to please our daily-paid workers.

Now, Sir, I would like to come to certain aspects of our workers in Nigeria. Last time when we met I said something about the Police Force. The policemen are working very seriously and when we are thinking in terms of this Gorsuch Report, we must try to think of the policemen very seriously. Let us try to see that these people are being satisfied, not only satisfying every worker of our race in the Police Force, but to try to satisfy everybody, even the expatriate officers.

Mr Speaker, I come to touch a department which is the Prisons Department. I heard a certain story recently where an officer—he was holding the rank of Chief Warder—the Department sometimes felt it necessary that that man should be promoted to the rank of Assistant Superintendent of Prisons. He was promoted to the rank of a Cadet. After the necessary course and training, this man was promoted accordingly to the rank of Assistant Superintendent of Prisons. To assure the hon. House most of our workers are facing hardships; depression, oppression, suppression, vindictiveness and victimisation as is done in the Western Region where I come from. We are not safe where we are living. In this case where this man

Service, he has his eyes on something else ; perhaps he may be taking external tuition to do his Inter. LL.B. or Inter. B.sc. (Econ.), as soon as he gets a scholarship or works his way into a University, he throws off the job and then you have uncertainty all the time. That is what we have to guard against.

When I mentioned inducing Africans, the Attorney-General sometime retorted during the debate on the Magistrate's Court Ordinance for Lagos. I said here : the time has come when our non-Nigerian friends must hand over. There is no question about it ; there is no need mincing words about it ; we know that when they hand over this country will most willingly take back those who would like to come and become an integral part of the Civil Service of this country. It is happening in India today. There is more goodwill in India for the British Civil Servant today than when Britain was in control of India. I know that is going to happen in Nigeria. Personally I have had an occasion to work with some of the District Officers and some members of the Administration and I know, and I can appreciate those of them who are worth every bit of their weight, their bodily weight, in money. You pay them, you are paying for something. But, Sir, there are others that ought not to remain in this country now, who should go quietly and leave the place vacant for the African or Nigerian. Only yesterday when we left this House and went somewhere at Ebute Metta, I was told there is one man now at Ijora who was newly recruited about six months ago, and that man is virtually illiterate. The African workers had to teach him to do his work. They pushed him to one section, he cannot do the work ; they would push him into another, he cannot manage. And as a result, he now arrives at 7 o'clock and he goes with the gateman, and he runs about with the motor drivers there and that is all he is doing. That may be exaggeration, but that is what I am told. I would like to explore that further and if I arrive at a conclusion that supports that case, naturally I will bring it here, and let the appropriate Minister know something about it.

Now, Sir, my point is this, I am not bothered about the details. Other speakers will handle the different sections. We want self-government. The British Government has accepted that principle. We say that self-government—the N.C.N.C. Government said self-government has been offered on a platter of gold and is around the corner and we are having it in 1956. What I seem to see now—this is August, and very soon September will be coming in—it appears self-government has been left around the corner and self-government has been smelted.

I would like Members to consult their Staff List. If you look at the Staff List, take the Administrative branch, I can assure you under the present showing for the next twenty years there will be no Nigerian who will be near being a deputy head of any department unless something drastic is done. The position is that all the more capable members of the Administration have been drawn to the Regions, and the Federal Civil Service is manned entirely, with a few exceptions, by expatriates. That is the position.

You want self-government in 1956. We are told about Nigerianisation. I would like the Chief Secretary to tell me that that is not correct ; according to this I was counting—take the Administrative side, the nearest ones contained Administrative Officers, Classes III and IV, and you have about three of them in those grades—Attah and somebody and one Assistant Clerk of this House, the rest of them none of our people. You go to the Medical Service you find the same thing, the Permanent Secretary, the Deputy and the rest of them, all non-Nigerians. Come to Customs all the top rank of the service, all expatriates, except Collectors which mean pen pushers.

I would like you seriously to take the Staff List, the latest one, study it carefully. It is not tedious at all. Mr Speaker, Sir, I said that I was not going to bother about the details, but I am going to cite instances, cases in point that in the Administrative branch, considering the civil service today in England there are departments you have here, you have the administrative class, the executive class, the clerical class, the foreign service, as a service by itself the scientist. We have them like that in England, in Great Britain that is our pattern.

Foreign service : I want to say this specifically. In the last meeting of this House, the Budget Session, I asked on the question of the foreign service that in the Chief Secretary's portfolio no provision is made for the Department of External Affairs. Then the Chief Secretary Sir Hugo Marshall made a promise that in this session in August he would be making a statement in connection with that particular branch. That was an open promise. I must say, Sir, that the present Chief Secretary apparently was not there ; he did not know of it, but I did inform him of that promise, and I understand he is working hard at it, and I only hope that before we leave this session a definite statement will be made in connection with that.

So in 1952 I started on this point with a number of my colleagues. Then at that time we were on that side of the House. (*Laughter.*) We were told by the Chief Secretary there was no provision for training of people in external affairs or diplomacy and all that. I told him that cannot be correct. In Oxford, in Cambridge, in Columbia, in Yale and in Harvard, and various universities you have courses in modern diplomacy, you have courses internationally, and people cannot really support that. Today, the Gold Coast Government, our sister government, is sending a batch of students to be attached to the Embassy in Washington. We are always the last. I know too that the first shall be last and the last first. We have taken last first as usual.

Now, Sir, on this question of training that is where I am principally concerned. The Government is extremely negligent in its duties. It has not worked out any scheme for the training of our people. Sir, take the Finance Branch, a key department without which you cannot be here. Have we no single African today who will take the place of the Financial Secretary if he leaves ? There is no African today in the Federal Service who can take the place as a deputy, not even as an Assistant Financial Secretary. The only one who has been an Assistant has been drawn to the Western Region because of more inducement after twenty years. His record is clean. It is not a question of one Nigeria. You went to London and crucified this country and you divided it. You are telling us of one Nigeria now. After committing an offence you want to repent when it is too late. That man is now acting as a Permanent Secretary. Now, he sees the fruit of his labour he sees his future and he was himself in the Secretariat—no hope for him, he went away. What I am saying is that, Sir, while we are prepared to give the expatriate officers more pay, make them comfortable to do something to help us to build our country, do not forget the Nigerian at all—he is heir apparent, and it is essential that he be given all the training necessary for his inheritance. But we have a hope for him—hope springs eternal in the human breast, and man does not live by hope alone.

I was speaking about the Finance Branch. The Financial Secretary should be able to tell the House, and I call for something ; how many people will be required to man this department and how long it will take to train such people. Now, he will tell us we have no qualified men. I started to hear we have no qualified men when I was a small boy in secondary school. Every time the Legislative Council put the question, no qualified Nigerian to take such and such a place. The Richards Constitution came into existence and the Houses of Assembly were set up, no qualified Nigerians. Then you have the House of Representatives set up, no qualified person. Now we have a new Constitution, no qualified Nigerians, and we are moving at a snail's pace.

What I am saying, department by department, our Council of Ministers should go into the question of effective Nigerianisation of all departments by getting out now within a period of say, two or three years, of intensive training. There is no need leaving it to boys with School Certificates and boys with Higher School Certificates. Put in advertisements for people who have graduated, people who want to make the Civil Service a career. If you want ten people in the Finance Branch, people who have studied economics know something about finance and the rest of that, and they come forward. You come to the department of external affairs, I am sure, Sir, there are many Nigerians who would like to come forward to be trained for that purpose.

Mr Speaker :

I think we should have our break now.

Hon. Members :

No.

The Minister of Communications and Aviation (Mr K. O. Mbadiwe) :

My intention in speaking to this debate is to make a statement about the department under my Ministry. But before doing that I want to say that so much has been made about the Medical Department. I will say that the Government appointed Gorsuch to do a report. We are not Gorsuch. After the report has been received the Government in paragraph 17 of the White Paper said in the latter part—"It is unnecessary here to particularise the posts likely to be affected but the seeming undergrading of Superscale posts in the Medical Department will certainly be among them". We are not told about the Medical Department. We read the thing and saw that there was some undergrading, and do recognise that. That is the only point I want to make.

I think the Opposition has accepted the White Paper in principle, and I do not see any material point which they have so far raised to be worthy of any answer.

Mr Speaker, Sir, there have been many statements in the local press and I have received a large number of communications from members of the Posts and Telegraphs Department regarding the gradings of the Posts and Telegraphs Department staff within the Gorsuch Report, and I wish to make a statement to cover this issue.

Before I left Nigeria for the United Kingdom recently I had seen the first part of the Gorsuch Report and had noted that in paragraph 249 the Commissioner had recommended that there should be expert examination of the structure of the Posts and Telegraphs Department especially as regards the application of the scales recommended by the Commission to the various scales within the department.

Mr Speaker, Sir, I felt sure at that time that this House would agree to these recommendations of the Commissioner, and consequently, I made specific enquiries both at high level in the Colonial Office and also with the Postmaster-General in London to see whether it will be possible to obtain an officer with the necessary qualifications to carry out this very specialised work of regrading this complicated department.

I should like the House to realise that this was done prior to the receipt of any criticism from any member of that department in Nigeria. I feel so strongly that this examination is urgently required that in anticipation of the approval of this House to the particular recommendation, I obtained the permission of the Government to carry out preliminary negotiation in order to obtain an expert for this most urgent task. I am happy to tell the House that negotiations are at present going on in London and I am almost sure that the expert we seek will be found and as a result the early solution of our present problem will be effected. The members of the department can therefore rest assured that not only does the Government agree to the recommendation regarding the enquiry into the structure of the department, but it has already taken steps in anticipation of the wishes of the House.

It is the intention of the Government to secure for this country a sound communication system first rate in all respects and comparable to those in existence in other parts of the world. To achieve this objective three steps are essential. We need more expatriate engineers, technicians and men with postal experience. To this end I went to the United Kingdom. I appealed directly to the British people to give me the human resources, because I am aware that the type of men we need is in short supply. Through the medium I applied, their traditional sense of pride was challenged characteristic of the happy warrior of chivalrous and romantic age. The first response was made, and I had accepted from the General Electric Company Limited

which offered two engineers. One of them is here in Nigeria to help replan our cable system in this Federal capital, so that more telephones could be installed, and then the same services extended throughout Nigeria. The other engineer is expected shortly. The outlook as a whole, forgetting the full strength of the posts advertised, has brought in some response. Seventy posts were advertised at the time I left. One hundred and seventy applications were received. My Director of the Posts and Telegraphs stayed behind to conduct the interviews. I have since heard from him, and I am in position to state that subject to other conditions being fulfilled by the applicants, there is a bright hope of getting technicians and personnel for the postal branch. If not the exact number required, it will come to an appreciable number.

The situation is different as regards the engineering personnel required. Applicants are few. The drawback is that the salary and allowance offered are not adequate to attract them. Moreover, there is great shortage of engineers throughout the world; their services are in great demand. Another handicap is the lack of training facilities for the children of expatriates here in Nigeria. The children's allowance in this country is considered inadequate to keep any child in a boarding school in England, which I am told costs about £200 or more a year. We realise this inadequacy of this children's allowance, yet your Government is obliged to turn down Gorsuch recommendation on this matter because the country is not yet prepared for it.

The Government while pursuing its recruitment plan is thoroughly aware that the contentment of its permanent established staff is the key to the success of the Posts and Telegraphs reorganisation programme. The Posts and Telegraphs Department must be recognised, as the Salary Commissioner pointed out, as a semi-commercial organisation. The Posts and Telegraphs system will mean more revenue to this country. I am therefore sure that all sides of this House will welcome my earlier statement that an expert is sought for the entire regrading of the department. The far reaching solution to this problem lies ultimately in the training of our own staff in all branches of the establishment. The Governor-General in his address to this hon. House stressed the urgent necessity of pushing ahead with a Government training scheme. The hon. the Minister of Transport speaking yesterday emphasised this point. I want to assure this hon. House that the Posts and Telegraphs Department will intensify its training scheme. The House may be aware that it has been decided to give the development of our V.H.F. to a reputable firm. The firm will have a contract to maintain this complicated system for five years. Hon. Members will be happy to note that the Ministry has taken steps to make certain that this contract will not be renewed but at the expiration, our own trained engineers and technicians will take over. (*Hear, hear.*) Your Government has authorised the expenditure of £87,000 to make effective this proposed training scheme. I met our students in the United Kingdom. I had arranged that qualified students in any aspect of posts and telegraphs work interview the Director of the Department who was with me in London. I also made similar arrangement for students in the engineering colleges who are interested in the Posts and Telegraphs Department. It is our intention that these training schemes will be intensified both at home and abroad. It is heartening to note that the British firms have given me assurance that they are prepared to accept our engineering students in their factories or workshops for practical experience. Mr Speaker, this practical example of what the Government is doing in some way answers the points raised by the hon. Mr Jaja Wachuku. Mr Speaker I beg to support.

M. Ahmadu Fatika (Northern Zaria):

*Mr Speaker, Sir, I rise to support the motion before the House and in doing so I should like to associate myself with the previous speakers, that is I congratulate the Commissioner, Mr Gorsuch, and the Council of Ministers for having agreed with most of the Gorsuch Report. But, Sir, I would like also to make a few observations. First I should like to point out to the Council of Ministers that there is a group of people who are entirely neglected by the Commissioner although they are not in the Civil Service. They play a very important part in the Civil Service. This group of people are the stewards and cooks. Sir, it is very shameful to

* Speech not corrected by Member.

hear the salary of these people. For example, Sir, I have met one steward boy employed in three different works by his master: he is a steward, cook and assistant steward. But what happens, his master only pays him the salary of his stewardship which is more or less £5. Sir, in view of the fact that most of the stewards and cooks are Northerners whom we are representing on this side of the House I appeal to the hon. House to pray the Council of Ministers that this country shall appoint a committee to investigate the condition and salary of this class of people.

Sir, in view of the fact that Nigeria is in shortage of teachers, doctors and technical workers I hope that the Federal Government will do something to help give special privilege to the nation's needs to attract young people in this work. Before concluding Sir, I quite agree with some of the previous speakers from the side of this House saying that the Government should do something to control the prices of things in the market. It is true, Sir, whatever increase of salary we give if there is no control it is quite useless. For example since the coming out of the Gorsuch Report the price of foodstuffs has increased from 20 per cent to 40 per cent in some cases. For this reason the workers will not enjoy this increase of salary without this protection. The employee now receiving £9 after the Gorsuch Report will receive £10. This is an increase of £1 which is nothing to him if there is no price control. I do hope the arrears will be paid as soon as possible. Besides these few remarks I support the motion.

Mr G. O. D. Eneh (Udi):

Mr Speaker, Sir, I rise to support the Government conclusions on the report of Mr Gorsuch. The recommendations of Mr Gorsuch have been received throughout Nigeria with great jubilation. They have been accepted with minor amendments by the Regional Governments. But before delving into these recommendations I have got to make a few observations on the workers that were not included in the terms of reference of Mr Gorsuch. The terms of reference of Mr Gorsuch did not include the daily-paid workers, the teachers, the Voluntary Agency nurses, the soldiers and the cooks. It is a matter of joy to see that some Regional Governments have been specific on the question of teachers and daily-paid workers. The Eastern Regional Government has voted about £186,000 to cover the incidental expenses that will be incurred in the payment of teachers' and nurses' salaries. On the question of daily-paid workers, £450,000 has been voted for this class of people. It is unfortunate therefore to see that the Federal Government has not been very specific in making it possible for this House to know exactly what amount of money is involved for the payment of our daily-paid workers. The promise, we are sure, will materialise but it is definitely going to take some time. During the former revision of salaries the teachers had no arrears of salary. It is therefore necessary that teachers and daily-paid workers must be paid arrears retrospective to the 1st of October, 1954.

It is a matter of joy to understand that the Government shall approach the foreign combines for the payment to their workers of reasonable rates of salary. We have to congratulate such combines as the U.A.C. and the Elder Dempster Lines that have taken measures to see that their workers are well paid. I have to reveal that I have been able to gather from most of the workers under some of the firms here that the conditions of service that have been granted them are reasonable and therefore I think it is necessary that we should shower praises on the foreign firms that have taken this stand. We shall call upon the firms, indigenous and foreign, that have not taken active part to see about this revision to follow suit.

The Commissioner's recommendation that third class, second class and first class clerks should constitute a combined grade with no waiting for vacancies is commendable. This is a very good revolution in the clerical service. The enhanced prestige given to technical workers is also very commendable.

I wish to make a special point on the question of the grading teams. This House has been told many a time that lawyers and doctors must be paid a price in all departments. I do not quarrel much about this but I want to make it quite clear that technicians must be

given very good grading during the work of the grading teams. It is a matter for regret that we are having six hundred vacancies in the Senior Service. I wish to point out that the Government is not following up the question of training Nigerians very actively and that very many young men who are qualified by training are not being given opportunity. There are very many departments in which we have Nigerians who are qualified by experience but the Government is not pursuing the policy of Nigerianisation in some of those departments. I do not see Government's point in employing people with inferior certificates when Nigerians who are fully qualified are left to stagnate in the Junior Service. The arrangement of the service into five grades is quite commendable. To avoid the appellation "senior" and "junior" service the intermediate grades have been provided and I hope that young men who have risen to the rank of first class clerks and technical grades should not be allowed to stay there but should be promoted into this middle section which the Commissioner has now recommended. The grading team as I said before should make it a point of duty to differentiate between clerical, technical and semi-technical services so that members who are working under the Posts and Telegraphs, the Police and the clerical services should get their full dues. It is a matter of joy to see that the Regional Governments have taken steps to see about the conditions of workers in local government establishments. The local authority or this Government will do a very good service to the country if it sees to the condition of workers in Lagos who are not directly under Federal Government employment.

I wish to speak briefly on the Police Force. If you look at the H scale, you will find that whether a police constable has a Class VI or Matriculation Certificate or not after training, the police constable enters on H 2. This is indefensible. It is necessary that people should be graded in accordance with their qualifications. Equivalent scale for a constable who had the requisite qualification such as Class VI should be H 5 which is first class constable's post. This will make for greater efficiency because young men with the necessary qualifications will enter the service. And further more, it is necessary to remember that the Harragin report favoured the Police more than the Gorsuch Report. The constables who were on £36 per annum were raised to £78 after the Harragin recommendation. I hope that Government will be kind enough to look into the recommendations of Mr Gorsuch with regard to the Police Force.

The same thing is applicable to the Prisons Department. The Prisons Department is a Department that should be looked into very carefully. In order to make for greater efficiency, all branches of the Civil Service must be made to feel contented. If workers are discontented the work of the Federation will suffer.

Incidentally I have to pay tribute to Mr Gorsuch himself for the lucid report which he made, the Council of Ministers for accepting the report with minor amendments and the Federal House that is almost passing the recommendations without amendment. Also I have got to pay tribute to the Civil Service of this country. This House itself is a monument of the efficiency of the Civil Service and I hope that the civil servants after the Gorsuch recommendations have been approved will show their appreciation by putting in greater effort in their services.

It is my belief that a contented public service will help this country to hold its own with any other country in the world. It will make for efficiency, and interest in the jobs in which people are employed will help us to achieve our end. Mr Speaker, I beg to support.

Mr M. T. Mbu, Federal Minister :

Mr Speaker, Sir, I rise to speak briefly about the question of daily-paid workers. It is not the intention of Government to muzzle the conscience of any Member of this House to speak on behalf of this class of workers. But let me say that if we continue to talk and talk about these people we might be doing this class of workers more harm than good

Hon. Members :

How ?

Mr Mbu :

I will tell you in a minute. Members of this House, Sir, would be doing workers a world of good if they would help them to organise their unions more effectively and teach them the best way of negotiating. Trade unions exist, Sir, and I think this is the true essence of trade union existence, to negotiate better conditions for their workers and if we should take upon ourselves to legislate fixed wages for workers, I wonder what good it will be for trade unions' continued existence and for whom would they claim representation. We will not be doing these people any good at all if we continue to talk and talk at this time, especially when negotiations are being carried out. The trade union leaders will rest on their oars or at least will be tempted to rest on their oars that all will be well in the Legislature; but if you allow them to continue their negotiations I am sure sooner or later they will come to an agreement and these brothers of ours will meet their desires fulfilled. Members have expressed alarm that it might well be that by the time the House rises it may not be possible for the negotiation to come to a conclusion and that these people may not be paid. Let me draw the attention of hon. Members that under special Constitutional power or right the Governor-General can sign special warrant for any sum for matters of public urgency. Members will also like to know (I do not know whether Dr Udoma is a member of the Finance Committee which meets every month) for matters of public urgency, the Finance Committee which is a body appointed by this House sits to consider such extra money that is needed monthly.

Another point, Sir, is that teachers also feel just like workers. They feel that it should be better for them to be architects of their own fortune. Many of you might have read the statement of Mr Esua this morning. He is in agreement and supports Government action in deciding to set up a committee to look into the remunerations and structures of teachers under Voluntary Agencies. There should be no hue and cry here that these people have been neglected. The people affected are quite happy with the action of the Government and I think it will be sufficient for Members to know how best to direct their speeches to Government. It will be of public use if such speeches are constructive. One point made by a Member was ruled out of order so I would not like to speak on it. My friend the hon. Mr Solaru made a statement that the Army were neglected. If he were to read the papers closely he would note that conditions in the Army are best considered by the four West African Governments in consultation with the United Kingdom Government. This point is out of order.

The other point, Sir, on which Members have spoken much is the question of training of our indigenous civil service. Efforts are being made and will continue to be made to see that sooner or later we shall be proud to have in Nigeria a truly representative indigenous Civil Service of Nigeria. Members of the Opposition talk about schemes, that this is a Government of schemes and that we do nothing practically. If they say they want schemes we will give them schemes in the next session of the House. I think this explanation will help to make the minds of hon. Members clear as to know where to direct their remarks when they get up to speak. If the hon. Dr Udoma were to know that portfolio or no portfolio I am still a Federal Minister (*Hear, hear*) I am sure that when Dr Udoma gets up to speak now he will know where to direct his remarks which will be of help to the Government. Thank you.

Mr R. T. Alege (Kabba) :

Mr Speaker, Sir, the Minister has just said that we are doing harm to the daily workers by saying something about their condition. We do no harm by presenting their grievances here. I appeal to the Council of Ministers to trace their steps back to the indiscriminate treatment of the condition of teachers. Whether the teachers are under the Government or the Voluntary Agencies, they should be equally treated. I actually do not see why teachers and nurses in the Federation should not be the burdens of the Federal Government. Wherever they may be employed their services are of vital importance to us. I see inside the report of Mr Gorsuch a remark in paragraph 289 with regard to leave allowances. I believe that the expatriate officers have accused the indigenous officers of making money out of their travelling expenses for their leave. I believe this is misrepresentation. Even if that is so, who is to be blamed?

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I am sure that any dishonesty or any honesty that our people may play they have learnt from the expatriates. We have so many officers in this country who after all do their daily jobs, finish in the offices and they have to go out for sleeping allowances, for mileage allowances and the Africans are not entitled to these. Even if they were entitled to and claimed such allowances, they would be questioned. But because they have to be paid for their leave they are saying that they used to sell their travelling warrants for money and leave allowances were said to be "privileges" to them.

In conclusion, Sir, I appeal to the Council of Ministers to pay the arrears *en bloc* and immediately.

Mr M. A. O. Olarewaju (South Ilorin) :

Mr Speaker, Sir, I whole-heartedly support this motion because it is worthy of full support. I offer my praise to Mr Gorsuch who was able to submit such an acceptable report on the various classes of worker in this country. I also congratulate the Council of Ministers who through their abilities and capabilities have submitted the White Paper on the above to this House. I have a few warnings to give to the Nigerian workers. Nigerian workers should not all depend on Government work and they should not continue to behave like beggars by asking for more pay every time. Instead they should try to develop themselves economically by using whatever they get for industrialisation. We must realise that the only sure way to meet the increase in salaries or pay is by more tax. It is you and I who pay the taxes. It means that we are robbing ourselves. The higher the increase in salary the higher the tax we pay.

Do we ask ourselves from where such increase comes, or in what way do we think that the traders, or food sellers are not going to take all from the workers ?

Mr Speaker Sir, apart from rise in pay, workers in this country still need more amenities. The other things to be considered before the most miserable and critical condition of the workers' lives could be a bit eased is that allowances should be given to all permanent and pensionable Nigerian Civil Servants. Consideration should be given to workers' children for scholarship awards. Workers should be allowed to carry out trade in small scales (*Laughter*) which would not hinder their works.

Mr Speaker, Sir, apart from better and reasonable pay for daily-paid workers, there are other amenities to be considered along. These are : increase in days in their annual leave. For example, a worker who is a native of Kano comes to Lagos to serve as daily-paid and is given a week after serving for a year. Do you expect him to go from Lagos to Kano and return within a week ? When the scheme for houses for workers becomes operative, we think these daily-paid workers will be first considered.

Children's allowance : This is a very delicate and complicated problem. I would make a suggestion that this allowance be paid to both senior and junior staff (*Hear, hear*) on the basis of salary scale and not to consider whether a worker is in junior or senior service. Or may I suggest that the Government of this country makes a law that a man should not marry unless he is in the senior service. What hon. Mr Benson said the other day that sex could be changed in this House has come to pass, because a man over fifty years who is not in the Senior Service should not marry due to lack of children's allowance : if the latter is the case the doctors in this country will be busy for inoculation and then men will be changed to women. (*Laughter.*)

I may not be obliged to say anything on inducement pay. Nigeria needs the help of expatriates and they should come in great numbers but I want expatriates to refuse inducement pay. Inducement pay means to me nothing less than bribery. It is of no use for somebody to be induced to do something with money which he would not like to do. If you are willing to do something do it willingly and without extra pay over your real salary.

In conclusion Sir, I beg to support the motion.

Mr J. Mpi (Ahoada) :

Mr Speaker, Sir, I rise to support the motion before the House. In doing so, I do not want to make any lengthy speech to avoid repetition.

I say I am grateful to Mr Gorsuch, though many of us who are taking part in our discussion here are saying something against the Report which we ourselves cannot produce, and at the same time to say "Well done" to the Council of Ministers who, without anybody asking them to do that, have tried to include the daily-paid workers and the teachers in the scheme being left out by Mr Gorsuch's Report. Even that is a way of closing the mouth of the Opposition who have been carrying the gong about their heads shouting "Daily-paid workers' pay, daily-paid workers' pay". That is a way of closing it.

Mr Speaker, Sir, this is the time that we should consider how best to pay our workers in this country if really we want our Government to be a Government that is doing what is worth doing in this country. Our people have been complaining for years and now it happens to be that Gorsuch Report is before this House, this is the time to help them. It is also good that our Council of Ministers are taking the initiative to see that everything is done for the welfare of our workers.

There is a point which I would like to make. That is about the word "inducement" to expatriates. However, I do not know whether that is a correct language to use. What I know is that it is good to give them salary which will make them to come to help us in our country here, because I say this from the daily happening and for what we are hearing today, the time has not come for us to do without expatriates.

As I say that I don't want to say much but would remark that the Leader of the Opposition was a Minister of Labour before and afterwards the Minister of Health. What happened during his tenure of office? They only come here just to make people vote for them. That is all.

Mr Speaker, Sir, from all that I have said, I again say that Gorsuch Report is good to be followed and I say that it is worthy of our Council of Ministers to follow it properly.

With these few remarks I support the motion.

Mr T. A. Ajayi (Ekiti North) :

Mr Speaker, Sir, in supporting this motion, I would like to make some observations. First of all, I would like to pay tribute to the Western Regional Government which has originated this scheme of calling for a Commission. (*Hear, hear.*) Secondly it is known that our progressive measures in the West have been brought to the notice of the Federal Government and as a consequence we are considering the passing of the report of the Commissioner which would give some benefits to the workers of this country. Also, I would like to pay a tribute to Mr Gorsuch who has done the work given to him very ably. But unfortunately, I would not like to say anything about the Members of the Government who ran away from their seats when the report was about to be released. Some of them were off to England and others to the Eastern Region.

Mr Speaker, Sir, I would like first of all to say something about the conditions of service of teachers. I am referring to the Teachers in the Government Service. It is a matter for shame that certain teachers are being treated as Third-Class Clerks. They are not clerks but technicians. They must therefore be paid as technicians and instead of giving them scale D1-3, I would like the Government to consider their stand and put them on scale E and C. Also I would like to say certain things about teachers in the Voluntary Agency establishment. Mr Speaker, Sir, it must always be remembered that our teachers are the builders of our nation and therefore they are rendering first class service. We are here today because we have been fortunate to be taught by teachers. Without teachers in the country, the country becomes useless. All of you that speak here in this Chamber are products of teachers and therefore you

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must realise that you should be prepared to recognise the service of teachers and pay them adequately. Already some of the Governments are taking a lead to pay the recommendations of Gorsuch and very soon the Government of the Federation may also pass this motion to pay the workers. Now, if you are going to set up any committees and commissions to give teachers an adequate pay, when will their recommendations be implemented? Are you going to make a special law to provide special markets for the teachers until their own pay will be ready? I say the matter of teachers should be dealt with now, now. If you do not lack imagination in your work, you should have been able to borrow a leaf from what is happening in the Western Region which has appointed a committee of nineteen to meet and make recommendations about the teachers' salary. (*Interruptions.*)

Mr Speaker :

Really, there are too many interruptions. I cannot hear the speaker.

Mr Ajayi :

Thank you Mr Speaker. They just want to drown my voice. They don't know that no matter what they say, I will get on.

Now, Sir, the nineteen-man committee has met and certain recommendations have been prepared. I am now warning the Government that unless the Government of the Federation works very hard and then gets something reasonable for the teachers, you will not be surprised when the teachers of Lagos will drift to the Western Region. (*Laughter.*)

Mr Speaker, Sir, I would like to say something about children's allowances : the allowances to me are very unnecessary : inducement allowance, separate domicile allowance, pay for children's passage, uncles' allowance, hard-lying allowance, shop-going allowance and all other funny allowances. (*Laughter.*) We want you to get rid of them. If you compile the figures making up the allowances of an officer, the money is sufficient to pay for four indigenous servants who will render a very useful service to this country.

Mr Speaker :

I am bound under the Standing Order now to interrupt the debate. Debate to be resumed tomorrow.

Adjournment

Mr V. E. Mukete, Federal Minister :

Sir, I beg to move that the House do now adjourn.

Mr M. T. Mbu, Federal Minister :

I beg to second.

Question proposed.

Adjournment Debate

Mr A. Rosiji (Egba East) :

*Mr Speaker, Sir, I would like to seize this opportunity of bringing before the hon. Minister of Land, Mines and Power the case of the Corn Mills Association of Ibadan. Now, these people are small enterprising pioneers who are doing all they can to earn a living in their job. Now I want to refer in particular to the Electricity tariff which they pay for the electric motors which they use for their business. Some time ago in 1953, the Electricity Corporation of Nigeria wanted to increase the tariff of 5 horse power electric motors from 17s-6d to £3 per month. A representation was made by these people and it was decided that the tariff should be £1-17s-6d. These people paid very gladly.

* Speech not corrected by Member.

[Adjournment]

26th August, 1955

[Adjournment]

Now this year again, an attempt has been made by the Electricity Corporation not only to raise the tariff of £3 which was opposed previously but now they intend raising it to £4-10s-0d. Now, representations were made to the Electricity Corporation and there has been no success. Now the Electricity Corporation themselves sent to these people a list of tariffs they intend charging for 5 horse power motors, £4-10s-0d a month, 7½ horse power motors, £6 a month and 10 horse power motors, £9 a month. It will be good in order to see the point which I am making now to compare these tariffs with tariffs existing in other places. In Lagos, Kano and Abeokuta, the tariff for 5 horse power motors is £1-17s-6d. The one for Ibadan is to be £4-10s. The tariff for 7½ horse power motors in Lagos, Kano and Abeokuta is £3, now in Ibadan, they intend to make it £6. For motors of 10 horse power in Lagos, Kano and Abeokuta, the tariff is £3-15s-0d and they intend to raise this in Ibadan to £9. I do not know what the reason for this is. Representations have been made to the Electricity Corporation to the Engineer and Manager in Ibadan and I think that it will be relevant for me to read the last letter which he wrote to this Association. The letter says: "With reference to your letter of the 16th of June, I have given consideration to your appeal against our re-assessment on the maximum demands charges and I would inform you that the Corporation are unable to offer you any reduction in the standard rates for power supplied." It went on "In the attached Appendix A as set out for your Association, the relevant statistics for any three mills, it will be seen that the following points can be corrected so as to improve the efficiency of the various mills and so reduce the running costs:

- (a) power factor to be corrected to 0.85,
- (b) the 7.5 horse power and 10 horse power motors appear to be too big and wasteful, and it is considered that motors of smaller horse power could be substituted in tables 1 and 2 of the Appendix A.

As can be seen the benefits that can accrue by proceeding on the advice given, the improvement in efficiency is within the capabilities of the Association and it is not considered that any inefficiency which at present exists should be paid for by the Corporation".

Now, I cannot see from the reply which the Electricity Corporation has given to this body any substantial reason for increasing these rates other than that these people are inefficient in the way they run their business. That, if I may say so is not the concern of the Electricity Corporation and there is no reason why they should be singled out for giving them increases in the tariffs which they pay.

The Minister of Land, Mines and Power (M. Muhammadu Ribadu):

Mr Speaker, Sir, the hon. Member has given me the notice of this motion and the provision is as follows. Shortly after the introduction of the existing tariffs on the 1st April, 1953, it appeared that the power rate bore heavily on certain small industrial consumers having a demand of less than 25 k.v.a. who took their supply at irregular hours. As a result of this, experiments were carried out reducing the fixed charge by 75 per cent at certain undertakings in an endeavour to accommodate this type of consumer, the objective being that if this proved satisfactory, immediate action would have to be taken to modify the tariff accordingly. This concession involved a clear assurance on the part of the consumer that he would not operate his plant over the Undertakings' peak load hours. Unfortunately in Ibadan, while these assurances were freely given by the Corn Millers Association, they have, in the majority of cases been violated with the result that the experiment has been discontinued and the concession withdrawn as from the 1st April, 1955, in Ibadan and the published rate applied from that date. I am informed that the Corporation are fully aware of the difficulties of these small industrial users of electricity, both at Ibadan and in other places, and that they are at present most actively engaged in endeavouring to find a solution to this problem. The Corporation will probably be prepared to re-grant the concession for such electricity users provided that suitable sanctions can be devised which will penalise the users if they break their agreement by using electricity during peak hours in contravention of the agreement.

[Adjournment]

26th August, 1955

[Adjournment]

Mr T. O. S. Benson (Lagos West) :

Mr Speaker, Sir, I am speaking about the Judiciary in this country. The Governor-General should see to the regrading of Magistrates in this country.

My second point Sir, is about the jurisdiction of Magistrates and Judges. I don't feel that their jurisdiction should be limited. For instance, Sir, as far as this is concerned, the Chief Justice of the Western Region, as soon as he gets to Asaba would say, this is the end of the Region, I cannot go further.

Thirdly Sir, their salary is not on equal basis. Since the Judiciary is divided into groups, there will be some political influence on the assessment of their salary scales and this may give room to bribery and corruption.

Mr Speaker :

Cases of bribery and corruption are not allowed to be discussed on this subject. I cannot permit them.

Oba A. Aiyeola-Afolu II, Ewusi of Makun (Ijebu Remo):

Mr Speaker Sir, for some time now, Members have been receiving copies of the *Gazettes* of the Federation and of the Western Region and no doubt, Members are grateful for the free supply. I am putting a suggestion across to the Chief Secretary that it will be necessary for copies of the *Official Gazettes* of the Eastern Region and Northern Region to be supplied to Members.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Mr Speaker, Sir, I have no information about this question but I shall take the matter up with the proper authority for action.

Mr Speaker :

That is the last notice I had of intention of speaking on the adjournment and hon. Members must give me notice as well as give Ministers notice.

Mr V. D. Phillips (Ijebu East) :

Mr Speaker Sir, yesterday I caused a notice to be served in the usual manner in the Speaker's Office.

Mr Speaker :

I apologise, I have not got it.

Mr Phillips :

Mr Speaker, Sir, I would wish to speak on a matter of exceptional importance both to the Government and to the public, and that is Sir, the question of incivility and the disrespectful attitude of the Civil Servants to the public. About six weeks ago, Sir, an expatriate Telegraphic Engineer at Ibadan was alleged to be exceptionally rude to an important member of the community. Although I was not at the scene of the incident, it is alleged Sir, that the member of the community concerned was no more than or not less than hon. Chief T. A. Odutola, the Chairman of the Ijebu Divisional Council.

Mr T. O. S. Benson (Lagos West) :

This is a regional matter which has been discussed in the Western House of Assembly.

Mr Speaker :

Order, Order. It is time to adjourn the House without the question put.

Adjournment

And it being twelve o'clock, Mr Speaker adjourned the House without question put, pursuant to Standing Order 4 (7).

Adjourned accordingly at twelve o'clock until 9 a.m. on Saturday, the 27th of August, 1955.

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Debates in the Federal House of Representatives of Nigeria

Saturday, 27th August, 1955

The House met at 9 o'clock

Prayers

(Mr Speaker in the Chair)

Business Statement

Mr Kolawole Balogun, Federal Minister :

Mr Speaker, Sir, I am happy to announce that Government has no more business to put before the House. The meeting will continue until the debates on the two motions arising from the Report of the Salaries Commissioner are concluded.

ORDER OF THE DAY

REPORT OF COMMISSION ON PUBLIC SERVICES—ADJOURNED DEBATE ON QUESTION
(25TH AUGUST, 1955)

“That this House accepts the Conclusions of the Government of the Federation on the Report of the Commission on the Public Services of the Governments in the Federation of Nigeria, 1954-55, as contained in the White Paper laid on the Table of the House on Monday, 22nd August, 1955”.

Question again proposed.

Mr T. A. Ajayi (Ekiti North) :

Mr Speaker, Sir, before I continue my speech from where I stopped yesterday, I beg your leave to quote a portion on page 2 of the Address given by His Excellency the Governor-General in this Chamber last Monday, the fifth line from the bottom : “As Mr Herbert Morrison said in his recent book, ‘Government and Parliament’ I quote ‘It is in accordance with the spirit of our parliamentary democracy that the Government should be prepared to listen to and to consider the Opposition’s arguments and representations.’” I hope, Sir, that Members on my right will take heed of that. I am not suggesting that the supporters of the Government are indocile but what I am saying is that it takes them too long a time to learn, and not only to learn but to be tolerant.

Now, Sir, I was on the question of the extravagant and unjustifiable allowances offered to woo the expatriates to the service of this country. Sir, if any class of workers deserves children’s allowance I think it is those whose salary scales are at the bottom of the ladder, and these are the indigenous civil servants of this country. Therefore I am urging the Government to give these people children’s allowance so that they may be able to rear large families and increase the population of this country. As has already been observed this Government has wedded herself too much to the past so that it is not easy for her to extricate herself from her commitments. And so we see these silly allowances being grafted on the adequate salaries granted to the expatriates.

But there is a way out ; it is not yet too late. I am urging the Government to train our own men to man these services. You can make use of what we have without going overseas. The argument may be that there are no vacancies in the universities overseas—no vacancy in America, no vacancy in Jamaica—and that all the vacancies overseas have been filled. But we have the University College at Ibadan and the Nigerian College of Arts, Science and Technology which can train our people to man our various services.

I do not want anybody to misrepresent the stand of the Opposition on this subject. We do not grudge the expatriates their basic salaries that are already adequately provided for, but what we are quarrelling with are the unjustifiable allowances grafted on these salaries. Sir,

Sir, it seems to me also that as politicians have developed a mania in this country of using tribalism to boost their campaigns, so too the question of expatriates has been used to bolster their own gospel of nationalism. It seems to me that all the catch phrases that politicians have used in the past to deceive the masses are out of date and the only one left with the Opposition is : "Send away the expatriates ; our own people can do the job". When this is done it may catch some votes for some time, but certainly it is not going to help this country. Mr Speaker, Sir, we have to face these realities. When we talk of a contented civil service, there should be no discrimination. Promotion, as our leader has said, must be on merit. At least Mr Gorsuch has been able to do one good thing ; he has been able to bridge the gap between the lower and the senior service so that the senior service will not be attained only on academic qualifications.

It seems to me that too much attachment is being made to academic qualifications. I am not trying to derogate the academicians but I must say this, that academic qualifications are not sufficient. We want character ; we want honesty. (*Applause.*)

Hon. Members of the Opposition :

What of crooks ?

The Minister of Labour and Welfare :

I do not know who the crooks are, but it seems to me that more crooks abound in the Western Region than anywhere else in Nigeria, according to Awolowo . . . (*Laughter and Applause.*) Mr Speaker, Sir, what I want to drive home forcibly is that no expatriate officer in Nigeria, I am sure, will remain if he is not doing his job properly and efficiently. And we must give this credit to them that at least the greater percentage of them are honest and impartial. You want to bring African civil servants into the Departments that are tainted with political philosophies and ideologies and they make it impossible for Ministers of State that do not belong to their parties to go ahead in the Ministries.

I now come to the Judiciary. One of the greatest harms done to this country is the regionalisation of the Judiciary, making it possible for politicians to dictate judgment to Magistrates in the courts. (*Applause.*)

Mr V. D. Phillips (Ijebu East) :

On a point of order, Sir. . . (*Heckling.*)

Some hon. Members :

What order ; what order ?

Mr Speaker :

Will hon. Members please keep quiet when I hear a point of Order. It does waste so much time.

Mr Phillips :

I should think, Sir, that it is irrelevant for the hon. Minister, while speaking on the Gorsuch Report and its acceptance or not, to speak about a political party or a Regional Government dictating judgments to a Magistrate in the Western Region.

Mr Speaker :

I hope the Minister of Labour will economise his remarks because I have very little time left. I don't think he was out of order. (*Applause.*)

Some hon. Members :

Hear, hear !

The Minister of Labour and Welfare :

Mr Speaker, Sir, what I really want to do is to expatiate on the uncomplimentary remarks that have been made about the expatriate section of our Civil Service, and to say, Sir, that the Civil Service as such and the Gorsuch Report that is being debated embrace the Judiciary and I am perfectly in order, Sir, to make my remarks without spotlighting a particular political party. I do not know why my friends over there are getting hazy about my remarks on the judiciary : after all I belong to a political party. (*Laughter.*) I say, Sir, that if we the Members of this House would like to be serious about the affairs of this country, we should realise that only by fair criticism of our own people in the Civil Service, in the Judiciary or any section in the Civil Service structure of this country, can we learn to proceed to true efficient, contented and unbiassed Civil Service. We want efficiency, we want ability, we want character, and we are not prepared to tolerate corrupt people in the Civil Service. Corruption, Sir, is not measured only in terms of money : corruption can be by influence, or by coercion and by any other means, and I am saying with all the emphasis at my command that if these people want to jump to the top of the ladder in the Senior Service, they can only do so if they are efficient, incorruptible and are imbued with the spirit of honesty and fair play. (*Applause, Hear, hear.*) These qualities, Sir, I say without reservation that the greater percentage of our expatriate officers have got, and as long as we can find such expatriates with these qualities in them, I am sure that this country will need them for many years to come. Therefore, Sir, my point is that academic qualifications only should not be the qualification for the Senior Service and, as Mr Gorsuch has said that a man, with whatever education, who is employed in the Civil Service, if he has the quality and the ability, he should be able to rise to the highest position. After all, many notable people in Europe who have ruled this world have no university education. Why should a man who has put in the best of his services in a department be left alone and a young boy just from the university, just because he got B.A. or B.Sc., comes to the office without experience, and some of them cannot even file letters properly—be placed at the top of the ladder just because they have come from the university, and this at the expense of the man who is actually doing the work. I say, Sir, that that particular portion of the Gorsuch Report certainly will be acceptable to the majority of the people of this country.

And now, Sir, somebody mentioned yesterday about self-government : my hon. Friend, Mr Jaja Wachuku, I am sorry he is not here now. He remarked that the N.C.N.C. has said that they have brought self-government on a platter of gold (*Applause*) ; but that plate of gold was melted by a political party whose name I do not wish to mention. (*Applause.*) If that plate of gold that has been brought by us had not been melted by the victimisation, by suppression, by repression, by all sorts of acts of tyranny in a particular Region of this country, not only could the autonomy which we brought from London have been a blessing and satisfaction to the people of this country (*Applause*), but true happiness, contentment and freedom.

Now, Sir, in conclusion, I want to say that all those who by their action are making our people to regret asking for self-government will be held to strict accountability by posterity. Sir, I beg to support. (*Loud applause. Hear, hear.*)

M. Yakubu Wanka (Central Bauchi) :

Mr Speaker, Sir, I rise to support the motion which was so ably proposed by the hon. the Chief Secretary to the Government. This, however, Sir, does not mean that I agree with everything that there is in the Report.

I am not satisfied, Sir, with the general revision of salaries especially those parts of it which concern the junior staff. I was expecting increases, Sir, ranging from 25 to 40 per cent in respect of the Junior Service, and ranging from 20 to 30 per cent in respect of the Senior Service. I dare say, Sir, that the revised scales cannot cope with the present day cost of living. But, Sir, I leave this entirely in the hands of our Ministers whose final judgment is always in the best interest of the country.

with the Gorsuch Report and we know that our Ministers are taking other matters into consideration. Mr Speaker, Sir, we are very grateful to our Ministers for what they have done and we hope the workers will, by the help of this heavy pay packet, increase their productivity so that in a short time their pay packets may be more increased. I feel also that whatever is going to be done for the teachers, the teachers must be represented in the negotiation, and something reasonable and satisfactory must be given to them in order to encourage them. After all, we are thinking of free and compulsory primary education. Look at the arrangements for free and compulsory primary education made by the West Regional Government. These arrangements flipped, flapped and flopped because of lack of teachers. Here you find the higher elementary teachers being in charge of modern schools because more qualified teachers have been migrating away from the service. This is the time that teachers should be given the adequate treatment they deserve. Teachers are responsible for the training of the people qualified to man the Civil Service of this country, and they should be given the first consideration in the scheme of things.

Mr Speaker, I beg to support.

Mr V. D. Phillips (Ijebu East) :

Mr Speaker, Sir, it is evident that it is the ambition of many Members of the House to say one thing or other on the Gorsuch and its acceptance by the Federal Government. Right at the onset, Sir, I would dissociate myself with those who have done nothing than to shower congratulations on the Government or the Council of Ministers for adopting the Gorsuch Report. I think, Sir, that the Government is not to be congratulated about anything. At least, the Government is not to be congratulated for doing so late what it ought to have done. But, Sir, we give credit where credit is due. In accordance with that, Sir, I should say, Sir, that some praises should be given to the Chief Secretary for the able manner in which he has taken the responsibility on himself to put to us what the Council of Ministers has decided and for giving credit where credit is due ; and not only that, Sir, for bringing forth facts relating to the past wage problems and to the present wage problems. I should say, Sir, that the Chief Secretary referred to some points as minor points which the Government had decided to leave alone or perhaps on which Government had not arrived at a decision. I say, Sir, that these points are not minor but major. Points, Sir, relating to daily wage-earners, although we have been told that the debate on daily wage-earners should be brought to the minimum in order not to prejudice the negotiations that are going on at the moment ; the point, Sir, relating to the salaries of Chief Magistrates, salaries of Accountants, Inspectors of Works, and so on. I should say, Sir, that these points are not minor but major. The very reason, Sir, why the Gorsuch Commission was called for is principally to look into the wages of daily rated labour. They were the first concern of the Government. It was their salaries that brought up the consideration as to whether an expert should be invited to enquire into the wage structure of the Civil Servants in the country or not. At the moment, Sir, we can only hope that Government will do all in its power to expedite negotiations that are on about wages of the daily rated labour.

Now, Sir, about the Chief Magistrates—I would remember that at the very last session of this House I advocated that salaries for Magistrates, Chief Magistrates and Judges of the Supreme Court should be revised ; at that time I was told by the hon. the Chief Secretary that what the Government was doing at that time was to wait for the recommendation of Mr Gorsuch and to act thereon. It is a great calamity Sir, that five months after, in spite of the fact that Mr Gorsuch has submitted his recommendations, the Government turned round to tell this House that the decision on the salaries of Chief Magistrates has been deferred. We are indeed disappointed.

And turning round to the Accountants. We all know that the Accountants are the people responsible for the safeguard of our national economy. Without them we cannot have a true exposition of our national income and expenditure and yet these people are to wait for some time before they can have the decision of the Government about the revision of their salaries.

The same consideration, Sir, applies to the Inspectors of Works. We all know the important work that is done by this class of Civil Servants and yet we cannot replace them. I cannot carry out the duties of an Inspector of Works, neither can any Member from that side of the House. Yet when it comes to the consideration of their salaries they must wait for the Government to take a decision. The point I was making about this is that the Government should be quick in making these decisions and the Government should not allow us to make the inference that where the interest of the Africans is concerned they are slow to act, they are slow to think; but where the interest of the expatriate is concerned they are very very quick to act.

Now, Sir, that brings me to the observations of the hon. the Minister of Labour. I would say, Sir, that the speech of the Minister of this morning is grossly misplaced. We on this side of the House looked forward to a speech from him similar to the speech delivered by the hon. the Minister of Communications and Aviation yesterday, similar to the speech delivered by the hon. the Minister of Transport—matters that will help this House in taking one decision or the other about the revision of wages. But instead of this, Sir, the Minister stood up to theorise on political parties and their ideals, political parties and the practice of corruption, and so on. But I would like, Sir, to disabuse the minds of hon. Members of some three points made, erroneously though, by the Minister. The Minister dilated extensively on the desire of the Opposition to send away the expatriates. I say, Sir, that throughout the debate on the Gorsuch Report there has not been a member of the Opposition who has propounded this theory. Nobody has demanded that the expatriates should be sent away. On the contrary, what the Opposition put forward was that whilst the expatriates remain, the Government should take every necessary measure to train Nigerians who might eventually take over from the expatriates.

Again, Sir, the hon. Minister accused the Opposition of putting forward arguments to the effect that wages so approved by the Government under the White Paper that is put before us are inadequate. Again, Sir, I should say that no Member of the Opposition has uttered a sentence which can be considered in that effect. We do not say that wages granted are inadequate. On the contrary, Sir, what we say is that there have been some wrong gradings, or wrong classifications in the Gorsuch Report, and in the adoption thereof by the Government. What we also say, Sir, is that there has been some erroneous grouping; people who perform technical work by nature are grouped as clerical; talking on this point, Sir, my mind comes to the observation of the hon. Mr T. O. S. Benson, who opined that trade unions should be content, that trade unions should not anticipate the Government as to what should be done and that whatever happens trade unions should be satisfied with what the Government has granted under the Gorsuch Report. I should say, Sir, that the hon. Gentleman does not know where lies the difficulty of trade unions and their members. I should say, Sir, that the hon. Member was never a wage earner and therefore he could not understand the problem of wage earners. What we on this side of the House say, Sir, is that if there is cause for a trade union to lodge a protest on one part or the other of the Gorsuch Report, or on the White Paper laid before the House by the Council of Ministers, it is for the Council of Ministers to examine very scrupulously the points adduced by the trade unions. I should think, Sir, that it was only yesterday that the hon. the Minister of Communications supplanted us by rising up very quickly to make a statement on proposals for regrading the staff of the Posts and Telegraphs. Nobody on this side of the House accuses the Minister for anything that is wrong with the Posts and Telegraphs Department. There is no doubt that the Minister succeeded to indeed a very bad legacy. There has been fault after fault in this Department as far back as some thirty years ago, but what we are saying, Sir, is that the Minister, once he took office should be alive to the complaints of the people in his Department. In this Department, Sir, we know, and we are telling you that promotion is very very rare. Appreciation of efficiency is nil. Award of scholarships is scanty, and above all, Sir, encouragement is a matter for tomorrow, but not today. It is in this same Department that we see people who have put in service of

the Government adopted this attitude was because these female nurses were married. The only crime that these female nurses committed was to have been married. I say, Sir, why should the Government adopt this measure? I say, Sir, that at a time a great number of these nurses tendered their resignations and we in the West gave them employment; but we cannot continue to employ nurses who could be usefully employed in the Federal capital. As I was saying, Sir, if the Government pursues its policy of discouraging nurses from getting married, then, Sir, the Government would be encouraging prostitution by these female nurses.

Mr Speaker :

May I remind the hon. Member that he cannot have more than four minutes left?

Mr Phillips :

As I was saying, Sir, then we come to another Department, and that is the Accountant-General's Department. Here Sir, we have never heard of an instance where an African has aspired to the post of Deputy Accountant-General. We again, Sir, come to the Police Department, although many speakers had spoken about the Police Department, but the point I would like to make about this is that no Nigerian has ever held the post of Deputy Commissioner of Police. The highest a Nigerian could go in this Department is to act as a Senior Superintendent, not to hold the post substantively but to act as a Senior Superintendent in spite of the fact that we have able and capable men in the Police Force. We put forward these suggestions and these accusations in the belief, Sir, that the Council of Ministers will find its way clear to . . .

The Chief Secretary of the Federation :

On a point of explanation, Sir, if the hon. Member would like to have an up to date Staff List I would give it to him.

Mr Phillips :

I have examined the staff list, Sir, and what I saw in this was that only one Nigerian, Mr J. T. Ogbolu, held this post for only four months and today, Sir, he is gratefully employed by the Eastern Regional Government after his retirement. The very next man to him was Mr Egbuson, and today he is merely acting as Senior Superintendent. (*One hon. Member : What of Agbabiaka ?*) Mr Agbabiaka, I should tell hon. Members, was sent to Abakaliki to act for an expatriate who went away on leave. And, as I was saying, Sir, we make these criticisms in the belief that the Government will find its way clear to give us by their actions facts whereby we will believe that Nigerianisation has come to stay, that Nigerianisation will be pursued with all vigour, so that eventually the civil service will be manned by Nigerians for the benefit of Nigerians; and lastly, Sir, we were told that charity begins at home. We would tell the Council of Ministers to demonstrate to this House their good faith by appointing the present Nigerian who is acting as Clerk of the House to the substantive post of Clerk of the House. By these things the Council of Ministers should read, mark and learn.

Mr Speaker :

Before I call upon Mr Hashime Adaji to address the House I must point out that we have a very long list of Members still waiting to speak. We have only heard four speeches this morning and if speeches remain as long it will be quite impossible to get through the debate. Shorter speeches mean less repetitions and that is worthwhile. Mr Hashime Adaji.

Mr H. M. Adaji (Igala North) :

Mr Speaker, Sir, I rise to support the parts of the Gorsuch Report and Recommendations accepted by the Council of Ministers for the workers in this country. It seems to me, Sir, that much has been said contrary to the expectations of the workers by some Members in this House. It is not always easy for a single person to sit down and take evidence as to the difficulties of workers in a country as large as Nigeria, and it is not always easy for nine people to sit

down with an adviser to consider the difficulties and the large figures before them as the Council of Ministers has done. The Council of Ministers and Mr Gorsuch have thought out and they have carefully considered these parts of the Gorsuch Report to be accepted and I fully associate myself with their views. But there is one fact which I must mention, and that is the teachers. Really many people have said a lot about the teachers, but we must remember that the teachers are the real buds out which all undertakings in this country today exploded and scattered. We must give them preference in whatever we want to do if it is for the benefit of Nigeria. It is not always easy to become a lawyer without having been to school. It is not always easy to become a Minister without same. You must all go to school before you realise your ends into these posts. If you come to sit and do not consider these teachers in whatever is good for the workers then we are really not encouraging education in this country. When somebody said sometime ago—a Member from the Opposition—that “teachers are being ill-treated” I really sympathised with his views. All the Government, perhaps, is fearing, is a little fund to aid the Voluntary Agencies. If something is said about the teachers perhaps more funds will be needed by these Voluntary Agencies in order to support their teachers. We should not take such into consideration when we are considering the salaries of workers. We must always consider them along with others. One point I also observed, Sir, was three days ago when an hon. Member from the Opposition got up here and said that the Government in its acceptance of the Gorsuch Report failed entirely to make a provision for the training of Nigerians to take the place of expatriates in our civil service. In the course of his speech he said the Government must make an effort to train not less than one thousand students a year. This figure is really fantastic, very huge indeed for a Government to undertake. To train one single student in the United Kingdom, if that man must receive the necessary qualifications and to maintain the life as the British people at home do maintain, really it must cost not less than £1,000 before he completes his course. Then multiply one thousand by one thousand and every year—he said the Government must send one thousand students. If the Government sends one thousand students to the United Kingdom this year, next year she sends another, then the cost of training the students is doubled as the number is doubled to two thousand. Unless the hon. Akintola meant that the Nigerian Government should divorce present undertakings, close all the offices, close technical offices and all the civil services until such a time as students from the United Kingdom return; I will continue to oppose this sort of suggestion until the House adjourns.

Another odd thing I noticed was in the speech of Mr Jaja Wachuku. In the course of his speech he said the administrative machinery should be filled with Nigerians. He failed to observe the political differences in this country, the tribal troubles and what not. If you say a Nigerian should be made a Resident in Ogoja, or at Enugu, or at Ibadan, then surely that man's mind must be biased. He must always side his tribe. He must always side the political party he belongs. And you must remember, I want you to remember one point, and that is the expatriate staff stays thousands of miles away and when they are called to this country they always look and measure out equal justice to all tribes in Nigeria, irrespective of its minority. Sure. And when you go, Sir, to the Judiciary you always find judges bent on certain political parties. When they say to what party do you belong before the judgment is commenced, they find out whether you belong to this political party or that, but immediately they know which political party you belong and that political party is opposed to his own political ideology you go in for it, whether you are right or wrong. (*Loud laughter*). The N.P.C. has no grudge against any political party in this country. All we believe in is Northernisation and everything for the Northerners. We do not travel with others in anything in the Northern Region.

An Opposition Member got up to speak. This man has been to the United Kingdom. He also suggested five hundred students to be trained. How is it possible without taking the taxpayers of this country into consideration for the Government to train five hundred students every year. Some time ago Members were given £400 per annum, now they receive £800. The same Member is coming to tell this House that five hundred students should be sent to

the United Kingdom every year. They should take into consideration other civil servants, other duties to be performed by the Federal Government. The Regional Governments are not to help the Federal Government in training such people. Again, the Federal Government has not sufficient funds to train so many students yearly. They must see to other civil duties. But if you still recommend, or agitate for the training of five hundred students a year, it means increasing the taxes, and then taxpayers will be overburdened. I do not deny the fact that people should be trained, but such training should go gradually. Ten or twenty is all right. Because we have got some people to do the work for us.

Coming to the point of expatriates, Sir, if our craftsman is making something for sale, the next thing he does is to make ornaments on the body of the article in order to attract buyers. We are not qualified enough to supervise certain departments created by our own Government, such as Administration. In order to get qualified people to man these offices for us, we must throw baits into far country to attract people who have the necessary qualifications to undertake or to do such duties. It is not always easy, Sir, to take somebody from his own home where he is adapted to certain life, to enter into a new life with certain difficulties. We have not got the education, and the people with education are thousands of miles away. Should they leave their homes, sail on the oceans, and come to bear the burden of malaria and other things in this country for equal pay with Nigerians, we must give something in substitute for their suffering. So inducement allowance should, if possible, be increased. If you granted a Nigerian leaving this place to study in England some allowance for the maintenance of his family at home and his own subsistence abroad, similarly these expatriates must be encouraged if they come to do our duty.

I could remember some time ago when a Supervisor of Works, a Nigerian, was in the office the workers were playing about; he talked with this and talked with that, nobody seems to see him, so they never cared to do their duty. But when an Administrative Officer, a cadet, was coming, they all went to their duty and started to work. So, Mr Speaker, I beg to support.

Mr F. O. Mbadiwe (Udi):

Mr Speaker, I rise to support the motion on the Report of the Commission on Public Service as ably proposed by the hon. the Chief Secretary of the Federation. While paying tribute to Mr Gorsuch for the arduous task which rested on the shoulders of the Commissioner, I am particularly proud to observe that our wise Government whom we hold in high esteem has taken pains to modify some of Mr Gorsuch's recommendations.

Mr Gorsuch as a human cannot be 100 per cent perfect. Mr Gorsuch is a private man, and is entitled to his opinion. I therefore seize this opportunity to advise the Opposition that Mr Gorsuch is not in the Council of Ministers, and his recommendations naturally cannot be binding on the Government. The Government is entitled to modify them in any way it feels. As an individual Mr Gorsuch has achieved about 90 per cent of the task entrusted to him.

There are some of his definitions or nomenclatures which I think could have been given a decent language instead of a definition which may be defeated in argument. Say, for instance "inducement allowance". For the purpose of argument only, why should a man who takes up his pen to apply for job be paid something as inducement allowance? Sir, this is for the purpose of argument. If the answer is "Yes, they are entitled", I humbly submit that some African civil servants are also entitled to lion's share of such allowance. For instance there are some of our good lawyers who make a net income of over £300 monthly in their normal field of practice, and who had no liking for Government work, but for the love they have for their country abandon their jobs and accept posts as magistrates and judges. These men are entitled to have a lion's share of the inducement allowance.

Mr Speaker, if I were Mr Gorsuch, I would change that definition "inducement allowance" to "ocean crossing allowance", so that no Nigerian will quarrel with such type of allowance. Let us try and get a good definition for this kind of allowance. We have tried Separation

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Allowance, it did not fit ; we have tried Expatriation Allowance, no hope ; lastly, Inducement Allowance, worse. If the definition is Ocean Crossing Allowance any Nigerian who wants to go to domicile in Europe in order to get this allowance may do so by crossing the ocean every eighteen months.

Sir, has Mr Gorsuch's recommendations solved workers problems for more increase in salaries and wages ? I humbly submit that the answer is "No". No amount of agitation for better conditions can suffice until you control foodstuffs and imported goods. If you increase salary by 200 per cent, tomorrow a cup of gari and a bag of cornflakes will go up by 200 per cent and automatically the increase in salary will be paralysed.

Secondly, farmers should be encouraged by way of loans for more production. If our Government fails to do this any money you pay to the workers will go as such "Go-such". After all, the name Gorsuch has been substituted by magic name "go short". We happen to know that our Government has decided to set up a grading committee for careful review of the salaries. From page 64 to page 73 of the Gorsuch salary scale, I do not see, Sir, why an Assistant Secretary will be placed on Scale A while Accountants will be placed on Scale B.

Finally, Sir, I would advise Federal unestablished workers to keep calm pending the release of the Whitley recommendations. I am personally convinced that whatever will be the Whitley Council recommendations our wise Government will not pay them below their contemporary. On top of that the housing scheme will be an extra asset to them. Mr Speaker, I beg to support.

M. Mormoni Bazza (Northern Adamawa Trust Territory) :

*Mr Speaker, Sir, I am in support of the conclusions on the Gorsuch Report. I would like to associate myself with those who have congratulated Mr Gorsuch.

Admittedly, Sir, Mr Gorsuch should have included in his terms of reference these daily-rated workers. They are the people we represent here, and certainly we should always work in their interest. I would not blame Mr Gorsuch very much because I know he did that deliberately, knowing that there is somebody to do that for him, and I believe that our Government will do something which will please these daily-rated workers.

There is one thing I would like to say about this Gorsuch Report. That is the Inducement Pay which is given to expatriate officers. Now, Sir, the idealism of the Action Group makes white black and black white. It is not a new thing to this House or to the country as a whole. It is a fact that we want the services of these expatriate officers, and if we really want them to do the work for us in this country, there is no reason why we should not make them happy, and to make them happy we should give them an inducement allowance.

I could remember, Sir, there was a time when I was chatting with a European friend and he said, that we here in this country, especially the legislators deny them this inducement allowance. He went further to say that he had one daughter in the United Kingdom the education of whom he paid some amount of £350 for a year, and he added that if he were in the United Kingdom he would have his daughter educated free by the State, but for the fact that he is working in the Colonies he has to pay £350 for the education of that daughter.

Chief S. L. Akintola (Oshun West) :

That is incorrect.

M. Bazza :

Whether correct or incorrect you had better go and find it out yourself.

Chief Akintola :

What is the name of the European ?

* Speech not corrected by Member.

the Government will do its best ; and I wish to assure him again that he will get his arrears, and these *en bloc*. Finally, I appeal to him to be cool, quiet, and hopeful, remembering that "he laughs best who laughs last".

Mr Speaker, I beg to support.

M. M. Bello, Sarkin Paiko (Minna):

I rise to support whole-heartedly Gorsuch salary recommendations and in so doing I would like to make one observation. My observation is based on payment of salary arrears. This question of the payment of arrears will bring some Native Treasuries to financial difficulties and I should therefore suggest before this House that so far as the Federal Government is financially sound and balanced it should aid native authorities to enable them to retain their efficient workers. This will also avoid overtaxing our poor farmers who will not enjoy the benefit of workers' salary recommendations. I beg to support.

Mr F. N. H. Ayeni (Badagry):

Mr Speaker, I rise to support the motion and in doing so I have three observations to make. But before I proceed I have to join the chorus of songs of praise that the hon. Members of this House have been pouring on Mr Gorsuch and for that I say to Mr Gorsuch wherever he is this morning "more grease to your elbow", and to the Government of the Federation although I have some faults which I will place before them as I go on yet I will not deny them my "thank you".

Mr Speaker, Sir, as I said at the beginning of my speech I have some observations to make. I shall group them very briefly as you have cautioned us about time. They will go under the following headings : undue delay of the Report ; Federal Industrial Whitley Council ; Nigerianisation.

If you look at the first page of the White Paper you will read that the delay of the report was due to Mr Gorsuch's illness. Another reason was attributed to printing difficulties. I say Sir, with boldness that these reasons are unconvincing and are very very suspicious. They are suspicious in that the White Paper as laid before us fails to tell us how long Mr Gorsuch was ill. That is one. On the other hand the report stated here that these papers were out two months ago to staff associations and unions. It means the paper or the report must have been here for a considerable time. And I ask, Sir, why was it delayed. Was it under special direction, special amendment or hidden in a corner for a high class dictation ?

The Chief Secretary of the Federation (Mr R. F. A. Grey):

Point of order. Standing Order 24(6) now 25(6).

Mr Speaker :

It is certainly true that no Member may impute improper motives to any other Member but I hope the Member speaking will not do that.

Mr Ayeni :

Mr Speaker, I am not trying to do that, I am only trying to point out the undue delay in this report. The anxiety it created to the public, that is what I am trying to bring out. The public have been expecting to have this report before now. That is the only thing I am trying to point out.

In the second point I see Federal Industrial Whitley Council. I beg to state that the undue delay given to Gorsuch Report should not come to this Council's report in that when the Council meet the report should be laid out in good time.

Coming to the question of Nigerianisation I refer Members to page 5, line 17 of the White Paper. It says "In the transitional stage where Nigerianisation is coming to full harvest and the overseas officer is a diminishing quantity, the additional cost of employing overseas officers

may probably be looked on more as capital than as recurrent expenditure". On this point I am not going to speak much because hon. Members have made many explanations but I would like to give a watchword to the Council of Ministers to be printed on their doors or in their forefront as the case may be. They should endeavour that the statements are not only paper work and their watchword should be Nigeria first other countries next. Mr Speaker, I beg to support.

Mr E. C. Akwivu (Orlu) :

Mr Speaker, we have in our hands the report of the Gorsuch commission. As has been said over and over again Mr Gorsuch worked, as we all know, as a sole commissioner and his terms of reference, as has been said and contained in the several White Papers issued by the Regional Governments, relate to inquiry into the structure and remuneration of the public service. Mr Speaker, Sir, the general tenor of statements from both the Regional and the Federal Government spokesmen has been one of appreciation for the work the sole commissioner has done and the way he has done it. It is a common feature of contemporary affairs, whether public or private, great or small, that executive and administrative acts should as much as possible be founded upon certain basic principles. Now, Sir, with due deference to Mr Gorsuch I will make bold to say that the idea of a single commissioner to enquire into remuneration and make suggestions and recommendations thereto affecting employees of the whole of the country's public service requires very deep consideration. I say so because the risk involved is a tremendous one and Government's attitude to what conclusions and recommendations are arrived at may have far reaching consequences. Mr Speaker, Sir, may I with your leave make reference to the White Paper issued by the Federal Government. Here, Sir, it is said that the Government, in arriving at its conclusions, has borne in mind the fact that the report contains the recommendations of an independent expert arrived at after intensive study on the spot and after hearing the views of all interested parties. Well, Sir, I will say that in saying this the Government has adopted the only reasonable course open to it. For with such an enquiry recommending increases in salaries at all levels it will be utterly suicidal for any government or even its legislature to reject the report as a whole or in part if it desires the service and co-operation of a contented and buoyant civil service and also if it desires to avoid crisis and breakdown in the machinery of government. For this reason, Sir, I say that it should always be the duty of any government setting up a commission of this nature to avoid placing itself too much in a position in which it must accept the report and recommendations or else face breakdown in its administrative system. It therefore follows to reason, Sir, that the report should not only have covered the structure of the civil service and what should be the pay of the employees. It should have gone a bit further, Sir, to review the economic standing of the country and be able to assess for the commission's own benefit as well as that of the government that set it up, the incidence of the new salary scales recommended, on the revenue of the country and the economic consequences of its recommendations. In doing this, Sir, the commission and the government will have satisfied themselves over the propriety of the recommendations and their smooth and practical applicability. It is for this reason, Sir, that I urge that it might have been more complete if the commission had also an economist or an expert on public finance serving on it and the report should have contained at least a page or even a paragraph reviewing very shortly the economy of the country together with the likely effect of the recommendations.

Now, Sir, this is my main criticism of the Gorsuch recommendations. When the commission sets out to recommend revision in scales of salary it should also have taken in mind or at least it should have been apparent on the report itself that the scales being recommended are such that the State itself can afford to meet up. Now Sir, the whole of the report is silent on that point but we are very lucky and I think it is a matter for which we should be thankful that what is recommended appears at least to come within what the State can afford. It would have been most embarrassing for a government to be confronted with a recommendation reviewing an increase in salary out of all proportion to what it can afford.

teachers when we think of other Government servants. Taking also the point of Native Authorities, they have very poor means of raising their revenue. They have their money only from taxes and very few fees from courts and a few other branches of work that they do but I have to ask the Federal Government and the Regional Governments respectively to help these Native Authorities with money so that they may be able to pay their workers. If we don't do so in time, we may not get people to serve these Voluntary Agencies or Native Authorities. I am sure that Government will have no room for these men if they leave Native Authority services or they leave Voluntary Agency services and come to Government service. For that reason I have to pray that the Government will do something to assist these people who have very poor means of getting money so as to run their services.

Touching the point which my hon. Friend Mr Aiyuk raised here on the salary of the Commissioner of the Cameroons I heard certain Members from the N.C.N.C. Bench asking what the Commissioner of the Cameroons is doing? I would like to point out that the Commissioner of the Cameroons though he is not doing anything for them is of vital importance to the Southern Cameroons. He is working for the Trust Territory of the Cameroons. You may think that he is planting bananas, he may be planting bananas which earn money for the Cameroons. Though he is of no value to you, he is of value to us. (*Hear, hear*). For that reason, I have to support the point which Mr Aiyuk made in the House here for it is important. Mr Speaker, Sir, I beg to support the motion.

Mr. Muazu Lamido Sokoto (West Sokoto):

Mr Speaker, Sir, I rise to support the motion of the Government White Paper which was laid on the Table of this hon. House. In so doing, Sir, I do not intend to make a long speech but rather to express my appreciation on the initiative taken by the Government regarding daily-paid workers. I am very happy to see that a Federal Industrial Whitley Council has been established to go into the cases of the daily-paid workers, and that negotiations have already begun. Now, Sir, whatever may be the rates, whether 7s-6d or 5s, we only ask and pray this Government to take necessary and immediate steps on this matter to help these people to get their shares immediately along with the established services. Mr Speaker, there is a proverb which says: "A bird in the hand is worth two in the bush". These people will naturally like to take their bird which is in hand with the rest of their friends instead of having to wait for more birds which may or may not come. The proportion of the daily-paid workers in this country, Sir, is nearly 25 per cent or more of the employees and I quite appreciate the fact that this percentage includes also the daily-paid workers of the Regions and Native Administrations. But I choose to bring the subject to the floor of this hon. House as it is the highest legislature in this country. It is only proper that it shows the light for the Regional Governments and Native Administrations to find the way. Mr Speaker, I must say how much I appreciate that this Government is doing its very best for the people and I should like to assure hon. Members that if there is to be a world market for legislatures, ours will rank with those that will take the highest price. Sir, I beg to support the Government White Paper whole-heartedly.

Mr S. J. Mariere (Urhobo East):

Mr Speaker Sir, I rise to support the motion. If anything within the past six months occupied the minds of Civil Servants and other workers in Nigeria, I say Sir, that the demand for the release of the Gorsuch Report was certainly the foremost in their minds. There was the time Sir, that the anxiety of workers became so great that Government was accused of having received the report and concealed it until a lot of explanations one after the other had to be made in order to clarify the true position. It is therefore a matter for happiness that the Report was eventually released and a debate on it is now on in this House in order to consider the conclusions reached by the Government of the Federation on this report and to give it a legislative blessing. I do not wish to bother this House with repetitions on the observations already made by previous speakers in support of the motion for the acceptance of the

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conclusions of the Government and I therefore associate myself with the sentiments expressed by those who pay tribute to the great services rendered by Mr Gorsuch. I also wish to pay tribute to the Council of Ministers for being so alive to their responsibility by the way in which matters of vital importance which did not form part of the Commissioner's terms of reference were dealt with. I feel, Sir, that Government's approach to the subject of wage rate for daily-paid labour by establishing a Federal Industrial Whitley Council for necessary negotiations is a wise method of approach. It is a method which affords leaders of Trade Unions championing the cause of daily-rated labour the opportunity of having a say on what wage is good enough for the unestablished staff. But I should like to have some explanation from the Chief Secretary of the Federation as to why this arrangement is intended for daily-paid workers in the Lagos area only.

I refer Sir to paragraph 5 of the White Paper and with your permission I read: "Although the Gorsuch Report does not deal with daily-rated labour, it is the intention of the Federal Government, as soon as a Federal Industrial Whitley Council can be established, to open negotiations on the subject of wage rates for daily-paid labour employed by the Federal Government in the Lagos area. . . ." Sir, if we have Federal daily-paid workers in the Regions, surely, Sir, in fairness to them they ought to come in for consideration. The daily-paid workers in the Federal Government public service should not be given a condition of service different from what their counterparts in the Regional public services receive. It will make for better understanding if the Chief Secretary will throw light on this matter. I have in mind the strike in about March of this year in Moore Plantation.

Mr Speaker :

Order, Order. I have said at least twice before that we must not go into details of the conditions of daily-rated labour because that must be considered by the Whitley Council and it is after the report of the Whitley Council that this House may have an opportunity to debate it.

Mr Mariere :

Thank you very much, Sir. The point I want to call attention to is the fact that consideration of daily-paid labour should not be restricted to Federal workers in Lagos only but it should be extended to Federal workers in the Regions, or wherever they are.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

The hon. Member appears to be under a misapprehension. The Government is indeed and has been giving consideration to the conditions of its workers throughout the country and it would save the time of the House if I am able to remove that misapprehension from the hon. Gentleman's mind.

Mr Mariere :

It will be a wise idea if the proposal for the payment of no-accident bonus to motor drivers is given timely consideration by the Government. Here, Sir, I would like to refer to the main reports of Gorsuch, paragraph 106. This is a very important point Sir, because it is one which has not been touched by the previous speakers. Talking about drivers, with your permission Sir, I read: Paragraph 106 on page 45, "These rates are low as compared with the pay offered by some of the larger commercial concerns, though the balance will be redressed to some extent by the new scales recommended. Quite apart from the control exercised by the Police, the Governments have a duty as major employers to do all they can to improve driving standards and to prevent the Nigerian roads from being bestrewn with wreckage as frequently as they are at present. In addition to examining whether the new rates are adequate to attract the better type of driver, the reviewing body might consider whether some incentive to careful driving such as a 'no-accident' bonus of an extra increment at intervals should be offered."

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[Adjournment]

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Mr Speaker, Sir, as the member of the Council of Ministers with responsibility for the public service, I am much obliged to the hon. Gentleman who has spoken for bringing this matter to notice and I am sure that what the Leader of the Opposition has said will achieve some measure of publicity and that it will do some good.

I should not readily agree to the suggestion of a circular, lest I feel like the person who occupies the time of the congregation in preaching of the evils of those who do not come to church. If I sent a circular out to the civil servants adjuring them to be more polite to Ministers and members of the public in general, it might be resented by the overwhelming majority of them who are already courteous to all who have dealings with them and who are courteous to them, but what I do suggest is that if there are individual cases where a member of the public service has offended, they will be brought to notice properly by a direct complaint. Very often, Sir, I get my only knowledge of such incidents as has been mentioned this morning out of the daily papers and I am not always sure that I can rely on them to be exact in their story so that it would be as well, Sir, if the complaint were made to the Head of the Department or me personally.

Mr T. O. S. Benson (Lagos West) :

Mr Speaker, Sir, on this subject I will first of all refer the House to subsection (2) of the Immigration Ordinance contained in Vol. III of the Laws of Nigeria. "For the purposes of this Ordinance a person shall be deemed to be a native of Nigeria if he is a British subject or British protected person and—

(a) was born in Nigeria of parents who at the time of his birth were ordinarily resident in Nigeria ; or

(b) obtained the status of a British subject by reason of the grant by the Governor of a certificate of naturalisation"

At page 296 of the Ordinance, section 29 (b) prescribes that the Governor-General in Council may by request from any of the following parties prescribe anything which under the provisions of this Ordinance require to be prescribed. Now, that will bring me to Vol. I of the Laws of Nigeria dealing with the appointment and deposition of Chiefs and section 4 of Chapter 12 of the Laws of Nigeria page 202. "The Governor, after due enquiry and consultation with the persons concerned in the selection, may depose any Chief or head Chief whether appointed before or after the commencement of this Ordinance, if after enquiry he is satisfied that such deposition is required according to native law and custom". My point is this, Sir, that inconnection with the definition of immigrants and movements, the matter of immigration and movements of persons should be a concern for the Central Government and that therefore, Sir, I do not know why any Region should be capable of appointing and deposing a chief. I therefore bring that matter of the Alafin of Oyo to your notice.

Mr Speaker :

Order, Order, the hon. Gentleman must certainly yield to a point of order.

Mr V. D. Phillips (Ijebu East) :

It is an indisputable fact that matters relating to the banishment or the appointment of chiefs is a matter

Some hon. Members :

Point of order.

Mr Speaker :

I don't know what the point of order is.

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[Adjournment]

Mr Benson :

While the Regional Government is capable of appointing a chief, it has no right to restrict the movement of an important chief as the Alafin of Oyo.

Mr Speaker :

I am bound to declare that this House stands adjourned.

Adjournment

And it being twelve o'clock, Mr Speaker adjourned the House without question put, pursuant to Standing Order 4 (7).

Adjourned accordingly at twelve o'clock until 10 a.m. on Monday, the 29th of August, 1955.

QUESTIONS AND WRITTEN ANSWERS

Question—

O.18. M. Ahmadu Fatika :

To ask the Minister of Natural Resources and Social Services :—

How many students are in residence at the University College, Ibadan, for the session 1954-55 ; how many of these are freshmen ; how many of the latter are students drawn from the Northern Region ; and what arrangements have the University authorities to enable the Northern Region to send more students each year ?

Answer—

The Minister of Natural Resources and Social Services :

1. (a) 473 (b) 149 (c) 1.

2. Admission to the University College, Ibadan, is open to candidates from *all* the Regions on an equal basis. The annual entrance examination is widely advertised and there is a centre for Northern Region candidates at Zaria.

Question—

O.25. Mr R. A. Fani-Kayode :

To ask the Financial Secretary of the Federation :—

How many Nigerians in the Federal Printing Department have been given special technical training and how many of these are in the Senior Service of the Department ?

Answer—

The Financial Secretary of the Federation :

It is difficult to answer this question without more precise details of exactly what information the hon. Member is seeking. Printing is a highly skilled craft and every new entrant into the technical side of the Federal Printing Department normally requires, and receives, special technical training in some form or another. The mere fact that an officer has done a short course in a specialized subject, either here in Nigeria or elsewhere, does not necessarily mean that his general experience or aptitude is sufficient to qualify him for a senior post. In the United Kingdom, for instance, the duration of apprenticeship alone involves a period of training lasting for seven years. There are, however, two Nigerians now holding senior posts in the Federal Printing Department, both of whom were sent to the United Kingdom for a special training course lasting for three years with the specific intention that, on successful completion of their course, they should be promoted to senior posts on their return to Nigeria.

Question—

O.37. Mr M. A. Sanni :

To ask the Minister of Natural Resources and Social Services :—

Will Government consider establishing an Oil Palm Research Station in Iwo District, Ibadan Province ?

Answer—

The Minister of Natural Resources and Social Services :

No, Sir.

Question—

O.58. Oba A. Aiyeola :

To ask the Chief Secretary of the Federation :—

How many Anglo-Indians have entered the country for employment under the Nigerian Railway since 1953 ; what are their respective ages ; and how many of them had previously served in the Indian Railways ?

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[Written Answers]

*Answer—***The Chief Secretary of the Federation :**

No person of mixed European and Indian parentage (that is to say, no person of the class to which the term "Anglo-Indian" is now customarily applied) has, so far as is known, entered Nigeria for employment with the Nigerian Railway since 1953. The remaining parts of the question do not therefore arise.

*Question—***O.60. Oba A. Aiyeola :**

To ask the Chief Secretary of the Federation :—

How many Africans in the Traffic Department of the Nigerian Railway hold super-scale posts ; and how many Africans were trained in the United Kingdom with a view to their being appointed to super-scale posts ?

*Answer—***The Chief Secretary of the Federation :**

(a) There are at present no Africans in the Traffic Section of the Operating and Commercial Department holding superscale posts ;

(b) Seven out of the eighteen African Officers at present holding senior posts in that branch of the Nigerian Railway have so far received training in the United Kingdom. This training is designed to help such officers to acquire additional skill and experience so that they may discharge their duties in Nigeria with greater efficiency. Promotion to superscale posts is governed by the aim that each post should be filled by the officer best suited by official qualifications, by experience and by merit to fill that post.

*Question—***O.92. Rev. E. S. Bens :**

To ask the Chief Secretary of the Federation :—

If he is aware that Brass Division has no Prison established within its borders ; and if he will consider providing a Prison in that Division in the financial year 1955-56 ?

*Answer—***The Chief Secretary of the Federation :**

Yes, Sir, I am so aware. The policy of the Government is to have a few large, central prisons in which trade-training can be given, and strict discipline enforced rather than to open small prisons which are uneconomic to maintain and in which corrective training is limited. The prison at Brass was closed 25 years ago and since then all committals from this Division have been sent to Degema Prison. The number committed last year from Brass Division was on the average one per week. This would not justify the re-establishment of a prison in the Division.

*Question—***O.95. Mr F. Ngale :**

To ask the Minister of Natural Resources and Social Services :—

Whether he will consider establishing a branch of the Nigerian College of Arts, Science and Technology in the Southern Cameroons ?

*Answer—***The Minister of Natural Resources and Social Services :**

No, Sir.

[Written Answers]

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[Written Answers]

*Question—***O.140. Chief S. L. Akintola :**

To ask the Attorney-General of the Federation:—

How many Barristers or Solicitors possessing working experience in the Department of the Administrator-General are in the junior service of that Department; and what further requirements they must fulfil before their promotion to the Senior Service can be considered?

*Answer—***The Attorney-General of the Federation :**

There is one barrister, but no solicitor, in the Department of the Federal Administrator-General who holds a junior service appointment, that of Assistant Chief Clerk. In order to be considered for promotion to a post in that Department requiring legal qualifications, the officer would not have to fulfil any further requirements.

*Question—***W.203. Mr E. O. A. Dada :**

To ask the Chief Secretary of the Federation:—

What is the programme for the installation of Radio Diffusion Centres in the country; and will the following towns be considered for inclusion in the programme:—

Ado, Aiyetoro, Igbessa, Ilaso, Ajilete, Okeodan, Ijofin, Ipokia, Meko and Igbogila?

*Answer—***The Chief Secretary of the Federation :**

The installation of wired radio distribution centres depends on the availability of technicians, equipment and funds. In the current financial year it is proposed to provide services at Ilorin and Yola in the Northern Region and at Aba and Umuahia in the Eastern Region. The provision of wired distribution services in the Western Region is the responsibility of Rediffusion (Nigeria) Ltd. So far as I am aware the Company has no proposals at present for installing a service in any of the towns mentioned by the honourable Member.

*Question—***W.206. Mr A. Rosiji :**

To ask the Chief Secretary of the Federation:—

What is the number of officers whose services were dispensed with as a result of the reduction in the Federal Government responsibilities due to the last revision of the Constitution?

*Answer—***The Chief Secretary of the Federation :**

In consequence of the last revision of the Constitution, six officers have retired on abolition of office terms. As at July 15th, 1955, 13,440 had been transferred to the service of the Regional Governments; 349 officers who were offered transfer had elected to leave the service; and 849 officers had not yet replied to offers of transfer.

*Question—***W.360. Mr P. A. Aiyuk :**

To ask the Financial Secretary of the Federation:—

What was—

(a) The trade balance

(b) The balance of payment

of the Southern Cameroons for the four years 1951, 1952, 1953 and 1954?

[Written Answers]

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[Written Answers]

*Answer—***The Financial Secretary of the Federation :***The balance of trade.*

Since the Southern Cameroons does not constitute an independent Customs area separate from the remainder of the Federation, it is not possible to state the territory's balance of trade. A considerable proportion of imported goods enters overland from the Eastern Region, originating mainly from the port of Calabar. In 1954 about two-thirds of the palm kernels and one-quarter of the palm oil exported from the Southern Cameroons was also shipped through Calabar. Timber is exported through the French Cameroons Trust Territory.

The following figures relate only to imports and exports through the Cameroons ports in each of the years 1951-1954:—

					Total Imports	Exports (including re-exports)
					£	£
1951	..	..	..	..	1,182,700	3,553,600
1952	..	..	..	..	1,967,100	3,943,600
1953	..	..	..	..	1,617,800	5,571,900
1954	..	..	..	..	1,666,076	4,912,442

The balance of payments.

The balance of external trade is a major component of the balance of payments of the Southern Cameroons and it follows from the reasons given above that it is equally impossible at present to construct a balance of payments statement for the territory. Moreover, the commercial and financial institutions of the territory are so closely integrated with those of Nigeria that no information is readily available on which an estimate of Southern Cameroons receipts and payments from and to the rest of the world (including Nigeria) in respect of invisible items (e.g., insurance, transport and travel, profits) can be based. Similarly, little is known about private capital movements into and out of the territory or of the external assets/liabilities of firms operating in the Southern Cameroons.

*Question—***W.364. Mr R. T. Alege :**

To ask the Minister of Works:—

In view of the fact that most bridges on the Road A13 between Egbe and Kabba are dilapidated and dangerous for use by traffic will he consider it a matter of urgent necessity to provide bridges in that section of the road ?

*Answer—***The Minister of Works :**

No, Sir.

The bridges between Egbe and Kabba on Trunk Road A13 will be surveyed by the Crown Agents Bridge Survey Team in the near future in accordance with the accepted policy to reconstruct all bridges on the Trunk Road A system to Heavy Loading Standards.

There are however *two* bridges on this section, the Effo and Mopa Bridges, which are in a poor condition and require early reconstruction. A sum of £5,000 has been made available for the Provincial Engineer, Kabba Province in the current year to carry out these reconstructions by direct labour.

*Question—***W.372. Mr R. T. Alege :**

To ask the Minister of Transport:—

Whether, in view of the difficulties experienced by the large number of travellers utilising motor lorry transport on the route Kabba-Isanlu-Omuaran-Ilorin, he will take necessary steps to extend the motor lorry service of the Nigerian Railway to that route ?

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[Written Answers]

*Answer—***The Minister of Transport :**

There is no railway road motor service in the area referred to, and it is for the Nigerian Railway Corporation to decide whether or not they intend to extend their existing road services.

*Question—***W.374. Mr R. T. Alege :**

To ask the Chief Secretary of the Federation :—

Whether he will take steps to see to the extension of radio distribution services to Lokoja, Kabba, Okene and Idah in Kabba Province ?

*Answer—***The Chief Secretary of the Federation :**

Wired radio distribution systems in the Northern Region are being installed in accordance with a priority list drawn up in consultation with the Northern Regional Government. Lokoja is included in this list, but Kabba, Okene and Idah are not, as yet, included. The list is, however, reviewed periodically in the light of the wishes of the Northern Regional Government, Broadcasting policy and the availability of technicians, equipment and funds.

*Question—***W.375. Mr R. T. Alege :**

To ask the Minister of Works :—

Whether the Government is considering setting up a Road Department independent of the Public Works Department, in accordance with the recommendations of the International Bank Mission ; and how soon will such a Department be established ?

*Answer—***The Minister of Works :**

No, Sir.

I am unable to accept this recommendation of the Mission, whatever its theoretical merits may be as a long-term policy, for the following reasons :—

(i) There is no evidence that the interests of the roads section are being subordinated to those of other parts of the Department.

(ii) The Federal Department is greatly below strength and is carrying out its duties under considerable difficulty. Division would inevitably require the provision of staff for the headquarters organisation of the new department and these can only be found from the officers already engaged on important work. I have no wish to see more officers "locked up in office jobs".

(iii) The Federal Public Works Department is relatively small, now that a large part of its former duties have been transferred to Regional Public Works Departments. To divide the Federal Department further would be to replace a single department by two small departments which would have little attraction for recruits as the professional prospects would be mediocre.

(iv) The Mission's Report does not appear to have taken sufficient account of the fact that the maintenance of Trunk 'A' Roads is carried out by the Regional Public Works Departments on an agency basis and, unless there is a breakdown in present arrangements, there would not be any advantage in transferring this responsibility to the proposed roads department. In so far as construction is concerned, the Federal Public Works Department is already relying to a considerable extent on the major contracting firms.

In conclusion, there may come a time when the division of the Department may be advisable but this will be many years ahead when the highways system is more advanced

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than at present. I do not see any benefit to be gained by division while there are several very obvious disadvantages. Moreover, the effect on morale of a further division, following on the heels of the recent regionalisation of the Department, would probably be most serious.

Question—

W.378. Mr J. G. Adeniran :

To ask the Minister of Natural Resources and Social Services:—

In view of the recommendations of the International Bank Mission in the matter of the economic development of Nigeria, will Government investigate the problems of animal health and husbandry in the Western Region, in particular in Egbado, Ibadan and Oyo Divisions, where cattle, sheep, goats and other animals are bred ?

Answer—

The Minister of Natural Resources and Social Services :

Yes, Sir. The department of Veterinary Research draws up its research programmes after consultation with the Veterinary Technical Sub-Committee of the Council of Natural Resources of Nigeria and the Director of Veterinary Services, Western Region, who is a member of this Sub-Committee is at liberty to ask for any particular investigation to be carried out. The Federal Department is at present investigating problems of animal health and husbandry in the Western Region. For example, rinderpest has been causing considerable anxiety in the Western Region and the Acting Director of Veterinary Research has made two recent visits to the Region to discuss this and other problems with the Regional Director and to make arrangements for a research officer to visit the Region and carry out tests. Considerable advances have been made in the production and standardisation of lapinised rinderpest vaccine in recent months and the benefits of these improvements will soon be felt in the Western Region.

Certain aspects of poultry disease and management in the Western Region are also to be investigated. The Federal Parasitologist toured the Western Region at the end of 1954, and he proposes to visit the Region again soon to investigate animal health problems.

Question—

W.379. Mr J. G. Adeniran :

To ask the Minister of Trade and Industry:—

Has the Government conducted a research into the processing of oilseeds for commercial purposes, in particular of melon seeds, the principal seasonal crop of the south-western part of the Western Region, especially Ibarapa District and Ibadan Division, and shea nuts; and in which areas elsewhere in the country also has such research been carried out ?

Answer—

The Minister of Trade and Industry :

As a result of research which has been carried out in other countries over a number of years, various processes for the extraction and expression of oil from oilseeds are well established and have been exploited on a commercial scale. Such developments have been, however, mainly concerned with oilseeds, such as groundnuts and cottonseeds, which are known internationally by reason of the fact that they are produced in large quantities over wide areas.

No Federal organisation is at present conducting research or experiment into oil expression. Proposals are under consideration for the establishment of an Institute of Applied Technical Research and if and when this is approved a programme of research into the processing of indigenous oilseeds, including both melon seed and shea nut, will no doubt, receive due attention.

The importance of such a programme has been realised and in 1951 the Department of Commerce and Industries began limited experiments. In conjunction with the Paint Research Institute in England, the process for expressing oil from Conophor nuts (*Tetracarpidium*

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Conophorum) was sufficiently promising to encourage further investigations. It is understood that the Western Regional Production Development Board is exploring the possibilities of developing plantations of these nuts in order that the ultimate viability of such a project may be assessed.

The International Bank Mission, in its Report at pages 237 to 241, have remarked on the vegetable oil industries of Nigeria, whilst in their proposals for technical research the Report suggests that "the commercial processing of shea butter and various oilseeds" should be undertaken by the Research Institute.

Question—

W.380. Mr J. G. Adeniran :

To ask the Minister of Land, Mines and Power :—

In view of the International Bank Mission recommendations in the matter, when will the Government establish a Department of Hydrology ?

Answer—

The Minister of Land, Mines and Power :

Since the International Bank Mission Report was written, the Federal Government has appointed NEDECO to carry out hydrological studies on the Niger and Benue. This Dutch firm is at the moment carrying out the functions of a Federal Hydrological Department. It is expected that NEDECO's studies will be completed by 1958. When the report has been received and examined a decision will be taken on the formation of a Federal Department of Hydrology.

Question—

W.382. Mr J. G. Adeniran :

To ask the Financial Secretary of the Federation :—

Whether Government will consider implementing the International Bank Mission's recommendations for the creation of a "State Bank of Nigeria" and the "Training of Africans in monetary management".

Answer—

The Financial Secretary of the Federation :

Both recommendations are under active consideration by Government.

Question—

W.383. Mr J. M. Udochi :

To ask the Financial Secretary of the Federation :—

What external Loans have been raised by the Government since 1914, at what rate of interest and for what period ; which have been repaid and when and at what total cost ; and which had undergone conversion in order to reduce costs ?

Answer—

The Financial Secretary of the Federation :

Full details of the external loans raised by Government since 1914 are given in the following table. Three loans were the subject of conversion offers which resulted in lower interest rates :—

- | | |
|------|--|
| 1919 | Loan at 6 per cent interest per annum partly converted to 1949 loan at 3 per cent interest per annum. |
| 1927 | Loan at 5 per cent interest per annum partly converted to 1947 loan at 2½ per cent interest per annum. |
| 1930 | Loan at 5 per cent interest per annum partly converted to 1949 loan at 3 per cent interest per annum. |

<i>Title</i>	<i>Amount</i> £	<i>Rate of Interest</i> (per cent)	<i>Period</i>	<i>Date Repaid</i>	<i>Cost of Repayment</i>	<i>Details of Conversion</i> (if any)
1. 1916 Nigerian Government Loan ..	4,425,000	5	Debentures: redeemable at par on 16th June, 1920.	1919	Part Converted	*Partly redeemed by flotation of 1919 Nigerian Government Loan.
2. 1919 Nigerian Government Loan ..	6,363,226	6	Repayable at par on 15th December, 1979 or redeemable at par on or after 15th December, 1949 on giving six months notice.	1949	Part Converted	£1,410,286 redeemed by flotation of 1949 Loan.
3. 1921 Nigerian Government Loan ..	3,200,390	6	Repayable at par on 15th October, 1946 or redeemable at par on or after 15th October, 1936 on giving six months notice.	1936	£3,203,591†	—
4. 1923 Nigerian Government Loan ..	5,700,000	4	Repayable at par on 15th October, 1963.	Still	Outstanding	—
5. 1927 Nigerian Government Loan ..	4,250,000	5	Repayable at par on 1st March, 1957 or redeemable at par on or after 1st March, 1947 on giving six months notice.	1947	Part Converted	*Partly redeemed by flotation of 1947 Loan.
6. 1930 Nigerian Government Loan ..	4,791,373	5	Repayable at par on 1st February, 1960 or redeemable at par on or after 1st February, 1950 on giving six months notice.	1949	Part Converted	£1,589,715 redeemed by flotation of 1949 Loan.
7. 1935 Nigerian Government Loan ..	4,188,000	3	Repayable at par on 13th March, 1955.	1955	£4,192,188†	—

NOTE : * The balance of the redemption was met from Sinking Fund contributions together with appropriations from Revenue where necessary.

† Including incidental expenses.

<i>Title</i>	<i>Amount</i>	<i>Rate of Interest (per cent)</i>	<i>Period</i>	<i>Date Repaid</i>	<i>Cost of Repayment</i>	<i>Details of Conversion (if any)</i>
3. 1947 Nigerian Government Loan ..	£ 1,250,000	2½	Repayable at par on 1st September, 1971 or redeemable at par on or after 1st September, 1966 on giving six months notice.	Still Outstanding		—
9. 1949 Nigerian Government Loan ..	3,000,000	3	Repayable at par on 15th June, 1977 or redeemable at par on or after 15th June, 1975 on giving six months notice.	Still Outstanding		—
10. 1951 Nigerian Government Loan ..	6,800,000	3½	Repayable at par on 1st October, 1966 or redeemable at par on or after 1st October, 1964 on giving six months notice.	Still Outstanding		—

[Written Answers]

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[Written Answers]

*Question—***W.387. Mr J. M. Udochi :**

To ask the Minister of Natural Resources and Social Services:—

How many scholarships have been awarded by the Central Government since 1940 for training as:—

- (a) Electrical Engineers ;
- (b) Geologists ;
- (c) Mining Engineers ?

*Answer—***The Minister of Natural Resources and Social Services :**

The following awards have been made in the branches of Engineering specified:—

(a) Electrical Engineers	..	..	..	..	..	..	..	..	26
(b) Geologists	..	..	..	..	..	..	..	..	3
(c) Mining Engineers	..	..	..	..	..	..	..	..	12

*Question—***W.390. Mr H. O. Akpan-Udo :**

To ask the Financial Secretary of the Federation:—

Why Ikot Ekpene, an Urban Centre with a population of some 18,070, was omitted from page 20 paragraph 115 Table 9 of the Region Population Census Report, 1953 ?

*Answer—***The Financial Secretary of the Federation :**Ikot Ekpene does not appear in Table 9 of the Eastern Region Census Report because it is not considered to come within the definition of an 'urban centre' adopted for the purposes of the census, *i.e.*, a compact group with a population of not less than 5,000.

The figure of 18,070 relates to the population of the Ikot Ekpene Urban District Council area. The composition of this area is shown in Census Bulletin No. 6 (Calabar Province) at page 56. It will be seen that the locality in the Council area known as Ikot Ekpene contains a population of 2,152 only.

*Question—***W.399. Mr D. A. Ogbadu :**

To ask the Minister of Works:—

When the Federal Government will take over the following Trunk 'B' Roads from the Regional Government—

- (a) Idah-Ayangba 46 miles to Trunk 'A' Road.
- (b) Idah Adoru-Nsukka 50 miles ?

*Answer—***The Minister of Works :**

No, Sir.

The Federal Government is not contemplating taking over these roads at present.

*Question—***W.404. Mr D. A. Ogbadu :**

To ask the Minister of Transport:—

Whether consideration will be given to the extension of the railway from Oturkpo to Odagbo, Okaba and Ogboyaga in Igala Division, in view of the discovery of coal deposits in those places ?

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*Answer—***The Financial Secretary of the Federation :**

The criteria which govern grants made under the Colonial Development and Welfare Act 1955 are entirely a matter for Her Majesty's Government.

*Question—***W.430. Chief S. L. Akintola :**

To ask the Minister of Natural Resources and Social Services:—

What is the estimated cost of providing adequate accommodation for the Queen's College, and how soon will that accommodation be ready ?

*Answer—***The Minister of Natural Resources and Social Services :**

The provisional estimate is £88,000, and it is hoped that the accommodation will be ready in 1957.

*Question—***W.435. Chief S. L. Akintola :**

To ask the Minister of Natural Resources and Social Services:—

How many students are receiving training at the Queen's College, Lagos, during the current year and how many of them are on Government Scholarships ?

*Answer—***The Minister of Natural Resources and Social Services :**

One hundred and twenty-four students of whom eleven are receiving scholarships from the Western Regional Government and six have their fees remitted by the Chief Education Officer, Lagos.

*Question—***W.443. Chief S. L. Akintola :**

To ask the Chief Secretary of the Federation :—

What is the Government's policy regarding the employment of a former expatriate technical head of a Government department by private individuals or public companies having dealings and constant business contact with the department of which the expatriate employee was at one time the head and about which by virtue of his previous connection he has matters of confidential nature within his knowledge.

*Answer—***The Chief Secretary of the Federation :**

Although I know of no case to which the words of the hon. Member's question apply precisely, I know that one former technical head of a Government Department who is an expatriate accepted after retirement non-resident directorships of two companies whose activities would be within the scope of his former Department. He has subsequently made several short visits to Nigeria as a director of these companies. The Government's general immigration policy is that only those non-Nigerians should be permitted to reside and work in Nigeria whose presence may be expected to be of economic or social benefit to the country. In addition to this general policy there is the consideration specially applicable to a Government pensioner that it would not be in the public interest that confidential knowledge acquired during public service should be applied after retirement for purposes of private gain. In the one case of which I know and to which the hon. Member's question is possibly directed I have no reason to suppose that there is any such danger to the public interest.

[Written Answers]

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[Written Answers]

*Question—***W.444. Chief S. L. Akintola :**

To ask the Minister of Trade and Industry :—

How does the Department of Commerce and Industries deal with a Nigerian trader or merchant whose business methods tend to, or does, mar the reputation of Nigeria abroad ?

*Answer—***The Minister of Trade and Industry :**

It is not possible to restrict the activities of firms handling goods importable or exportable under Open General Licence, but where cases of trade malpractices are brought to the notice of the Federal Department of Commerce and Industries these are thoroughly investigated. Where a case of fraud is suspected the police are informed and investigations are carried out with a view to instituting criminal proceedings. In less serious cases those concerned are interviewed and the damage they are doing both to their own interests and those of the country at large are explained to them.

Status reports are available upon request to all overseas merchants and where a Nigerian trader is known to be unreliable the overseas merchant is advised to exercise extreme caution in his business dealings with the firm in question.

I would also invite the hon. Member's attention to the reply I made to Question W.207 during the adjournment which has appeared in the Votes and Proceedings of this meeting.

*Question—***W.445. Chief S. L. Akintola :**

To ask the Minister of Land, Mines and Power :—

Who owns the extensive area of land used by the Ikoyi Golf Club as Golf links ; what is the root of the title and what is the area of the land ?

*Answer—***The Minister of Land, Mines and Power :**

I presume the hon. Member is referring to that land leased to the Ikoyi Club (1938) for sports and social purposes.

The land leased is 180.724 acres in extent and is Crown Land by virtue of section 7 of the Ikoyi Lands Ordinance, Cap. 87.

*Question—***W.449. Chief S. L. Akintola :**

To ask the Minister of Natural Resources and Social Services :—

How many candidates took Entrance Examinations of :—

(a) King's College, Lagos and

(b) Queen's College, Lagos

in the year 1954-55 ; and how many were admitted in each case ?

*Answer—***The Minister of Natural Resources and Social Services :**

KING'S COLLEGE, LAGOS						1954	1955
No. taking examination	..	..	..	..	..	2,000	1,647
No. admitted	..	..	..	..	..	50	50
QUEEN'S COLLEGE, LAGOS						1954	1955
No. taking examination	752	951
No. admitted	30	30

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[Written Answers]

*Question—***W.452. Chief S. L. Akintola :**

To ask the Minister of Trade and Industry :—

By what percentage had the price of exported stockfish risen in Norway between 1953 and 1955 and what was the corresponding rise in the local market in the price of stockfish imported to Nigeria from Norway during the corresponding period ?

*Answer—***The Minister of Trade and Industry :**

The price at which stockfish is exported from Norway is not known as all import statistics are kept on a C.I.F. basis. This latter basis however provides a reasonable basis for comparison and the average price of imports of stockfish from Norway in the last three years has been :—

1953	.. .. .	2s-5½d per pound.
1954	.. .. .	2s-1d per pound.
January to May, 1955	.. .. .	2s-0½d per pound.

It will be noted therefore that the landed cost has not risen but is steadily falling.

As regards the local market price of stockfish imported from Norway, this varies from time to time and from place to place to such an extent that it is not possible to relate market prices to landed costs.

*Question—***W.454. Chief S. L. Akintola :**

To ask the Minister of Trade and Industry :—

What industries since the passing of the Aid to Pioneer Industries Ordinance 1952 to date, have been declared pioneer industries ; what products have been declared pioneer products and who are the proprietors of those industries ?

*Answer—***The Minister of Trade and Industry :**

None, Sir. Notices have, however, been published in the Gazettes of the Federation and the Regions announcing Government's intention to declare the following industries and Products to be Pioneer Industries and Products in accordance with Subsection (2) of Section 3 of the Aid to Pioneer Industries Ordinance. Objections, if any, have to be made by 25th August.

<i>Industry</i>	<i>Product</i>
Cottonseed processing.	Cottonseed oil Cottonseed cake.
Underground mining methods for the extraction of lead zinc ores as opposed to open cast mining.	Lead zinc ores mined by underground mining methods.
Manufacture of rubber soled shoes.	Rubber soled shoes.
Manufacture of cabin bread biscuits.	Cabin bread biscuits.
Groundnut flour milling.	Groundnut flour.
Manufacture of portland cement.	Portland cement.

*Question—***W.456. Chief S. L. Akintola :**

To ask the Minister of Trade and Industry :—

When did the proprietors or the owners of each of the industries now declared as pioneer industries first establish them in Nigeria ?

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*Answer—***The Minister of Trade and Industry :**

No industry has yet been declared a pioneer industry. I would invite the attention of the hon. Member to my answer to his Written Question No. 454.

*Question—***W.457. Chief S. L. Akintola :**

To ask the Minister of Works:—

To what use does the Government propose to put old Supreme Court Building at Tinubu Square, Lagos ?

*Answer—***The Minister of Works :**

The old Supreme Court building at Tinubu Square is at the disposal of the Judicial Department and is at present being used by the Chief Magistrate, Lagos. It will continue to be used by Magistrates and possibly by a Judge of the Lagos High Court until new Court buildings in Lagos are available. It is intended eventually to demolish the building.

*Question—***W.458. Chief S. L. Akintola :**

To ask the Minister of Trade and Industry:—

What profits were made or losses sustained by the owners of each of the industries now declared as pioneer industries in—

(a) 1951-52

(b) 1952-53

(c) 1953-54

(d) 1954-55 ?

*Answer—***The Minister of Trade and Industry :**

No industry has yet been declared a pioneer industry. I would invite the attention of the hon. Member to my answer to his Written Question No. 454.

*Question—***W.460. Chief S. L. Akintola :**

To ask the Chief Secretary of the Federation:—

What services does the Federal Government propose to provide for Nigerian pilgrims at Jedda and in Mecca ; what is the estimated capital cost of the services ; and what is their recurrent cost ?

*Answer—***The Chief Secretary of the Federation :**

In the current financial year the Federal Government made available £2,000 for the expenses of three Nigerian Pilgrim Representatives and a Dispensary Attendant in the Hejaz at the time of the pilgrimage and also allocated £500 for the repatriation and relief of distressed Nigerian pilgrims. In addition the sum of £350 was contributed to the cost of the Sudan Medical Mission which assists Nigerian Pilgrims both in the Hejaz and on the overland route through the Sudan. It is proposed that all this expenditure shall be repeated next financial year. No other expenditure is at present contemplated but the Pilgrim Representatives will be asked to submit a report on their return from Jedda and this will receive careful consideration.

[Written Answers]

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[Written Answers]

*Question—***W.461. Chief S. L. Akintola :**

To ask the Minister of Land, Mines and Power :—

What is the acreage of land compulsorily acquired on the Iddo Island from the Olofin Chieftaincy Family by the Nigerian Government ; and what was the compensation paid ?

*Answer—***The Minister of Land, Mines and Power :**

The acreage of land compulsorily acquired at Iddo Island from the Olofin family was approximately 58 acres. The total compensation paid amounted to £1,233-16s-8d.

*Question—***W.463. Chief S. L. Akintola :**

To ask the Chief Secretary of the Federation :—

Who appointed Lieut.-Colonel J. Imrie, M.B.E., and Mr D. G. Lee to conduct their recent inquiry into the training of civil servants in Nigeria, and how much did the mission cost the Government of Nigeria ?

*Answer—***The Chief Secretary of the Federation :**

Lt.-Col. Imrie and Mr Lee were appointed by the Secretary of the State to carry out the enquiry. The offer of the Secretary of State to send the Mission was accepted by the former Council of Ministers on the 30th of March, 1954. The visit of the Mission cost the Government of Nigeria nothing. All expenses and travelling costs were met from Colonial Development and Welfare Funds.

*Question—***W.466. Chief S. L. Akintola :**

To ask the Chief Secretary of the Federation :—

What does the Government of Nigeria propose to do with the Imrie-Lee Report of the West Africa Survey Mission on the Training of Civil Servants in Nigeria ?

*Answer—***The Chief Secretary of the Federation :**

As stated in the Foreword to the printed edition of the Report (a copy of which has been sent to all hon. Members), the Government, while it welcomed the advice contained in the Report, decided to wait until the Report of the Gorsuch Commission became available before taking a final decision to what extent and by what means the Imrie-Lee Report should be implemented. The Government attaches the very greatest importance to the provision of adequate Training facilities and the advice contained in the Imrie-Lee Report is now being reviewed in the light of Mr Gorsuch's recommendations. In anticipation of further decisions, provision has been made in the current year's estimates for the appointment of a Senior Establishment Officer (Training) whose duty it will be to build up the training organisation decided upon. In September, two Nigerians (one a Secretary-Typist and one a Verbatim Reporter) are to begin a nine-month course at the Pitman Institute in the United Kingdom success in which will qualify them to act as Instructors in Verbatim Reporting.

*Question—***W.467. Chief S. L. Akintola :**

To ask the Minister of Land, Mines and Power :—

To what specific purpose does the Federal Government propose to put the large piece of land reclaimed between Five Cowrie Bridge and the Victoria Beach, Lagos ?

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[Written Answers]

*Answer—***The Minister of Land, Mines and Power :**

Only limited reclamation work has been carried out on Victoria Island and this has been incidental to the clearance of the main harbour channel.

A scheme is however under consideration by the Lagos Executive Development Board for the general development of this area.

*Question—***W.470. Chief S. L. Akintola :**

To ask the Minister of Works :—

Whether he is aware of the necessity for an urgent replacement of the wooden bridges on the Zungeru-Funtua Road, and when he proposes to start the work on the new bridges ?

*Answer—***The Minister of Works :**

The Federal Government is responsible only for those bridges between Tegna and Mando which is part of Trunk Road A1.

2. The bridges in this section are scheduled for reconstruction at an early date as permanent structures to heavy loading standards. Invitations to tender have been invited for the reconstruction of all bridges between Lagos and Mando.

3. It is expected that work will start on these bridges, early in 1956. In the meantime temporary repairs, where necessary, are being carried out.

*Question—***W.477. Chief S. L. Akintola :**

To ask the Chief Secretary of the Federation :—

What is the immigration policy of the Federal Government regarding British and foreign firms desirous of entering the country with a view to engaging in agriculture either as their sole interests in the country or part of their business activities ?

*Answer—***The Chief Secretary of the Federation :**

The policy of the Federal Government is to allow immigrants to reside and work in Nigeria only where it can be shown to be of economic or social benefit to the country that they should do so. It is the Government's view that it would not be in the interests of the country to allow persons to enter for the purpose of individual agricultural settlement. Other applications for permission to enter the country and engage with Nigerian interests in agriculture would be considered on their merits including particularly such matters as whether the development of new crops or the improvement of existing crops was involved, the degree of Nigerian participation and the views of the Government of the Region concerned.

*Question—***W.479. Chief S. L. Akintola :**

To ask the Minister of Transport :—

Whether the development of Koko Port will start this year ?

*Answer—***The Minister of Transport :**

The construction of port facilities at Koko must be deferred, pending a decision on the NEDECO proposals for improving access to the Delta Ports. These proposals are now under consideration. The design of port facilities at Koko will necessarily depend on whether it proves possible to develop the draught on one of the Delta bars.

Debates in the Federal House of Representatives of Nigeria

Monday, 29th August, 1955

The House met at 10 o'clock

Prayers

(Mr Speaker in the Chair)

QUESTIONS AND ORAL ANSWERS

Question—

***O.125. Mr F. U. Mbakogu :**

To ask the Chief Secretary of the Federation :—

Is he aware that the Clerical Staff of the Prisons Department are not provided with uniforms ; and what steps is he taking to remedy this ?

Answer—

The Chief Secretary of the Federation :

Sir, in the Prisons Department, Disciplinary Staff is distinct from Clerical Staff. Members of the Disciplinary Staff are required to wear uniform but members of the Clerical Staff are not and none are therefore provided.

Question—

***O.137 Mr F. U. Mbakogu :**

To ask the Minister of Trade and Industry :—

What is the total number of trading and business firms registered in Nigeria ; of these how many are—

- (i) Nigerian,
- (ii) British, and
- (iii) Others ?

Answer—

The Minister of Trade and Industry :

The total number of Companies registered in Nigeria under the Companies Ordinance is 821 made up as follows :—

Nigerian	..	..	..	..	..	..	..	..	611
British	..	..	..	..	..	..	..	..	159
Others	..	..	..	..	..	..	..	..	51

The total number of firms registered under the Registration of Business Names Ordinance was 44,050 as on the 17th of August. The present legislation does not require the nationality of a firm registered under this Ordinance to be stated.

MOTION

Mr Kolawole Balogun, Federal Minister :

Mr Speaker, Sir, I beg to move the motion standing in my name that all proceedings on Government business be exempted at this day's sitting from the provisions of Standing Order 4 (Sittings of the House).

As hon. Members are aware, the remaining part of Government business is the motion which is being debated and also the motion of the Financial Secretary. It is hoped that hon. Members will try so that Government business can be concluded today. But if it lingers on, then we shall have to do everything possible to see that we sit probably in the night to see that this thing is finished. That is why this motion is being moved.

debated. The Government in putting forward the proposal is fully aware that it will cost something and Government would never have brought it before the House if it were not satisfied that there were adequate provisions to meet the additional charges. (*Hear, hear*).

The hon. the Leader of the Opposition also asked for an undertaking from the Government that this revision will be adequate to induce overseas staff to come forward, and he hoped that very soon another commission would not be necessary to look into the question of salaries. It appears to be asking the impossible from the Government. The movement of wages and prices, etc., are things over which Government has no control whatever. It lies in the hands of Allah and He alone can determine the future.

It is necessary, Sir, to emphasise that there is nothing lavish about what has been done. It was only just what has been dictated by circumstances. However, Sir, I would like to say that what had been suggested will go a long way towards solving the problem and no further difficulties will be encountered.

Sir, referring to the question of Nigerianisation, I would like to inform the House that I was one of the members who served on the Foot Commission, and I can recall one of the statements made by Sir Hugh Foot in his opening remarks on that Commission. He said that the need for accelerating Nigerianisation could not be over-emphasised. In any country, Sir Hugh went on, which was approaching independence, the preliminary preparation was to train her own men for responsible jobs in order to man her own affairs. In addition, Nigeria, with its limited resources, cannot in any case afford to continue the costly process of having expatriate officers indefinitely. And he continued by adding that steps must be taken to Nigerianise the Civil Service as rapidly as possible having regard to the maintenance of good standards. Sir, since the time of that Commission, the Government had spared no effort to achieve that goal and, as you are all aware, the number of Nigerians now holding responsible posts in the Civil Service as a result of that has been on steady increase. Looking at the Staff List, one like the hon. Jaja Wachuku might gather the wrong impression that Nigerianisation is slow. But what in fact is happening is that the pace of development is so rapid, in fact so swift, that it is beyond the rate at which suitable Nigerians are becoming available.

Sir, we all know that because of the fact that I have explained, it is necessary to continue the appointment of expatriate officers for quite some time. The officers taking up appointments in such circumstances fulfil a need of the country and they must in return have money to live. Without this they will not serve this country, or they will not leave their own country. But money is not all, Sir. We must make the conditions such as will make them happy and contented. They must certainly have no cause for anxiety if they are expected to be efficient.

Sir, it has been stated time and time again in this House that in all departments where there are provisions for deputies Nigerians should be promoted to those posts with a view to under-studying the substantive holders of those posts. This, as an abstract suggestion, might appear to be very good, but when applied in practice, the folly of it is apparent. Hon. Members should remember that the Civil Service is a ladder with so many rungs to be climbed before one reaches the top.

An hon. Opposition Member :

How many rungs did you climb before you become a Minister ?

The Minister of Land, Mines and Power :

I am not a member of the Civil Service. I am a politician. (*Hear, hear*). Sir, to ignore experience, seniority and merit would be too expensive a price to pay for the purpose of Nigerianisation at all costs. Such a move, Sir, is fraught with grave consequences, and we have to be very careful.

Sir, in the course of his speech, my hon. Friend and Colleague, the Chief Secretary, referred to the inevitable discrimination that exists between European and Nigerian serving officers as evidenced by elements of remuneration like the inducement allowance. With due

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deference, Sir, I would like to differ with him on this point. We would not be correct in talking of discrimination in this context. The Nigerian is serving his own country and he must be prepared to accept whatever his country can afford. The expatriate officer on the other hand has been brought from his country several thousands of miles away and to serve in a country which is not his own. Certain conditions must be fulfilled before he will come, and having come, his commitments and his needs are different from those of a person serving in his own country. His responsibilities to his relatives and families in two countries ought to be borne in mind and these should be reflected in the remuneration which can be expected to satisfy him.

Sir, let me illustrate this further. If I as a Muslim and the hon. Jaja Wachuku were to go and visit Mr Akintola, being a Muslim, if a glass of soft drink is set before me I am adequately entertained. The hon. Jaja Wachuku may be used to other forms of entertainment. He may like a glass of "golden water" (*Laughter*) and it may cost 2s and even more. We are thus adequately entertained at costs that differ because our needs differ. I do not see how the question of discrimination can come in at all.

An hon. Member :

Cut down your salary as a Minister !

The Minister of Land, Mines and Power :

Forego yours as a Member ! (*Laughter*).

Sir, I wish to congratulate hon. Members for urging the Government to elaborate and expedite the training schemes, and I can assure them that their suggestions have not fallen on deaf ears. It is a matter which is uppermost in the mind of the Government. This is indeed the logical and practical conclusion of nationalism, otherwise nationalism will have no meaning. The achievement of this ideal, Sir, is the most fitting monument that the British people themselves would wish to have. I am sure everyone will agree with me that the climax of their pride and satisfaction is not only that they have led Nigeria to self-government, but that they have also assisted to provide Nigerians of the best calibre to take over from where they left off.

Lastly, Sir, I would like to repeat the warning which our Chief Whip has already sounded in this House, and that is that the people who are yearning for the Gorsuch Report are not yearning for the Report as such, that they had seen and read in the papers. What they are waiting for is the concrete manifestation of the Report in the form of the monetary awards that it will bring. Let us therefore not delay it by talking too much while people are eagerly waiting for the decision that means money to them.

Sir, I beg to support the motion.

Mr F. T. Odum (Ahoada) :

*Sir, much has been said from all corners of the House, but I have my own personal views to subscribe to this matter. After going through the contents of this Report of Gorsuch I have to thank the Council of Ministers in that they have gone very carefully into this voluminous Report.

Again, Sir, I have to give my happy thanks to Mr Gorsuch who has ably and with great pains gone into the matter and has decided accordingly. Nevertheless, I will give this House my personal views in the whole matter, particularly about the daily-rated labour about which everybody has spoken in this House. The rate for daily-paid workers was not included. In my humble opinion, Sir, I wish that Government according to their promise in the White Paper urgently appoint a committee to go into the matter as the Federal Industrial Whitley Council has been already going into it.

* Speech not corrected by Member.

It is clearly stated in the Commission's Report, Sir, that the advice of Mr Gorsuch is sought on two main groups of subjects, that is the structure of the Public Service and secondly the remuneration. Now the daily-paid workers are still left out. They have been left out entirely.

Now, the question of Voluntary Agency teachers is the one in which I am now going to put my own opinion. They are like daily-rated workers as well, suffering in anxiety to get money. I do not seem to understand clearly the clauses used in this particular Report. I was once a teacher, and I would very much be thankful if this statement would be fully explained if I am not out of order. There are certain teachers working in the Government schools and some in Government Colleges. Some work under the Missions and those are the ones termed as Voluntary Agency teachers. The difference between the two sets of teachers is where one set of teacher is more qualified than the other. In other words if the Government teachers are recognised as better teachers and should receive salaries according to the Commission's Report, the Voluntary Agency teachers are left out.

Now, at page 91, paragraph 251, it is stated that "As primary education is mostly in the hands of local authorities and voluntary agencies the numbers of this category employed in the Education Departments are small. The long scale D1-3 should be adopted for them, with points of entry and ceilings regulated by the grade of certificate held". At paragraph 253, page 91, the Commissioner's Report shows the different grades of teachers and their qualifications. Why not include those teachers working in the Voluntary Agencies to run the same scale of salary? There lies my question. I do hope that the Council of Ministers will be ready to solve this problem in the near future.

Oversea officers are one of the group of people with whom I am in great sympathy—that is the expatriates. I am very much in sympathy with them. Now, it has been removed in this Report and their name should now be off from the list. I am in support of Mr Gorsuch in including this children's allowance for them because these people have come all the way from the Atlantic Ocean to help Nigeria. (*Laughter*). In this particular Report I have to thank Mr Gorsuch for including children's allowances. The officers have been employed by the Nigerian Government and have crossed over where we have got no staff to fill the vacant posts which Nigerians could be given. They have wives and children and those of course will be maintained.

I give my full support to the recommendation of the Commissioner's Report in paragraph 206, that is allowances, and I am very thankful to the Council of Ministers that they have made a statement on that.

Now, should we say that we are ripe to drive away overseas officers? Should we now say that we are ripe for self-government? I wish to say that there are too many discriminations in this country. I still say there should be no discrimination whatever if we want self-government. Discrimination of race, between the white and black; discrimination of tribe. One man may say I am not Ibo and the other man will say I am Ibo; the other man will say I am Hausa and the other man is not Hausa and so on...

Mr O. C. Agwuna (Awka) :

On a point of Order, Sir, I do not know whether reference to discrimination between tribes is relevant to the Gorsuch Report.

Mr Speaker :

I do not observe the speaker out of order on the ground of relevance, though perhaps supplied with almost too copious notes. (*Laughter*).

Mr Odum :

Thank you, Mr Speaker. This is a point with which everybody is concerned. I must make mention of it often and often. There is too much discrimination in this country, even discrimination of party politics—people making party politics are always ready to harm their

fellow persons either by imprisonment or killing. Is that how we are going to do self-government? Tom would find all possible means to implicate Dick and if possible to imprison him; and the other will retaliate. All these things are a mockery of Nigeria, particularly in the West.

I seem to believe that Nigerian politicians are now trying to split Nigeria into bits like a piece of cloth. United we stand, and divided we fall. With these few observations, Sir, I beg to support the motion.

Mr S. W. Ubani-Ukoma (Aba):

Mr Speaker, Sir, I would like to refer my observations to certain points that hon. Members have not dealt with. I want to refer hon. Members to section 46 of the Gorsuch Report. There, Sir, it says: "A cardinal factor in the new constitutional arrangements is that there is now a Federal Service comprising a number of very important departments and having its members in each of the three Regions. The existence of this Service must act as a brake on any aspirations which the Regions may have to go entirely their own way in matters of structure and remuneration of their public services. The more the Regions differ in their terms of service, the nearer to impossible it becomes to devise terms of service for a Federal organisation serving in all three Regions."

If hon. Members will also have time to read section 47 they will understand that Mr Gorsuch was quite correct in his observation that there should not be much difference in the remuneration between different sections of the Nigerian Civil Service. Very unfortunately the country is really divided into four sections, and I thought that it was a duty incumbent upon the Government of the Federation to try to co-ordinate policy. There is no reason why one officer should be paid higher in one Region and his counterpart is paid lower in the other Regions. This does not make for unity. The White Paper presented on this subject mentions in paragraph 11 that the Government has decided that Regional Governments should be invited to enter into an agreement not to offer salaries and other conditions of service without prior consultation with other Governments, upon the understanding that the right of each government to proceed as it thought fit after consultation remained unfettered. I am submitting, Sir, that this sort of agreement is not enough. It is not a question of agreement, entering into contract with another government, a contract that has no consideration.

What I would request the Federal Government to do is to formulate a policy which would make them to be in the forefront. There should be a dynamic leadership emanating from the Centre. I would not like these Regional Governments to diminish; they are always trying to ape one another. All I would want is a real lead and it should start from the Federation. There is no reason why the Federation should wait until somebody pays his own judge before the Centre thinks of it. We want the Regions to follow the Federation. In commenting on this I would like to say that I have a very small sympathy for the Ministers because in their political race to impress their leaders they have taken decisions to tie the hands of the Council of Ministers. If they had not done that there would have been a little difference in the White Paper. But they are just following what their Regional fellow politicians have done, trying to consult them in the privacy of their rooms and coming here to bring something that is new. It is wrong for the Federal Government to wait until the Regions have set forth somebody to represent them in Europe or in the United Kingdom before they appoint a Federal representative. I am only making a suggestion that in future we would like them to do something better, to be a model to be followed by the Regions.

Mr Speaker, I support the recommendations of the Commissioner; my reason is. . . (*Heckling and interruptions*).

Mr Speaker:

I must warn Members on my left that if many of them want to have a chance to speak they must listen quietly.

Mr Ubani-Ukoma :

I think this is an opportunity for Africans to benefit from the funds of the Nigerian Government because it is not only that a lot of remuneration has been given to expatriate officers, but in this Report something has been suggested for the indigenous staff. I want these things to be more evenly distributed. At this moment Nigeria seems to be able to foot the bill, but I am not sure that that is likely to happen in the future. It seems to me that the dream of Pharaoh has no application to the Nigerian economy. It seems to me that the Financial Secretary has seen some money in some corner and wants to encourage it to be frittered about. I am not in a position to say it should not be. What I am saying is that there should be an even distribution. I do not like discrimination.

I disagree with the hon. Chief Secretary. Discrimination is there in all respects. I would like all members of the Service to be benefited by this Gorsuch Report. It seems to me, and not only me, but other Members of the House and even also the public, that this Gorsuch Report is something like a Christmas feast and it is provided for some to enjoy while others wait until committees have been formed. My idea is that when you are awarding these Christmas gifts everybody should be enabled to enjoy them at the same time. I am asking that you should give everybody what he wants so that when the money finishes everybody will know where he stands. (*Laughter*). Everybody wants to go up, everybody wants to ride in a car. Give everybody what he wants, so that when the time of reckoning comes we shall be able to know our fate.

Another point that has impressed me greatly is the big gap that has been closed—the closing of that big gap between the Junior and Senior Services. The new entrants in the Senior Service can no more deride the experience and the excruciating services of the Chief Clerk. If the Chief Clerk wants a car give him a car, anything that will make him happy because as I have said before I do not like discrimination. This country is full of luxuries and you will remember that this country has given too much luxury to the Civil Servants and you will also remember that when motor cars are imported into this country the Government dish them out to Civil Servants free of charge. The cars you see in the streets are not paid for by the Civil Servants. They are given free. Do you understand what I mean?

Hon. Members :

No.

Mr Ubani-Ukoma :

The basic allowance they take monthly some of them even make a profit on it.

An hon. Member :

But you were drawing even fatter allowances when you were a Minister. (*Laughter*.)

Mr Ubani-Ukoma :

Not at all. I had three cars before going into the Ministry.

I also want to talk about the transport trade. We should encourage the transport trade. Government spends too much money in paying fares. I refer particularly to the question of fares paid for the wives of expatriate officers going back home to look after their children. I think that in one section it said that the maximum is two adults. That would mean that an expatriate officer, who has at least two of his children in London or in any part of the United Kingdom and his wife will come here and every birthday, she will go and have a free trip and come back; the next day there will be another birthday, then she will go. I think it is too much wasting of our money. That is enough; in addition to the usual travelling home money paid to him. The benefit that is provided here is too much and I think this is where the money is being wasted. And in other cases, too, the expatriate officer is allowed to travel

first-class. Why can't the transport agents, or the transport organisations, provide second-class for junior expatriate officers? All these things are designed to ruin our purse and I also want the Ministers to take note of this, that stringent measures should be taken to see that many people do not go about frittering away our money.

I will talk also, Sir, on paragraphs 17 and 34 of the White Paper, which said something about the report which makes it incomplete. The Council wants many matters to be left over, and that would be exclusive within their own purview, and that will create a chance for lobbying. This is the kind of thing that we do not want. Rather unsatisfactory. The Council should not create a chance for anybody to come and say "Do this thing for us; do that for us". Why should not Permanent Secretaries know what they are entitled to at the moment? Because it is said that they are going to look into those matters. Teachers also would like to know what they are expected to have, and many other people. There is no reason why you should have four to five consecutive months and you have not made up your mind. This type of thing is rather unsatisfactory.

Now, Sir, I want to refer to paragraph 36, which has something to do with the Commissioner of the Cameroons. The Commissioner of the Cameroons is a special representative in the Trusteeship Council, and I want to mention it here that he is in a way a Governor of his own; he is a Governor of the Cameroons. There is no reason why you should equate him with the salary of a Resident. Give him money. (*Loud laughter*). The salary of £3,240 is not enough. Let him enjoy while others are enjoying.

I am back now to the question of the Judiciary. Mr Gorsuch has treated the judges and the magistrates with disrespect. The Council of Ministers have seen to this and have increased that of the judges. They should have gone further. I must mention it here that there seems to me to be some sort of discrimination against members of the legal profession. I do not see any reason why the magistrates should not have a salary that is fixed. Pay them £2,000, each magistrate. Do not give them any promotion. After all, the work he does this month, or this year, is equal to what he will do ten years to come; the volume of work. In England they have no yardstick for promotion. Give them money, so that they might respect nobody, and our judges should also be paid equally all over the country. For instance, for a judge here to be paid something smaller than what the judges in the East, West, or North should get; they belong to the same profession. I can even give an instance where a judge who has served five years in the East is now receiving a salary lower than what a Judge in the West, who was only employed two years ago, is receiving. This type of thing should not happen in our civil service. After all, many people have been saying that it was a bad thing for the Judiciary to be regionalised. Do you know what is going to happen next year? Unless you people would not obey your constituencies, the trend of thought, the public opinion, is that the Judiciary should not be regionalised. We want to have one single civil service, and we must start with the Judiciary. The salary of judges and magistrates should be decided once and for all, judges £3,000, magistrates £2,000. They should not be left at the mercy of the politicians. I will tell you what happened some time ago in the East this year. Certain spurious politicians tried in vain, I repeat, tried in vain, to influence people on the Bench, with all the Ministers and all the people in the Executive going to the court in a private matter. There was no reason why they should all go like that, just to attempt to influence the judge. The judge was not influenced. That kind of thing would happen in future if you keep on regionalising the Bench, and I think that it is time for us to know that if you want this country to gain independence you should, above all things safeguard the positions of two departments—the Judiciary and the Police. I have said it here, Sir, that I do not know why Mr Gorsuch did not give adequate respect to the members of the hon. profession, and I would like the members of the Council of Ministers to continue in doing what they are doing now, by trying to bridge the gap and rectifying the thing that is left undone.

I come to paragraph 57 of the White Paper. Here we deal with the contract officer. It is said here that the constitution interpreted its terms of reference as not applying to an officer who is employed as temporary, whether or not he is governed by a formal contract. There is

are now above him. Is this another evidence of fair discrimination? Let the Chief Secretary speak out. It may well mean that where colour begins justice ends. Is that what we are trying to be taught here?

There is yet another illustration. Somebody was talking about Posts and Telegraphs. Whenever we talk about this department there is a general tendency to refer to Africans in very high grades. Let us talk of Africans in the very low grades. What of the linesmen in the Posts and Telegraphs. I was once a telegraphist. You will find that these linesmen are the people who actually come to check the keyboards. They are real technicians in action. These linesmen run all over the Department, checking and putting in order the complicated telephone services. And yet they are not even graded as artisans. They should be graded as technicians. That is what they are. Call them so, grade them so; pay them so.

It will be difficult to go through all the departments. Look at the Medical Department. Look at the nurses. The Chief Whip of the N.C.N.C. Government Party here remarked that the nurses who have been graded as technicians are happy as such. I do not think they are. I may be wrong, but I do not think they are. All over the world nurses are regarded as professionals. What I am suggesting is that the grading team should consist of both white and black. We want Nigerians who have an idea of what is going on in the civil service. It is not just appointing one expatriate to regrade the staff of a department who has no practical experience or any knowledge of the department. There should be Nigerians who have a clear and cut knowledge of what is going on in these departments.

We have had inducement addition for the expatriates. That is good as long as we need expatriates. What we now want is indigenous incentive.

With these few remarks, I do not know whether I should say I support the Report, but I beg to take my seat.

Mr J. A. G. Ohiani (Igbirra) :

Mr Speaker, Sir, in support of the motion I welcome the Gorsuch Report and I say "well done" to the Government of the day. Much has been said about the Gorsuch Report. The only quarrel I have with Gorsuch is this, that in his findings or in his report he omitted Voluntary Agencies and daily-paid workers. I should think it is high time somebody appointed to do such work as Mr Gorsuch has done should be a Nigerian. If a Nigerian, brought up by Voluntary Agencies, Sir, were to take up this duty he would not forget that he was brought up by somebody that level. Really 75 per cent of this House were brought up by Voluntary Agencies. And as such to forget such a team will be a great sin committed. Really daily-paid workers in this country are very many. Day in, day out these people cry of their pay. Most of them will cry "Well, I am a daily-paid worker today and, as far as I am seeing things perhaps my children will be daily-paid workers tomorrow. God forbid it". I am glad the Government has taken a serious step to see that this will be gone into, and we hope to see that real justice is done to these daily-paid workers. As regards inducement allowances, Sir, I would welcome the idea of inducement allowance if it is generalised. There are so many Nigerians today actually who are qualified to man so many posts in the Government. If inducement allowance is generalised they will also be interested to take up posts. The Government is fond of saying "There is no qualified Nigerian to fill a post". I do not agree with this point. The point is that if Nigerians are not academically qualified it is high time practical experience qualified them for senior posts. We do not actually wait every time to import new ideas into Nigeria. There are ideas we can mould ourselves to improve Nigeria.

Mr Speaker, Sir, some time ago in this House the Government reported having no staff, qualified lawyers to take up magisterial posts. If inducement allowance is given to these lawyers I think they will be tempted to go in. We hope the Government will do something very interesting especially to daily-paid workers and it should commence from the date of the Gorsuch Report. I beg to repeat, Sir, that really it is high time practical experience qualified Nigerians for senior posts in the Federal Government. Mr Gorsuch has done his best and in

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the near future if we should have somebody to compile any report regarding Nigerian affairs it should be some Alhaji from the North or some Mister from the East or a Mister from the West. We have Nigerians who are equally intelligent as Mr Gorsuch in Nigeria. We consider this Government to be a democratic government, that is, the government of the people by the people for the people and it is high time we had Nigerians who will go into the affairs of Nigeria for the Nigerians. With these few remarks Mr Speaker I beg to support.

Mr J. I. G. Onyia (Asaba) :

Mr Speaker, Sir, I rise to support the motion. I am on all fours with all the reasonable suggestions made by my predecessor speakers. I agree, Mr Speaker, that services should be adequately remunerated but at the same time I agree that the services should be efficient and that increases in wages and salaries should go *pari passu* with our social and economic development.

The splitting in the public services has created a problem which threatens the unity and freedom of the Nigerian communities and shakes our Government, Federal Government, Regional Governments and local governments. It has provided a dangerous weapon to those who elect not to be statesmen but politicians in the worst form. The public services should have been left to remain one, while the Regions are allowed to decide the number of those to be employed just as in the case of the Southern Cameroons and as was the case in the past when provinces had a similar power like the Regions. I recommend that this question of unifying the public services should be seriously considered next year during the Constitutional Conference.

Our statesmen in this country need not be haunted by the ghost of domination in the public services either by another race or tribe when the practical remedy of speeding up the educational project is in their own hands and when they can see to it that their qualified men and women are not discriminated against. West Indians, Sierra Leoneans and the Gold Coastians once dominated the civil service of Nigeria but they were later replaced first of all by Yorubas followed later on by other Southerners and today these people have vanished without resort to any force. These people who dominated the Service in the past have all gone away peacefully without any restriction. There was no law and there was no regulation to force them out of this country. Naturally things righted themselves. So also eventually, Mr Speaker, all the communities in Nigeria will have their due shares in the Civil Services, whether one tribe or one community dominates the service at present.

Next I am recommending to the Council of Ministers that the time has come to appoint a Director of Recruitment. Regional Governments have taken a lead.

Gorsuch report paragraphs 150 to 151 and the conversion table No. 12 are most intriguing. The White Paper paragraph 16 shows sense of responsibility in its cautious approach. The conversion encourages graduates and non-graduates to choose the administrative service at the entry point of £624 per annum, leaving the professionally qualified to enter other departments at £600. I strongly recommend that graduates or the professionally qualified should enter any department on £624 per annum and non-graduates on £600. This is exactly the change over of the recommendation on the Gorsuch Report where it is stipulated that those going to the Administration should enter on £624 while those going on other departments should enter on £600. I just change it over, giving £624 at least to all the graduates entering any department.

Lastly I wish to remind the House that what I may term "civil service nationalism" has always influenced the affairs of this country and should be approached with all care and all sense of responsibility. It was the civil service nationalism which produced Garveyism in 1915 among the readers of the Negro world which had to be banned later on. Garveyism was dreaded at that time as communism is today. It was Garveyism as a result of civil service nationalism, which led to the founding of Caseley-Hayford's "West African National Congress". I say this so that we may be cautious in approaching the affairs of the civil service which has always influenced the affairs of this country. (*Interruptions*). From my own knowledge.

It happened before some of you talking here were born. (*Laughter*). It led to the role played by our late nationalist in this country. It gave inspiration to the late Kwegir Aggrey and our learned leader, Dr Nnamdi Azikiwe, to proceed to the United States of America to seek the golden fleece which we are all enjoying today. We are confronted today with Regional civil service nationalism, Federal civil service nationalism and, above all, racial civil service nationalism. I am asking that we must be cautious. Sir, I beg to support.

Mr Speaker :

At this time there usually is a break in the morning which I appreciate; though I do not propose to have one this morning. I should remain here but I do ask that the time will be used well by those who get called. Speeches are just running so long that not everybody will get in.

Mr J. Assadugu (Numan) :

Mr Speaker, I rise to support the motion on the floor. In doing so, Sir, one must congratulate Mr Gorsuch. All majorities in this House have said a lot about the Voluntary Agency teachers; but I felt there must be something very attractive for that, that is why people keep on talking about it. Mr Speaker, Sir, the Voluntary Agency schools have done more than good for this country. As I said, whatever man should say after all is all repetition. Voluntary Agencies have done more than good especially in the Northern Region. We should not talk of the West and the East; that has been done for a long time, they all know about that. But Mr Speaker, Sir, it was through Voluntary Agencies we happened in the Northern Region to get our first first-class graduate in the Northern Region in the person of Dr Dike. We cannot have to keep quiet not to talk much about the Voluntary Agency teachers. As the other hon. Member on my right had mentioned some percentage, about the educated element brought up by the Voluntary Agencies, he mentioned something round 25 per cent but I say 75 per cent. After all we all felt that these people have been left behind and we see no reason why such people who have done noble work for the country should be left out (he who volunteers to do something always does it very sensibly and excellently). Mr Speaker, Sir, not only one graduate from the Northern Region, but nearly the whole along the Middle Belt of Nigeria, nearly all of them were brought up by the Voluntary Agencies. Therefore we find that these people must be considered, although the Chief Secretary of the Federation made it clear that they will be considered. And again, Sir, not the schools alone, the Government must also consider the voluntary hospitals. They are all playing their part for the benefit of Nigeria as a whole. And I am still saying that whatever man should say after all in this House is all repetition.

Mr Speaker, Sir, I have heard you challenging some people not to talk about the Army; that is Reverend Solaru. Mr Speaker, Sir, as an ex-serviceman and a Sergeant-Major who served twelve years and moreover a regular soldier not a volunteer, I should say if we are not going to mention something about the salaries of soldiers in this House, why not mention some of their facilities and privileges. If you go to a station you see a sergeant who served more than eighteen years in the Army. I wonder why this man goes to mingle with other people in third class coach while first class constables in the police have the privilege of going to second class. The sergeant who served for eighteen years is there with his family mingling with others in third class. I think the person who is concerned should look into this matter very seriously. Mr Speaker, Sir, with these few remarks I beg to support the motion.

Oba A. Aiyeola (Ijebu Remo) :

Mr Speaker, before proceeding to make my observations on the recommendations of the Gorsuch Report I should like to issue a note of warning that this is not the time to shower encomiums and to throw bouquets. The success of this House will depend upon whether we have achieved the purpose for which we are sitting here today.

It is noted, Mr Speaker that certain important items of the recommendations on the structure and remuneration of the civil service in regard to the employees of the Government of the Federation have not been resolved by the Council of Ministers. This point relates briefly to the salaries of Magistrates, the seeming undergrading of super scale posts in the Medical Department, certain allowances and the wages of daily-paid workers. The proposal before us in relation to these posts is that conclusions will be consigned to the Standing Committee on Finance and that the decision will be communicated to this House. Mr Speaker, Sir, I think these are matters which are so important that they should not be left to the Council of Ministers to decide. I am afraid that Government is being unduly tardy in accelerating the policy of Nigerianisation. I should like to draw attention to what happened on the Gold Coast immediately after Dr Nkrumah came into power. One of his first assignments was to appoint a Director for Recruitment in the United Kingdom who saw to it that those Gold Coast students in the United Kingdom who for one reason or the other were not able to complete their courses of study were recruited and sent home. It is these people today who hold the executive and the higher technical grades in that country. Today the Council of Ministers has not been able to appoint a U.K. Commissioner for the Government of the Federation. What the Government has done is to appoint a pensioner who has gone home to represent Nigeria. I think this position is untenable.

Mr Speaker, Sir, I now refer to the question of nurses. There is a growing discontent among the male and female nurses in this country. To train as a nurse the period of study for both male and female nurses is three and a half years. A female nurse requires to be trained for another period of one and a half years before she becomes a midwife. But what happens, Mr Speaker, as soon as the male nurse is qualified under the old set up he goes straightaway to £124 per annum. But in the case of the female nurse she is put on the same scale of salary as her male counterpart after she has had an extra period of one and half years to become a midwife. I think that this position is rather discriminatory and something should be done for female nurses who at the same time studied for three and a half years before they became nurses and for doing another extra period of one and a half years before they became midwives.

I understand, Sir, that the Oshogbo Clerical Training School has been taken over by the Western Region. In the North there is a College of Administration and in the East I understand also that the Government is doing something to open a training centre for clerks. In the Centre nothing has been done. I think that the earlier something is done to open a clerical training college the better it will be for the Federation.

The idea of setting a body which is responsible for the Junior Civil Service examination for entrants into the public service should only apply to students who for one reason or another were not able to hold and obtain a recognised certificate such as the Cambridge School Leaving Certificate or the General Certificate of Education at the lower level. If this policy is being pursued it will bring Government to a disadvantage compared with commercial houses because these commercial houses do not depend upon such examinations; they take applicants who have passed the Senior Cambridge Certificate or the General Certificate of Education.

It is heartening to note that arrangements have already been made for the training in the United Kingdom of two Nigerians as instructors in verbatim reporting and that one also is to be instructor in the latest system of office organisation and methods. This is quite good. At Ibadan there is the Nigerian College of Arts, Science and Technology which has on its curriculum training for the post of accountants and I think that it will be of great advantage to the Federation if students are trained in this College so that they may be employed in the Audit, Inland Revenue and the Treasury Departments.

I refrain from making any comments on the daily-paid workers because the Government has assumed the position of god-fathers and defenders of the workers and this is the right time for the Government to vindicate its manifestations by concrete and substantial proof but I must at this juncture issue a warning that a hungry person is an angry person. Whatever

which I have to say about the Police is on this question of transfer at the Police Refresher Course at Ikeja. I do not know whether it is Yorubas that go to Western Region and others coming to Lagos. Government should look into it for there is something wrong.

Mr Speaker, Sir, I have to limit my talk at that. I have to say some other things about teachers. Many other people have said something about teachers. Teachers are the morals of this country. Teachers should be well graded including those in the Voluntary Agencies, and I hope Government would look into it and I believe they are going to do that. Mr Agwuna said something about the Posts and Telegraphs Department. The Government is bent only on senior technical grades but it forgets those in the junior grade. We have the Lineman who should be put on the technical grade. I can remember as far back as 1947 these people were graded on technical grade, but after that they had been graded into three scales—G, E and F. This is really bad. This Government is better than the Government of the past and I do hope that these people will be graded now as artisans or technical staff.

Mr Speaker I beg to support.

Chief I. S. Popoola (Owo North) :

Mr Speaker, Sir, while supporting this motion on the Gorsuch Report I would mention the Junior Technicians and the daily-paid workers. But talking in their favour now is mere sacrilege. I shall therefore quit the Ministers' holy ground. Mr Speaker, Sir, what I am going to remind the Council of Ministers about is that all sorts and conditions of people in Lagos are expectant of Gorsuch awards. Government should do something to Gorsuch the natural rulers of Lagos. The Western Regional Government is now ready to subsidise the Local Government Councils whose Chiefs are not adequately paid. A committee which was to go into salary structure of the Obas and Chiefs has finished its findings. Mr Speaker, it is expedient that the Federal Government do the same thing by giving consideration to the Obas and Chiefs in Lagos territory. Technically if the Government say that it cannot concern itself with the salaries of the rulers of Lagos but will only concern itself with the civil servants, then the Government has erred morally. Teachers, civil servants and Voluntary Agency teachers and all others who are members of this hon. House have been considered. The natural rulers should all be taken along with them. The Government should "gorsuch" the traditional rulers. Mr Speaker, I beg to support.

Mr B. O. Ikeh (Abakaliki) :

Mr Speaker, Sir, I am glad that I have the opportunity at last to contribute my views towards this debate on the motion before the House. Actually, a lot has been spoken by previous speakers on the Government conclusions on the Gorsuch recommendation about the workers. Certainly, I may say that the increased salaries are really good ; the workers need it. It must be appreciated that in order to establish an efficient staff, the people working must be properly remunerated.

With reference to promotion Mr Speaker, I wish to emphasise one thing. It may be the Government policy to promote the indigenous civil servants but there is one thing which hinders the implementation of the policy of promotion. This thing is the G.O. which they call General Orders. It is a Code of orders which prevents the junior civil servants from being promoted. We have developed politically ; many of our laws have been revised but if you go now to G.O. established fifty years ago, many things there have not been revised. You get a worker who is efficient, and according to Mr Gorsuch, promotion must be based on merit and as soon as a worker has shown an exceptional ability, he should be promoted, but the G.O. will say that even if he is able to do the work of a first-class clerk and he is a third-class clerk, he will not be promoted because his salary has not run up to £164 or as the case may be. I feel that the G.O. should be revised so that the junior civil servants should be promoted on merit. There are many third-class clerks working in say, the Marketing and Exports Department and other departments with exceptional ability.....

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

On a point of information, Sir, Government has accepted the recommendation of the Gorsuch Report that there should be a through scale for third, second and first-class clerks.

The hon. Gentleman is himself about fifty years out of date.

Mr Ikeh :

I am glad that the Government has accepted our view. Coming now to certain departments, I am not going to speak for a long time but I would like to draw attention of the Government to the Prisons Department. For instance you have a Warder who has been serving for long. This Warder is no longer a private. You are to remember that in the Prisons the warders are graded with the Police ; they run Scale H. A Warder with a stripe who is no longer a private is placed on the same salary with first class constable who is a private. The same thing with Warder with two stripes, he should run a scale with a Corporal but instead of running the same scale, he is placed on the same scale with Lance Corporal. A Warder with three stripes who should run the same scale with a Sergeant in the Police, he is made to run the scale of a Corporal. So the Warders are cheated. I think that Government should look into this and create a post of Senior Warder Grade III in order to harmonise the Prisons and the Police Departments.

One important thing I may say about the nurses. Generally a nurse who is in the Medical Department, say a female nurse, is married to a man who is not working in the Department, and sometimes, her husband is transferred to the Provinces and his wife is made to remain here. I think that the Government should adopt the policy of transferring nurses to work in the places where their husbands work or at least as near as possible to such places. If they are separated from their husbands, you know the result of such separations on family life and any nation depends on good families. So, to separate female nurses from their husbands is not good. Government should do something about that.

Without boring the House, I may say only one word about teachers. You may think that there is much repetition about teachers, but teachers are very important. Some look down upon teachers particularly clerks who may be the counterparts of teachers in Government departments because they are usually considered last. But you must bear in mind that even University Professors are teachers and after all these professors rule the world's civilisation. The new inventions, the atomic invention and many other inventions were done by professors and they are teachers. Teachers are really very important and I am appealing to the Government to do something very quickly about teachers. I feel that teachers should be given a special scale and a very high scale too. In India, I understand that it is a national duty that every person before he takes up any appointment in a Government department must first of all teach for two years because it is a national duty in order to bring up the illiterates on the line with the literates, but in Nigeria, we generally look down upon teachers.

My final word therefore is that teachers should be given a salary scale which would be adequate. Mr Speaker, I beg to support.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Mr Speaker, Sir, I shall not long detain the House but there has been something said to which perhaps I should reply. The Government is much comforted and strengthened by the support for its proposals that has come not only from those to whom it may commonly look for support, but also from the Opposition. The Opposition is not generally barren of ideas and had they been able to think of constructive criticisms, I have no doubt, we should have had the benefit of them. I have throughout the days of this interesting debate been listening and taking careful note of what has been said, but I find very little constructive criticism on matters of detail or indeed on matters of principle. I am grateful to the Leader of the Opposition who said that he accepts our recommendation, and we will give effect to the recommendations.

we will not thereby upset market prices ; and to those who ask me to institute a system of price-control effective throughout the country before the end of September, I say I am much obliged for the compliment but I am afraid it is quite beyond my power. But Sir, I do ask the House to take careful note of what has been said by two hon. Members—Mr Akwivu and Mr Howard that we must have regard to the economic consequences of what we are doing and it is all very well, so long as we have money from the public revenue, to keep giving more to the Civil Service, but if thereby we offset the economy of the country, we are doing neither the Civil Service nor the country any service at all ; and if any hon. Members have definite suggestions to make as to how to avoid the harmful consequences of pouring a large sum of money into the hands of one very small section of the community, I will be most grateful if they will bring them to me. I will give as much time as I can to considering them because I do now regard that as a most important thing.

I think, Sir, that so far, I have kept a very fair balance between the two sections of the staff. I think I have given as much time in my reply to indigenous questions as I have to the expatriate members of the staff in relation to the numbers in employment. I expect I will be pardoned if I say, at the request of the Leader of the Opposition, this one thing about expatriates. I am asked by him, Sir, in solemn tones to give him an assurance that if the House does what we ask it to do we shall not be back in six month's time to ask for more for the expatriates. I regret, Sir, I can not do that ; but one thing I can do, and that is give him a definite assurance of another kind. That is that, if as he and his colleagues have said, you want the services of expatriates—and I know you do—one of the worst ways of getting them is to permit some of the things that have been said in this House to get out amongst the Services ; and some of the things that have been said would be ill-received by indigenous public servants also. I think, Sir, that it is fair to say that so far as this House is concerned, the contributions to our debates of the most vocal member of the Opposition Bench do no harm at all. Indeed, Sir, Mr Wachuku can occasionally raise a laugh, but Sir, if any intending recruits to the Public Services were to know that this gentleman from his prominent position on the Front Bench in a debate on this Report on the Public Services of the Federation of Nigeria had said—if I may be permitted to refer to my note, Sir—Mr Wachuku, presumably speaking with a due sense of responsibility, had said : "I do not trouble myself with the details of this Report at all". Now, that is the consideration and attention that he has given to that. (*Cries of : Shame.*) If he is to say : "Oh, yes, we want the expatriates, yes, we do, but let us not give them 'sleeping allowance,' 'mother-in-law allowance,' 'nice time allowance' and all the other things", I say there is no better way, if those words get outside this House, to prevent people, either expatriate or African, from joining the Service and subjecting themselves to the possibility of control from such a Minister, for I suppose he might even become one. If the hon. the Leader of the Opposition wants an assurance from me, it is this : that the Services will not benefit from remarks of that kind. Serious criticisms there are always to be, as the Governor-General told us. If one is a public servant, one must serve the public and expect to get reasonable criticism from the public. But one does not expect to get—whether one belongs to the country or one does not—criticisms of that kind.

One other matter, Sir, that has been referred to. Opportunity has been taken to revive a very ancient horse which can always be relied upon to trot in a rather disjointed manner round this assembly and that is that Warders in the Prisons Service should, like the Police and Non-Commissioned Officers in the Police Force, be remunerated according to the stripes that they have on their arm. But hon. Members must know very well indeed that the system of stripes was abolished ; people who wore them at the time were allowed to retain them. The ranks in the Warden strength do not correspond to the ranks in the Police strength. The duties of the two bodies of men are quite different and the responsibilities are quite different and the training is quite different. Each is remunerated in its own way and I am sorry to say, Sir, that the Government is unable to yield to what is obviously quite one of the most popular demands that Members from all sides of the House have mentioned.

[*Report of Commission
on Public Services*]

29th August, 1955

[*Financial Provision for
Revision of Salaries*]

Well, Sir, I have dealt with all the points of importance, great and small, that have been mentioned, and in general there has been no inclination from any quarter of the House to do other than to support the recommendations of the Government on this most important Report.

M. Bello Dandago, Sarkin Dawaki (South West Central Kano) :

I think it is just the time for the question to be put. I beg to move.

Mr Kolawole Balogun, Federal Minister :

Sir, I second.

Question "That the question be now put" put and agreed to.

Original question put accordingly, and agreed to.

Resolved:

That this House accepts the Conclusions of the Government of the Federation on the Report of the Commission on the Public Services of the Governments in the Federation of Nigeria, 1954-55, as contained in the White Paper laid on the Table of the House on Monday, 22nd August, 1955.

FINANCIAL PROVISION FOR REVISION OF SALARIES

The Financial Secretary of the Federation (Mr A. R. W. Robertson) :

Mr Speaker, Sir, in accordance with Standing Order 67, I have it in command from the Governor-General to give His Excellency's consent to the consideration of the motion standing in my name. Sir, at one stage during the debate on the previous motion, which was not only moved but also wound up so admirably by my Colleague the hon. Chief Secretary, I thought I might have to get up and speak about the financial aspects of this Report. Several hon. Members during the beginning of that debate referred to various financial aspects and they asked such questions as : how are we going to foot the bill ? We should consider the purse ; we must balance the budget ; and one hon. Member went so far as to say that Government was putting the cart before the horse. Now, Sir, the first motion was obviously the one giving the motive power—the horse—that is the Civil Service. Without the Service you are not going to have the cart and you are not going to collect any money to put in that cart. So, as usual, this Government puts first things first, and sought approval of the conclusions on the Report and then puts the question which I am now doing—the question of finance—to this hon. House. I know that quite a number of hon. Members of the Opposition can never think that the Government does anything that is other than irresponsible. But it seems to me almost incredible that the Government would put a motion asking for approval of certain matters dealing with the Service, which are going to cost money, and then come with another motion saying : it is going to cost a million and a half pounds but we are very sorry we do not know where the money is coming from. So obviously, to most hon. Members, it was quite apparent that the money had all been planned, which is the case, and as usual the Government of the Federation, had the foresight to prepare for what was coming. I remind hon. Members that during the budget debate, the House was informed that this Government had budgeted for a surplus of £1,835,000. Hon. Members, some have obviously forgotten, were told that the surplus was required for three commitments and that it was impossible to estimate what the commitments would require in way of finance. Those three commitments were : first, the sum to cover the cost of increases to daily-paid workers ; the second to cover the recurrent cost of the reorganisation of the Posts and Telegraphs Department ; and thirdly, to cover the cost of the Gorsuch Recommendations.

As I stated, Sir, we had no idea what these three proposals or commitments would require but our guesses have not been very far wrong. The cost of the increases to the daily-paid workers granted at the beginning of this year with effect from the 1st of November, as the hon. Chief Secretary has just mentioned, required for the current year £426,000. We allowed the sum of about £400,000. The cost of the Posts and Telegraphs reorganisation amounts in the current year, if it is all spent, to £473,000. Again we guessed that perhaps £400,000

Council must, if I may say so, expedite the negotiation of this payment of salaries to the daily-paid workers in order to make it possible for them to enjoy, if I may put it as an hon. Member from the Opposition then puts it, "The Christmas gifts" along with other workers when the time comes.

After all, Sir, the services of the daily-paid workers are equally as expedient and necessary as those of the other working classes, say the Senior Service men and the expatriates, whose cases have been considered by Mr Gorsuch himself. These men are equally in so many things, qualified in some ways which you and I are not. Sometimes you may think that they do not matter and their services as well do not matter, but I think personally that they do really matter. I can safely say that they are experts in some of these things—such as tarring of roads, grass cutting, sweeping of the gutter and so on. Some of us will not condescend to do such things and they are necessary in our lives. Sometimes you see these very workers late in the night. . . .

The Financial Secretary of the Federation :

On a point of order, Sir, there is no provision included in this motion covering daily-paid workers.

Mr Speaker :

I am afraid that is quite out of order. I was hoping the hon. Member was going to develop his argument with reference to this resolution.

Mr Chuku :

I want to emphasise the necessity of their work and to be assured by the Government that the money is available to pay this salary. I want to emphasise that the case of the daily-paid workers should also be embodied in this provision.

I beg to support the motion.

M. Hassan Yola (North Central Adamawa) :

Mr Speaker, Sir, in supporting the motion ably moved by the hon. Financial Secretary of the Federation it is most gratifying to see that our Government is financially stable and can meet all its commitments with ease and vigour. It is now beyond doubt, even to the critics, that by approving the Gorsuch Report we are not building castles in the air. That would have been the position if such a large amount of money were likely to paralyse the purse of our Government. The workers will now rest assured that they are in the safe hands of a firm Government which has assured them to meet with the unanimous request of the hon. House for the arrears to be paid in block as soon as possible so that the trouble workers can be paid off and the new salaries to meet the rising cost of living.

In conclusion, may I congratulate our able Government for its policy of a slow but sure decision according to the proverb which says : "Slow and steady wins the race". With these few remarks, Sir, I beg to support the motion.

Mr J. A. Wachuku (Aba) :

*Mr Speaker, Sir, I know that those of the Government Party had more or less whispered to the Chief Whip on my left in front of me to move a closure, but unfortunately the closure was a bit too late ; it would have been very early indeed.

Now, Sir, the motion said that this House hereby authorises the provision of a sum not exceeding £1,550,000 under Head 76, new sub-head entitled "Revision of Salaries, etc.". Sir we would like to have an assurance that "not exceeding" this time means not *exceeding* ; because, Sir, the Government may come to the House and say : we do not want a sum more than this, and later on when the House has adjourned and gone the Government will come by the back door with lengthy memoranda to the Finance Committee and say : "Do that."

* Speech not corrected by Member.

The Minister of Land, Mines and Power :

I do not agree.

Mr Wachuku :

I do not expect the Minister of Mines and Power to agree with me because very soon his department will produce a lengthy memorandum and say: there was an oversight and we omitted one or two items and therefore, Mr Finance Committee, will you kindly make up this for us. That is exactly why I say that we hope that "not exceeding £1,550,000" means exactly that. As hon. Members will know sooner or later when the report of the Standing Committee on Finance comes before the House very few would even open it. But you will find in it that whenever provision is made here by the end of the financial year you find that additional provision has been made and that the money spent would be on the average about one and a half times what was originally provided for a particular head of expenditure.

Anyway the motion standing in the Order Paper now is more or less the final touch of the debate that has been going on. I am sure, Sir, that if it were not a matter of procedure of this House and being a financial motion it must come separately, this motion could have been taken together with the original motion and the debate should have been over by now. The Opposition is happy to know from the Financial Secretary that the money is there, that it has been provided for and that the workers can now wait around the Treasury or wherever they receive their money and receive their pay packets immediately. Let us not be told tomorrow after the Financial Secretary had told us here now that the money is available that by the end of September the workers will still be waiting; that the Civil Service we want to be contented will still be discontented for one month. The money is there. Let us not be told that the machinery has not been set up to distribute the money that is available. We want this assurance now—that between today the 29th of August and the 29th of September, one month, the workers will receive their pay packets *en bloc*, not one-third today, one-third tomorrow and one-third the next day.

An hon. Member :

That assurance was given; you were not here.

Mr Wachuku :

Yes, we are used to Government assurances, and invariably the Chief Secretary or somebody on behalf of the Government, may tell us: Mr Speaker, Sir, we regret that on the particular day when I made this speech the particular item was not at my disposal. What would we do to them? Nothing. All we would say would be: "We are always favourably inclined and ready to accept your oversights as human and we agree". That is why I want that assurance to be made doubly so in this House. If the workers should have their money *en bloc* some of them (you know recently in the Eastern Region there has been an inquiry into what you call "bride price") some of the bachelors may draw their arrears and use part of the money to take unto themselves wives, Gorsuch wives. (*Laughter*). Well, that is a monument in the annals of our economic and social development.

We on the Opposition would like to say that it is not everything that we oppose just for the sake of opposition, that the fact that the Financial Secretary has been able to estimate and make adequate provision for the immediate payment of this sum is creditable as far as his department is concerned. If all the departments of the Government will be as prompt in their action as the Financial Secretary has been, I think we won't have much to complain about. We want quick execution and we do not want any delay.

The Financial Secretary, in the closing part of his speech, touched on this question of price control. He said that it was a difficult thing because you had to control prices from the consumers' side as well as from the producers' side. If it was to be effective there was the question of the machinery for seeing that price control was effective. And he mentioned the difficulty of administration in a loose Federation like ours. Sir, I would not have gone further if the

unless the increase which has now been granted to them has some value in the hands of the workers. What will be the buying capacity of this increase? Would the amount of money to be released lead to inflation? If it leads to excessive inflation, I am afraid, Mr Speaker, that this increase will not bring much benefit to those for whom it is intended. The subject of inflation is a very delicate one and I hope that our financial experts and the Government will do everything within their power in order to make the increases which are being granted real. It does not matter whether a man is receiving £10 or £5 unless the buying capacity of £10 exceeds that of £5 and I am afraid that unless adequate measures are taken soon, goods which were worth, say, £2 last month might go up to £4, and, if so, it will not bring any material benefit to the workers. I appeal to the Government to do everything in their power in order to ensure that these increases bring real benefit to the workers.

An hon. Member :

What is your concrete suggestion?

Chief Akintola :

What is my concrete suggestion in this respect? I said that in the Government we have experts. The Financial Secretary is an expert and he referred to the danger of inflation. Well as he referred to this danger all that I was trying to warn him about was that mere warning against this danger was not enough. The Government must do more than merely point out the danger. There must be a fence around the danger spot which will help ordinary people from falling into the trap. As the hon. the Financial Secretary knows that the danger of inflation is real, he should advise us as to how to get over it, and then somebody has asked how can it be done? Well what about the imported goods to this country? If any other thing cannot be controlled the price of imported goods can be controlled. How that can be done is a matter that we will leave to the hon. the Financial Secretary and the Council of Ministers. The price of imported goods can be controlled. Imported goods are not manufactured in the villages.

The other point on which I would proffer some advice was in connection with the subject which has been mentioned repeatedly in this House. The sum of £1,550,000 is a lot of money, but we do not grudge the workers any penny of it. In fact, if it will make them more efficient, if it will make them happier, this hon. House is prepared to vote even more.

There is one point which I would not like the Government to lose sight of, and that is, in future if we are going to be faced with the problems of creating more inducement for our workers for our civil servants, especially the expatriate officers, we would like a figure to be presented to us which will provide at the same time for the training of our own boys and girls. Nobody can say with exactitude what fraction of £1,550,000 will go to the expatriate officers. I do not grudge expatriate officers any amount that is being paid them now, but if we are going to save ourselves from more and more demands in future I think the time has come for the Government to come before this hon. House and ask for an adequate sum of money for the training of our own boys and girls. I am not talking of asking for £50,000 or even £100,000. I want a fairly sizeable sum of money with a definite programme of training, say taking five to ten years. I am quite sure that, if the matter is properly presented and if even our Government ask for £1,000,000 or £2,000,000 for the purpose of training people for the Civil Service, this hon. House will gladly grant it. I therefore appeal to the Government that by the next Budget Session, if not earlier, a comprehensive training programme should be drawn up which would ask this House for a reasonable sum of money for the purpose of training our own people.

And, finally, on this figure too we want to be sure that we are not spending on the expatriate any money which could conveniently be paid to an African. It was pointed out that in a certain Government Department a trained and qualified officer was serving in the Junior Service. There is no doubt whatever that he has all the qualifications of a senior appointment and who knows whether at the moment an expatriate officer is not performing the duties which this African could perform with efficiency. If we are asked to vote money for expatriate officers I am quite sure that it would be a class of expatriate officers who cannot at the moment be replaced by Africans.

I do not hesitate to support the provision of this amount and I do hope that the hon. the Financial Secretary will not keep us in suspense and in doubt on what precise grounds, on what basis and what are the criteria by which he has arrived at this figure. I hope he will be able to enlighten this hon. House.

Mr D. N. Abii (Owerri) :

Mr Speaker, Sir, it is not necessary again to say very much about this motion that is standing. It is just a completion of what we have already done about the Gorsuch Recommendations, but I am feeling that as the last hon. Member has spoken, the money to make up the payment of the daily wage earners is not included in this £1,550,000. It will be necessary to remind the Council of Ministers that we do not want to be called back before the money that is to be paid to this class of worker is given out. One hon. Member has warned the Council of Ministers intimating that they should not bring any other paper to the Finance Committee. I do not know whether that Member wants these men who are toiling and moiling every day not to have their increases. I think he would be very reasonable enough to ask the Finance Committee to be prepared to vote out money in order to make up the payment of these daily-paid workers.

But in supporting this motion I feel there is something we have left out : something about the alternatives the Government pushed out and for which some amount is going to be distributed. I think in this money now being given out, it is included that every indigenous officer whose salary comes to £624 per annum will be given a separate domicile allowance if he has children. That may be a very welcome idea but I would like the Government to think of this : who needs this money more for the separation of his own residence and his children—a person whose salary is £300 per annum or a man whose salary is £624 per annum.

Mr Speaker :

This was settled by the House's decision this morning on the Report.

Mr Abii :

Accepting it, Mr Speaker, Sir, I just referred to it so that the Council of Ministers will look into it again because a Junior Service man needs that money more than a Senior Service man does.

Coming on to the salary which is going to be paid now to our magistrates and to our judges, I feel.....

Mr Speaker :

No, I shall have to stop the hon. Member from giving those details.

Mr Abii :

Mr Speaker, I will go back again to the conclusion and ask something about controls. To give out this money for the workers we all know is very good but Government has said that it is not very possible to control prices, but I feel that it is very possible to control rents. If this money will be useful to the workers rents must be controlled. The State owns the land and the owner of the house owns only the house. If an arrangement is made, the rents will be very well controlled so that this money paid to the worker will not be useless to him.

With these few remarks I support the motion.

Mr D. A. Ogbadu (South Igala) :

Mr Speaker, Sir, I rise up to support the motion on the floor moved by the hon. the Financial Secretary of the Federation. The motion is to give authority to the Financial Secretary to enable him to pay out the salaries and the arrears of the workers of the Federation of Nigeria. I will not fail to congratulate the Financial Secretary, a man with a key for the money in the store. All the legislators—and I suppose including myself—are ready to assist him to open the door even to push it and bring the money out for the workers today.

Mr Speaker, Sir, everybody knows that without money we cannot live. It is with the money that we maintain our family ; it is with the money that we buy cloth ; it is with the money when we are sick that we buy medicines.

Mr Speaker, Sir, the workers are anxious to have the arrears in September this year. Sir, I am sure the Financial Secretary will take urgent action to make the conditions better and pay them in due course.

As this motion is very important and as every hon. Member in this House is ready to pass this motion, Sir, there is no need to waste our time and waste our energy, I suggest that the question be now put.

Mr T. T. Solaru (Ijebu West) :

Mr Speaker, Sir, I would like to inform the hon. the Chief Secretary of the Government that this morning he very severely castigated Members of the Opposition, especially the Leader when he wasn't here—that isn't fair anyhow, when he tried to impute motives that Members of the Opposition have said a number of things which would drive away intending expatriates from this country who therefore wouldn't like to come to work here. I would like to say categorically that nothing has been said in this House which was intended to frighten anybody away except if they intend to be frightened away. All that was said was that while you are giving this and that to the expatriates, remember the indigenous Civil Servants. After all what we are saying is give us the power and let us have a share in the running of our own country, at any rate train us for it—that is the emphasis.

When we were speaking about training there was no reply to that from the Chief Secretary. The Financial Secretary has told the House that the money is there. I would like to ask is the money really there ? Because after all when the Financial Secretary was speaking he did say at first he estimated that it would be about £900,000 and now it has been calculated to be £600,000 more. He told us too that because the state of our Customs Revenue was healthy, the money will be forthcoming, and he estimated that this year at least we should be getting something like £50,000,000. I am saying that this isn't very realistic. This is tantamount to what you call a hand-to-mouth economy. We have not got the money there. It is no use telling us it is there. After all we have only got £900,000 and we are dipping our hands into our pockets. This year's revenue is just being counted up and you say the money is there. What if there is any emergency ? Where is the money going to come from ?

The Financial Secretary of the Federation :

If the hon. Speaker would come down to this store that I am told I have the key of, perhaps he would like to see the money ? (*Laughter*).

Mr Solaru :

What I am saying is that you are spending money which is not yet due to be spent, at least on this thing, and you are making it appear that we are so wealthy that the money is there. I am only trying to help the Government, because the time will come when *you* will have the golden key of the Treasury, and, with this demand and that demand it will be no use to turn round and say that there isn't money there. People will charge you with inconsistency. This is the time, Mr Speaker, to impress upon the Government what has been said all along that the money is not there in sufficient quantity to do all we want to do, like the social services that people are crying loudly for. And therefore it is the duty of the Government as the custodian of the people, their wealth and their welfare, to see means whereby we can increase the revenue and also the productivity of our workers. I think it is time and the duty of everyone in this House that we impress upon our own people not to be deluded by the constant repetition of the strain that the money is there, because you know what our people believe : the Government makes the money, they can find the money. Then the Government turns round to the people and tells them that the money isn't there unless it comes from their pockets, unless it comes from the product of the sweat of their brow, the money isn't there. It is going to come

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from the people, so the sooner we tell our people the better for all of us. It is incumbent upon all Members who are here when we go back to our constituencies to explain the machinery of Government to our people that the Government is not just a fairy godfather who can just produce money by waving a magic wand, and therefore if we are to vote £1,500,000 in paying this, unless our people will work harder for their money, unless clerks and other people who work in offices will visit the lavatory a little less frequently, unless our labourers bend their backs more to the toil rather than gazing at the passers by—it should be said here that unless we preach this gospel of hard work and industry, when next there is a demand for increases I hope that the Financial Secretary will not come here and say that the money is there. After all you say that the money is there because your hand is in the pocket of Customs Revenue. If anything happens to our product and if it does not fetch enough, you will find that the money will not be there. We shall have to explore other avenues of bringing more money into the country and to increasing the productivity of our people.

Mr Speaker, Sir, I am compelled to support the motion.

The Financial Secretary of the Federation (Mr A. R. W. Robertson) :

Mr Speaker, Sir, the speech of the hon. Member, Mr Solaru, reminds me of a very old story of a lady who had a bank account. She had £100 to the credit of her bank account and after about six months she had not drawn on that bank account. She went to the bank, wrote out a cheque for £100, presented it to the cashier and received £100 in notes. She laboriously counted this money and then handed it back to the cashier with the words, "Thank you very much. I wanted to make sure that it was still there". (*Laughter*).

Mr Speaker, I am quite satisfied that there is only one thing that will satisfy the hon. Member and that is a visual demonstration. Nothing else will satisfy him.

Sir, there is only one question I feel that I should reply to and that was the point raised by the hon. S. L. Akintola, Leader of the Opposition. He assumed that the figure included in the motion of £1,550,000 must be based on specific data. I can assure him that it has been based on specific data and the data is contained in the White Paper, the conclusions of the Government of the Federation, and those conclusions that have been accepted by Government and set out in the White Paper. They do not include items such as daily-paid workers, because that has nothing to do with this motion—it is a separate subject and this has been emphasised all through the two debates.

In regard to Voluntary Agency teachers, as stated in the White Paper, the Government is to give their case further consideration. So that quite clearly we cannot guess what the financial implications of those particular items are and that is why the motion standing in my name seeks the approval of the provision for implementation of the conclusions.

Now, Sir, I particularly did not want to burden Members with a whole lot of statistics, but they are available. We based our estimates on the approved establishment of the Service and we did, in fact, go so far as to estimate what amount of money would be required for three different categories of officers. It was a bit difficult because now there is only one Service. The two divisions we used to refer to, I am glad to say, are no longer in existence. But we did estimate the cost as regards superscale posts, posts of an intermediate grade, *i.e.*, from £570 to the superscale posts, and then the posts below £570.

Just as a matter of interest, as I am on my feet and the question has been asked and it also does apply to one or two other points raised, I can say that the net amount required for the superscale posts is £107,000, for the intermediate posts £570 to superscale £177,000 net, and for all the other posts below £570—£1,141,000. The balance is required for contract officers and other items.

M. Bello Dandago, Sarkin Dawaki (South West Central Kano) :

Mr Speaker, I think that my hon. Friend, Mr Jaja Wachuku might think that I would move that the question be now put.

Sir, there are one or two things which I consider the duty of everyone of us here before we leave, that it is not the money but what the money can buy. When we go back to our homes it is our duty as elected Members to remind the workers to be careful in spending money and to preach that there should be more production.

Purchasing power will be increased, there is no doubt about that. Although all these have already been said but I think that as elected representatives of the people, we should tell them that it is something human that when you have £1, tomorrow you get 25s you will be tempted to spend more, so unless care is taken in the increases we will find ourselves where we were, or perhaps worse. Mr Speaker, Sir, I beg to move that the question be now put.

The Minister of Land, Mines and Power :

Sir, I beg to second.

Question "That the question be now put" put and agreed to.

Original question put accordingly and agreed to.

Resolved :

That this House hereby authorises the provision of a sum not exceeding £1,550,000 under Head 76, new Sub-head entitled "Revision of Salaries, etc." from the revenue of the Government of the Federation of Nigeria for the purpose of giving effect in the Financial year ending on the 31st of March, 1956, to the proposals set forth in the White Paper entitled "Conclusions of the Government of the Federation on the Report of the Commission on the Public Services of the Governments in the Federation of Nigeria, 1954-55", and authorises the allocation of this sum to other Heads of Expenditure and Sub-heads thereof as required.

Adjournment

Mr Kolawole Balogun, Federal Minister :

Mr Speaker, Sir, I beg to move that the House do now adjourn. In making this motion, I beg to bring to the notice of hon. Members the nature of the motions coming up tomorrow which is Private Members' day and I hope that we shall have an immediate quorum to start things early. The first motion Sir, stands in the name of hon. Chief S. L. Akintola, and it is a motion on "Daily Publication of Proceedings of the House". The next one stands in the name of Mr F. U. Mbakogu, entitled "Faculty of Economics and Economic Studies". The third one stands in the name of Chief S. L. Akintola on the Five Cowrie Bridge. The next one stands in the name of Chief I. S. Popoola on Telephone Service for Akoko District. Another one stands in the name of Chief S. L. Akintola—Nigerianisation in Upper Section of Customs and Excise Department. The next one stands in the name of Mr A. Rosiji on New Post Offices. Another one again stands in the name of Chief S. L. Akintola on Electricity Supply. The next one is for Mr F. U. Mbakogu on Overhaul of Central Scholarship Policy. Then there are three others standing in the name of Chief S. L. Akintola with the following titles : Nigerianisation in Upper Section of Survey Department ;

Massey Street Maternity Centre ;

Policy of Recruitment of Married Female Nurses.

Mr Speaker, I beg to move.

The Minister of Works (Alhaji Muhammadu I. Wada) :

Sir, I beg to second.

Adjournment Debate

Mr J. A. Wachuku (Aba) :

Mr Speaker, Sir.

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Mr Speaker :

We must wait for further debate to take place before I can call the hon. Member.

Mr Wachuku :

What of the Opposition of the motion, Sir, as far as it is I am opposing the substantive motion.

Mr Speaker :

But I have no notice from the hon. Member on the subject which he intends to raise, and as I ruled last March, it is necessary for a Member who wishes to raise a subject on the adjournment motion to give notice both to the Minister and to myself.

Mr L. P. Ojukwu (Onitsha) :

Mr Speaker, Sir, in the course of his speech on the motion inviting the House to accept the conclusions of the Government on the Gorsuch Report, the hon. the Chief Secretary said that he would let the House know what happened about the negotiations over daily-rated workers employed by the Federal Government. I hope that the House will not adjourn without some words from the Chief Secretary on this matter. The debate has shown the interest taken by all sides of the House in this important question.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Mr Speaker, I am grateful to the hon. Member and to the House for giving me the opportunity to carry out the promise that I made that I would report what happened in the Federal Industrial Whitley Council. I am sorry that the news is bad. The following agreed statement has been issued by the Federal Industrial Whitley Council :

"In the public statement which accompanied the issue of the Gorsuch Report, the Federal Government stated that, in future, negotiations concerning daily wage rates would be conducted in the Federal Industrial Whitley Council which had been reconstituted for that purpose. Meetings of the Council were arranged with a view of agreement being reached in time for an announcement to be made to the House of Representatives at the same time as the White Paper on the Gorsuch Commission was laid before the House.

It is regretted that it has not proved possible for the Federal Industrial Whitley Council to reach agreement on the rates to be paid. After a series of meetings in which both sides have had the fullest opportunity to express their view-points on the various issues involved, the Council this morning formally recorded disagreement.

The Official Side of the Council suggested that the Staff Side claim should be submitted to an impartial and experienced adjudicator and stated that the Government was prepared to agree to this. The Staff Side said that it was unable at this stage to go into any arrangements that would involve further delay and pointed out that the Council having reached a deadlock and disagreement having been recorded in accordance with the practice of the Council, it was the responsibility of the Staff Side to report back to its members".

That is the end of the agreed statement, and it is an unhappy end. The Government very much regrets that it has not been possible to reach agreement on this matter and I think that the House might perhaps bear with me if I explained to hon. Members, before they returned to their constituencies, the course of events about the wage negotiations.

Last October, the Government of the Western Region introduced a minimum daily wage of 5s for all its employees throughout the Western Region. The Federal Government, as Members know, then instituted a fact-finding committee to produce a report showing what facts should influence a decision in this matter and to produce a report to show, amongst other things, what would be the effect on the economy of the country of the Federal Government's introducing a wage of 5s a day for its employees. This report, Sir, indicated that the introduction of a national minimum wage of 5s for Federal Government employees might cause a general rise in wage rates, a marked degree of inflation and a switch of purchasing power from the agricultural producer to the Government, industrial and other employees. It went on to

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say that the development of industry generally and of exporting industries in particular, would be jeopardised. So, after careful thought, the Federal Government introduced a minimum daily wage-rate for its employees in Lagos of 4s. It had previously been 3s-5d and an increase was granted to 4s and there were corresponding increases for the Western Region. As regards the other parts of the Federation, Sir, the Federal Government announced that so long as it was satisfied that the revised rates in other parts of the country were calculated and awarded in accordance with principles with which the Government could agree, it would follow those increases and it particularised as a method which it considered appropriate enquiry by Provincial wage committees. Following that undertaking, certain increases were granted in the Eastern and Northern Regions and the Southern Cameroons.

Then we came to the matter which is recorded in the White Paper and which opened so much debate in the last four days, the statement that although the Gorsuch Report does not deal with daily-rated labour, it was the intention of the Government to start negotiations on this matter in the Federal Industrial Whitley Council "with a view to making such adjustments, where necessary, as may be required if the recommendations of the Gorsuch Report regarding the established staff are accepted." The Staff Side in Whitley Council made some proposals which I had better explain to the House but, before I do that, I would say that they were discussed exhaustively in several meetings of the Whitley Council and it was while this was going on that I besought that these negotiations, which are of such importance to the economy of the country, should be allowed to proceed on their way uninfluenced by publicity which could not in the nature of things be well-informed publicity. However, as I have said, one organ has thought that it knows best and has intervened in the matter and satisfied its self-esteem by saying that it caused quite a lot of concern to officials by doing so. It caused us much concern because it was like someone interfering with something they knew nothing about but which could cause detriment to the country. (*Cries of "You should take us into confidence. Tell us all"*). I am delighted with the reminder from the hon. Gentleman whose mode of conducting negotiations no doubt will be entirely changed for the future and we will be interested to hear all that the Leader of the Opposition has in mind for the future.

I shall not attempt to detail the progress of the negotiations, Sir, but originally the Staff Side proposed the complete abandonment of the Miller Structure and the institution of a minimum wage-rate applicable throughout the country. The proposal was that there should be two grades (exclusive of artisans) of Federal labour, namely, general labour and special labour; and they proposed also that labour should have annual increments. The figures which the Staff Side proposed were 6s per day for general labour, rising by annual increments of 3d to 7s per day and this to be paid throughout the country; and 6s-3d per day for special labour rising by annual increments of 3d to 7s-6d per day. The Official Side was unable to agree that there should be one annual wage for Federal employees in every part of Nigeria wherever they are working and the consideration here was that as the cost of living differs in different parts of the country and since the wage-rates here discussed are those of people without special skill who would not therefore be transferred from one part of the country to another, it was proper that the variations in the cost of living should be recognised in variations in wage-rates. As regards the question of any increase in wage-rates, the Official Side suggested that there has been a connection between the minimum wage paid to special labour Grade III in Lagos and the starting point of the G scale for established employees, and a further increase of 3d a day in Lagos would have preserved the relationship between the minimum rates for special labour Grade III and the minimum of the established scale under the recommendations made by Mr Gorsuch which have now been accepted by the House.

As I mentioned this morning, there has already been an increase from 3s-5d to 4s and a further increase of 3d would have harmonised those rates with the minimum of the Gorsuch rates. It is obvious that if there were to be any further extensive uplifting of the wage rates to daily-paid labour, the daily-paid people would soon be getting more than the established people and consequently there would be a demand for raising of the Gorsuch scales and presumably when that was done, we would have to raise the daily wage-rates again and so on and we

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would go on indefinitely. So that was the reason for the line that the Official Side took. The Official Side also reserved its position as regards the Northern Region and the Southern Cameroons where wage-fixing arrangements on principles acceptable to the Central Government are still in use.

In an attempt to reach agreement, both sides have modified their original proposals and it is fair to say that both sides have given up matters of principle which they formerly regarded as important. The Staff Side finally said that in order to reach agreement they were willing to accept a system of one wage-rate in Lagos, a different rate in Port Harcourt and Ikeja, a third rate for urban areas elsewhere over the whole country and a fourth rate for rural areas. They proposed that the minimum rates should be 6s a day in Lagos, 5s a day in Port Harcourt and Ikeja, 4s-6d per day in urban areas and 4s-3d a day in the rural areas. The offer by the Official Side in Lagos and the Eastern and Western Regions was 4s-5d per day with four annual increments of 1d to 4s-9d a day in Lagos, 3s-10d a day by four annual increments of 1d to 4s-2d in Port Harcourt and Ikeja; 3s-5d per day by four 1d increments to 3s-9d a day in urban areas and 3s a day with four annual increments of 1d to 3s-4d a day in the rural areas; and there was some discussion as to how the Western and Eastern Regions should be divided into rural and urban areas for this purpose. The Official Side also offered to accept the proposal that increments should be annual: at present, in respect of general labour, they are granted only once in every four years. I emphasise that leaving on one side that the proposal of annual increments should be introduced, the increases so offered by the Official Side represent an addition to wages since October last year, ranging between 29 per cent and 50 per cent or over, as compared with increases of 20 per cent in the bottom ranges of the established staff as a result of the Gorsuch recommendations.

The Official Side considered that it could not offer further concessions having regard to the probable effects on the general economy of the country, which were of course urged on us from the Opposition Bench this morning. So, Sir, it remained only for the two sides officially to record disagreement. I should say that throughout these negotiations there has been the fullest consultation between the Official Side and the Government and that on one occasion, when the Staff Side said that they were not happy that their views had been adequately represented to the Government, three Ministers met representatives of the Staff Side and listened to their requests and suggestions so that the Staff Side and those they represent might be assured that the matter has had due consideration by the Government. But when the melancholy disagreement of this morning was reached, the Government offered to submit the matter to independent adjudication. At the meeting this morning, the Staff Side said that they were unable to accept anything that would cause further delay and said that they must report back to their Unions and that is how the matter stands. It would be the intention, Sir, if adjudication by some independent person were possible, that it would be carried out as speedily as possible and, in the hope that it may yet be the solution, the Government has already begun to consider how best it can find the proper person.

The only other matter is to remind the House that new scales of salary for daily-rated artisans had already been agreed and instructions have been given to give effect to them at once.

I am very sorry that the news that I have to give to the House is not better news but I hope that it will be possible before long to achieve a solution to this matter which is acceptable and satisfactory.

Mr Speaker

Does the hon. Chief Akintola want to speak on this subject? I think I must ask for a short break of ten minutes now. When we resume I shall call the hon. Chief Akintola at 5 o'clock.

Sitting suspended for ten minutes,

Sitting resumed,

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Chief S. L. Akintola (Oshun West):

*Well I believe that I am expressing the sentiment of the Members of this House if I say we are deeply grateful to the hon. the Chief Secretary for taking us into confidence by reporting to us the results so far of the negotiations between the Staff Side of the Whitley Council and the representatives of the Government. It is a very delicate subject and I rise up to caution that the matter must be faced with every sense of responsibility. We should do nothing that might arouse feelings on either side and nothing should be said that might prejudice the completion of the peaceful negotiations which have already started. I would only appeal to the Government Side on this particular issue that it is possible for them to give further consideration to the whole matter. We are not in a position to apportion any blame or to take any side at this present stage of negotiation without prejudicing the whole issue, but we can appeal to the Government to re-examine the submissions made by the workers on this particular subject. I am not favourably disposed towards the question of appointing a Commission of Inquiry into a labour dispute. Now previous experience has even taught the workers some lesson. Apart from the inevitable delay that it will involve, it will also involve the question of expenditure. Regarding an impartial arbitrator, I am almost certain that the workers will insist that somebody be imported from abroad. If that is the case, there will be a lot of time wasted. We have got to pay for the transport of the Commissioner to and fro and also he will have to employ a large staff to do the work. I therefore respectfully submit that the Government should reconsider this question of appointing a Commissioner.

Another observation which I would like to make is that I do not want to go into the question of the sums of money that the workers have actually asked for. The views of the Opposition and what ought to be paid are already well known, and I do not think that at this juncture I shall reiterate them. But on the question of differentials in pay as a result of the zonal rate, I think that it is a matter on which the Government should give further consideration. The Miller Wage Structure might be a suitable expedient for the time that it was devised, but I think that under present conditions, further consideration should be given to it. It is, in my view, illogical, unfair, unrealistic, and the adoption of this Miller Wage Structure makes the Government look somewhat inconsistent in its wage policy. After all in the established staff it does not matter where you are, whether you are located in Lagos or Port Harcourt or you are working behind some bush in some backward area, if you are a second-class clerk, you are paid the same all over the country. Well that is one policy. Why do we not follow that up in connection with daily-paid people? Why should there be a difference because one man is fortunate to be working in Port Harcourt and the other man is working in Abakaliki? Why should there be any difference? A man should be paid on the basis of the job done. If the value of the job done is 5s a day, then pay the man 5s a day wherever he may be. In order that we may be on the safe side if we want to be logical, if we want to appease those who do not take to this Miller Wage Structure, we should go a little bit further. For example, railway staff located at Ebute Metta might be paid one thing and then in a place like Gusau or any lonely station where you can have a man there for the asking, you may rate that railway staff differently. But we do not do that. We have a uniform scale for these established staff. Why do we not have the same for the daily-paid workers?

As I have said before, I am only appealing to the Government to give further thought to the representation made by the workers on this particular topic. We on our side feel that there is a lot in the argument against the adoption of the Miller Wage Structure. With Miller Wage Structure goes this idea of minimum wage for the whole country. Now with the introduction of Miller Wage Structure it makes it impossible for us to have a minimum wage set out for the whole country. If we reject Miller Wage Structure we do away with differentials. I am quite sure that we are going to have a minimum wage which will run throughout the whole country.

* Speech not corrected by Member.

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I do not know what the views of other people are. Sometimes I have a feeling that it does not cost much more to live in backward areas than it does in places like Lagos or Port Harcourt. The average worker does not live by bread alone. He will have to buy a lot of imported materials. He does not pay the same amount in his area that the ordinary man in Lagos pays. He pays much more. But it is possible that on matters like food he might spend less, but what he gains there he has lost in the roundabout because he will not clothe himself with bread or banana leaves, he must clothe himself with imported textiles for which he pays. I therefore do not find much argument supporting the differential in the rate of pay.

The third point of this average increase which the workers have actually asked for, I appeal again to the Government to reconsider this carefully. A labourer who enters into a job might have no experience of the job during the first year or the first two years, but the longer he stays there, as a rule, the greater his efficiency becomes, and that is an argument in support of yearly increment. If you feel he does it a little better this year than he did last year, he should be encouraged and a system of increments should be adopted.

I think in our view the three points made by the Staff Side deserve further consideration by the Government on the question of how much they have asked for, whether you are going to agree on any specific figure or not. I do not want to enter into that field because it might appear that we are trying to arouse feeling. I would only appeal to the Government, as I said before, to reconsider the whole matter to abandon the idea of having a special commissioner of inquiry, and if I may, through the medium of this hon. House, appeal to the workers, I would also say that I advise caution. A good negotiator must not insist on securing 100 per cent. A successful negotiation must be based on compromise. And I appeal to the spokesmen of the workers that as responsible people they should not insist on having a pound of flesh. They should give full consideration to all the issues involved. That, of course, does not mean that they should cringe or that they should accept that which is absolutely unacceptable but they should try to convince the Government of what they are now asking for, and I hope that the Government will not be too hasty in making this matter a matter of prestige. That is a point that I would like to underline, because, as a rule, when the Government comes out with the type of announcement that we have heard today, the Government is always jealously guarding its own position. We do not like to budge because an announcement has been made that we stood on such and such and therefore we cannot budge. If you move from the figure you have given now to meet the workers half-way, we will not accuse you of weakness or inconsistency. We appeal once more that this matter should not be made a matter of prestige, and with patience I am quite sure it will yield ample fruit in the long run.

Mr T. O. S. Benson (Lagos West) :

Mr Speaker, Sir,

Mr Speaker :

If other Members are not desirous of talking on this subject, I think Mr Benson has a new subject to raise.

Mr Benson :

Mr Speaker, Sir, this matter at this stage is non-contentious, non-controversial, and we are therefore very grateful to the Government for the confidence they have given us regarding their findings and observations in this matter. I also, Sir, humbly submit that the Government shall give full consideration to this matter and if we are still discussing it and it is not finalised yet, there is no reason why we should make any long speech on this matter in this House at this stage. This Government being our own Government, as I have said before, we should rest assured that the Government is the Government of the people, by the people and for the people and that they have in mind what is good for the workers of this country. Therefore I do hope, Sir, that the Government in coming to a final decision will make the matter national as it refers to different rates and as far as possible will be very reasonable

[Adjournment]

29th August, 1955.

[Adjournment]

and will continue to be made available to those people who really need them, provided that the provision of such service is practicable and, once provided, that such service can be maintained to the highest degree of efficiency and satisfaction.

Mr J. A. Wachuku (Aba) :

*Mr Speaker, Sir, on the question of these telephones, the Parliamentary Secretary to the Ministry of Communications and Aviation knows about the particular case about telephone installation that I am going to mention and that is the one at Mbawsi. Sir, the switchboard is there, the overhead cables have been put up there, the staff was working on that and suddenly the department stopped. This telephone line is meant to serve a very important maternity centre that caters for a large area and I am happy to say that the Parliamentary Secretary himself had an opportunity to visit the area and inspect all that has been done, and I am sure he must be satisfied that the area concerned should be on the top priority. The particular maternity centre now is going to be converted to a fully fledged hospital. This particular case has been going on for a number of years and invariably this department comes always to tell us that owing to shortage of staff, technical hitch this way and something else there (they will always bring out something from the cupboard) we would like to say that we are tired of all these technical hitches. The sooner the Ministry does something, the better. We want those experts now to begin the work and I want the particular communication to be properly installed. The failure to construct this telephone has led to all sorts of abuse (those who read Lagos newspapers do know what I am referring to) and very often you hear "Oh, we lack technical staff to do this". You see certain people who have put their names for years and yet overnight people who put in an application within a week are connected. What is the explanation for that? Well I do not want to mention it but there seems to be an underhand trick going on somewhere and the sooner the Minister investigates this thing and serve the area requiring the services, the better for this country and for everybody concerned. Sir, I am quite prepared to agree with the Parliamentary Secretary that although Members require telephone and it is necessary that Members should have telephone, it will be difficult in an area where there is no telephone or post office or the like to say that because of one or two Members in that particular Division, telephone should be connected just to serve the particular house. That will be most improper and it is an encroachment on public revenue unduly and in that particular line I do not think we should be calling for special preferences. But where there is demand and need for it, I think it is necessary for the department to attend to it because this is one of the paying concerns of the Government. People pay rent for it and are prepared to pay rent for telephones. There is a great demand for telephones and if the department were to take this seriously, there would be plenty of revenue coming into it and enough to sustain that particular branch of the department. We do not want to hear more of these technical hitches. There are people in this country who can do that I believe.

M. Maitama Sule (Kano Urban Area) :

*I just want to elaborate a point raised by the last speaker regarding the installation of telephone to private houses. I am not trying to intervene with hon. Members of this House. I just want to say something about members of the public themselves who apply for such installation and who are not given due consideration. I have noticed from personal experience that I have got in Kano that when some people who are non-natives apply for such telephone to be installed in their houses they get it within a snap of the finger while the indigenous people whose business necessitates this telephone in their houses apply and keep on reminding the Posts and Telegraphs Department in vain. I wonder what accounts for these things. After all this Government is our own government, the government of the people for the people by the people. Yet the Syrians do get the upper hand. On the question of telephone installation as far as Kano is concerned and for that matter the whole country, the Syrians get the back seat of the car. Sir, I am asking the Minister concerned to take serious view of this matter and see that when our people do apply for these things they get due consideration.

* Speech not corrected by Member.

[Adjournment]

29th August, 1955

[Adjournment]

Mr T. T. Solaru (Ijebu West) :

Mr Speaker, I would like to draw the attention of the Minister of Communications and Aviation on the matter of telephone. There is an instance of telephone being approved for a populous area, district council area, in Ijebu which having been promised the material that was to be used there (this is on the confession of the officials of the Ministry and it is an example which should be looked into) when we made enquiry we were told "Oh yes, by some mistake the poles and the wires that were to be used there have been carried away and used elsewhere". Something must be wrong in that office. We do not understand why that should happen. Instructions from the Ministry are not clear cut and the servants mistake orders. That is the kind of thing which the public cannot stand for and I hope that this situation will be remedied and Ago-Iwoye will have telephone service at no distant date.

Mr J. I. G. Onyia (Asaba) :

Mr Speaker, Sir, I posed a question to you as to whether my notice to move a motion did come to you and now it is an opportunity for me to say something about it. The Minister of Communications and Aviation admitted in answer to the question I posed to him early this year (Question No. W. 8) that he was aware of the unsatisfactory telephone services in Asaba Division and indicated in writing that the improvement would be expected by the end of May, and we are now in August. I wish to remind the Minister that on the main line connecting this place, Ibadan and Enugu, are Asaba and all other places in Asaba Division. Seven different stations work on one single line there. All subscribers in my division complain very bitterly, including Administrative Officers. They requested me when I was coming here to raise the issue. If you take up a telephone handset and put it in your ear you will hear seven different voices from all sorts of places, from Benin, Agbor, Enugu, Ubiaja and so on and in addition to that you hear all about radio news and music so that you do not know what is happening and you do not know whom you are talking to. This happens up to this day. Subscribers actually do not get value at all for their money and their patience is getting exhausted. I am asking the Minister of Communications and Aviation to pay attention at once to this area, particularly since he is aware that this line is on the main line running to Enugu.

Question put and agreed to.

Adjournment

Adjourned accordingly at ten minutes to six o'clock until 10 a.m. on Tuesday, the 30th of August, 1955.

London 1791

My dear Sir

I have the honor

to receive your letter

of the 10th

and in answer to inform you that the same has been forwarded to the proper authorities for their consideration. I am very sensible of the importance of the subject and shall do every thing in my power to promote its success. I am, Sir, your obedient servant

J. G. Gordon Esq

I have the honor to receive your letter of the 10th inst. and in answer to inform you that the same has been forwarded to the proper authorities for their consideration. I am very sensible of the importance of the subject and shall do every thing in my power to promote its success. I am, Sir, your obedient servant

Yours obedient servant
J. G. Gordon Esq

Debates in the Federal House of Representatives of Nigeria

Tuesday, 30th August, 1955

The House met at 10 o'clock

Prayers

(Mr Speaker in the Chair)

QUESTIONS AND ORAL ANSWERS

Question—

***O.91. Mr A. Adeyinka :**

To ask the Minister of Communications and Aviation :—

How many Linemen were dismissed for taking part in the 1947 strike ?

Answer—

The Minister of Communications and Aviation :

One hundred and three Linemen were dismissed of whom ninety-seven were subsequently re-employed.

Question—

***O.105. Mr J. G. Adeniran :**

To ask the Chief Secretary of the Federation :—

Whether he is aware of the unsatisfactory condition of the Public Lorry Park, Iddo, and in view of the increasing volume of traffic using the Park, will call upon the authorities responsible to have it improved ?

Answer—

The Chief Secretary of the Federation :

I am aware that the Iddo Lorry Park is not satisfactory, but the Lagos Town Council, who are responsible for maintaining this Park, are taking active measures to improve it. In the last few months the Council have constructed five new bays each of which takes 10 lorries. They are surfaced and cost nearly £10,000. Further improvements are in course of construction ; extensions to the area are being acquired by the purchase of private land and by making use of Crown Land, but I am informed that much costly filling and levelling has yet to be done as the ground is unstable.

Question—

***O.122. Mr Z. B. Olokesusi :**

To ask the Minister of Labour and Welfare :—

In view of the increasing importance of the conditions of labour in Nigeria, what steps he is taking to ensure that he is fully advised of the views of employers and employees in industry ?

Answer—

The Minister of Labour and Welfare :

A Federal Labour Advisory Council has now been established and the first meeting was held on 5th August. The Council is representative of employers and trade unionists from all parts of the country, its terms of reference being—

“To consider and advise the Minister on matters referred to it by the Minister relating to the application and operation of existing and proposed labour and social security legislation ; and the application of International Labour Conventions”.

In order to broaden its representative character I have decided to increase the membership from eight on each side as announced in this House on 4th April, 1955, to ten.

*Supplementary Question to No. *O.122 asked by Mr Z. B. Olokesusi*

Can the Minister, for the information of this House mention the names of some Members of this organisation?

Answer—

The Minister of Labour and Welfare :

Yes, Sir. The representatives of employers are :

- (1) Mr S. Berman, Secretary, Federation of Building and Civil Engineering,
- (2) Mr M. C. Walker, African Personnel Officer, U.A.C.,
- (3) Mr E. S. Williams, Personnel Manager, Nigerian Ports Authority,
- (4) Mr S. O. Gbadamosi, Director, Ikorodu Trading Company,
- (5) Mr L. P. Ojukwu, Director, Ojukwu Transport,
- (6) Mr D. A. Kwandu, Director, Eastern General Contractors,
- (7) Mr J. A. Obahor, General Contractor,
- (8) Alhaji Ibrahim Gashash, Chairman, Kano Citizens Trading Company,
- (9) A. Ofoni, British West Africa Corporation.

Representing employees :

- (1) Mr G. A. Bajomo, President, Nigerian Union of Local Administration Staff,
- (2) I. K. Ihejeter, General Secretary, Nigerian Coal Miners Union,
- (3) Mr N. A. Cole, Chairman of All Nigeria Trade Union Federation,
- (4) Chief O. A. Fagbenro-Beyioku, General Secretary, Nigerian Marine African Workers Union,
- (5) Mr J. A. O. Okubule, University College Non-Academic Staff Union,
- (6) Mr F. F. W. Miriki, General Secretary, Cameroons Development Corporation Workers Union,
- (7) Mallam Audu Danladi, Secretary, Northern Mineworkers Union,
- (8) Mr S. A. Aladesanyi, Secretary, Nigerian Union of Building Trade and General Workers Union,
- (9) Mr R. S. Orubo-Eze, General Secretary, Association of Nigerian Railway Civil Servants.

PERSONAL EXPLANATION**Mr Speaker :**

Personal explanation under Standing Order 8, paragraph 12. Mr Akande.

Mr J. A. O. Akande (Egba North):

Mr Speaker, Sir, I desire to raise a matter of explanation on my contribution to the debate on the motion by hon. Ayo Rosiji on the remodelling of the Lafenwa Railway Station, after it had been rejected by Government.

Last Tuesday, I stated that I was opposing the motion on the grounds that the immediate need of my people is a solution by Government to the unemployment problems facing Egbaland, which is responsible for the exodus of our sons and daughters from home. But my speech has been misrepresented by omitting any mention of my reasons, and the suggestion that I opposed certain measures to improve my constituency is not true.

MOTIONS**Mr Kolawole Balogun, Federal Minister :**

Mr Speaker, Sir, I beg to move the motion standing in my name

“That this House at its rising this day do adjourn *sine die*”.

Mr V. E. Mukete, Federal Minister :

Sir, I beg to second.

[Daily Publication of

30th August, 1955.

Proceedings of the House]

*Question proposed.**Question put and agreed to.***Resolved :***"That this House at its rising this day do adjourn sine die".*

DAILY PUBLICATION OF PROCEEDINGS OF THE HOUSE

Chief S. L. Akintola (Oshun West) :

*Mr Speaker, Sir, I beg to move the motion standing in my name on the Order Paper, "That this House prays the Council of Ministers to arrange for daily publication of the report of the debates (Hansard) of this House during all its future Sessions".

Well I may not presume too much if I think that this is a non-controversial motion. We are all interested in the accuracy of the report of the proceedings of this House. My view is if the reports of the proceedings are published daily it will contribute to the accuracy of the report of the proceedings. Further, the publication of the Hansard at the moment is very often unduly delayed. If arrangements are made for the daily publication of the report of the debates it will facilitate matters both for the official reporters of the House and for the printers as well. My view is that the same report which appears from day to day would ultimately be used in the compilation of the actual proceedings of the House.

The other point I like to raise is that at the moment it may appear a rather tedious problem to get these reports published daily. I realise that the inadequacy of the staff responsible for the report of this hon. House might create some problem, and that is why in the motion I have provided that arrangements be made for the daily publication of the report of the proceedings of this House during its future Sessions. Between now and the next meeting of the House, all being well, at least a few months will elapse. My view is that the space between now and then would be ample enough for the Council of Ministers to make whatever arrangements are necessary as far as the question of staff is concerned. If this motion is accepted by the House, as I presume it will be, I would appeal to the Council of Ministers to give serious consideration to the appointment of an able editor. When reports of the proceedings appear every day not all the Members would have ample time to correct their own speeches, but where we have an efficient editor with an efficient staff a lot of editing could be made by them which would make for accuracy whether the Member responsible for the speech actually sees them or not. I do not think that it is a good procedure that on every occasion when a speech is made it would have to be corrected by the speaker before it can appear in the Hansard. In unusual circumstances in which either a speaker is not very clear or in which some uncommon terms are used it may be necessary for the speaker to see the text of the speech and make necessary corrections, but in the ordinary course of events that may not be necessary if we have an efficient staff in charge of the reports of the proceedings of this House. I do not want to accuse this House as only being led by other legislatures in the country. I would only point out that the suggestion made in my motion has been followed by the Northern House of Assembly and I believe by the Eastern House, and also by the Western House. Their Hansards appear daily during the sittings of their respective Houses, and I see no insurmountable difficulty in this motion being accepted.

Mr Speaker, Sir, I beg to move.

Mr V. D. Phillips (Ijebu East) :

Sir, I beg to second.

Question proposed.

* Speech not corrected by Member.

The Financial Secretary of the Federation (Mr A. R. W. Robertson) :

Mr Speaker, Sir, I am very happy to be able to announce that Government accepts this motion. (*Cheers.*) Government finds it extremely easy to do so because all steps have already been taken to implement the suggestion behind the motion. The necessary machinery has already arrived in Nigeria (*Cheers.*) The installation of the machinery will offer a bit of a problem because we all know the congestion in the Printing Department is serious, but plans have been drawn up and the installation will take place. The next step will be, as suggested by the hon. the Mover of the motion, the employment of the necessary staff, and an approach will be made to the Finance Committee in the near future for the creation of two new posts of Editor and an Assistant Editor, and they will be attached to the staff of the Clerk of the House. Their responsibility will be to prepare the transcript of speeches. The next step, Sir, will be the filling of vacant posts of Verbatim Reporters to bring the establishment up to full strength. We anticipate, Sir, that all the necessary machinery will be prepared and that the daily Hansard will be produced at the Budget Session. The success of the scheme will depend on the flow of material from the House to the Government Printer, and if the Printer gets the material in time there will be no difficulty about having the Hansard, the daily Hansard, in hon. Members' hands the next day.

Sir, yesterday I referred to increased production. May I say that I do hope that when hon. Members see their speeches coming off the Press red hot that this will not tempt them to increase the number of words they produce. I appeal for economy. This is an instance for us to economise and not try to increase our production of words. I hope that when Members see their speeches the next day and they find that they repeat themselves over and over again—and when I say “they” I include myself—I hope we shall all feel so ashamed that we will do our best to cut down the length of our speeches. Sir, it gives me the greatest pleasure to support this motion. It is a very rare treat for me because I do not have to deal with figures. I cannot remember having spoken in the House and not having quoted a figure. Finally, Sir, I know this motion has your full support. I beg to support. (*Cheers.*)

Mr M. A. O. Olarewaju (South Ilorin) :

Mr Speaker, Sir, in support of this motion moved by the Leader of the Opposition, that is by the hon. Chief S. L. Akintola, I am ashamed to say that all newspapers in this country, with the exception of the *West African Pilot*, are all political papers. (*Loud laughter and interruptions.*) They base their reports on party politics, with the exception of the *West African Pilot*. The *Daily Times* is included. Each paper speaks only in favour of their Members in this House. To keep the people of this country fully aware of what is happening in this House and to keep them informed of all day to day events in this Federal House, a Federal Press should be set up to serve the interests of both this House and the common people in Nigeria. The Government should not depend on debate books which are only printed in a few copies and which are only distributed among the Members in this House. I would suggest and recommend that *West African Pilot*, the only paper that is free from party politics. . . . (*Loud laughter and interruptions.*)

I appeal to the Editor of this valuable paper to increase its pages in order to serve more interest of this country. Though I am not a reader of the *West African Pilot*, I have compared the few copies provided in the writing room and I could see that the *West African Pilot* is 100 per cent superior to others. I recommend this valuable paper to anybody who needs to know exactly what is happening in the Federal House of Nigeria.

Mr Speaker, Sir, I beg to support this motion.

Question put and agreed to.

Resolved :

That this House prays the Council of Ministers to arrange for daily publication of the report of the debates (Hansard) of this House during all its future Sessions.

FACULTY OF ECONOMICS AND ECONOMIC STUDIES

Mr F. U. Mbakogu (Awka) :

Mr Speaker, Sir, I beg to move the motion standing in my name on the Order Paper.

"That this House is of the opinion that a Faculty of Economics and Economic Studies should be established at the University College, Ibadan, forthwith".

Mr Speaker, Sir, Members are aware that man is economic and that we are living in an economic world. All our social and political problems are in some ways economic problems. We cannot successfully examine them unless we look at them with an economic eye. We cannot have the necessary equipment to examine our economic problems unless we have the proper education. Mr Speaker, Sir, it is on account of this that I am moving this motion. Now Government has always been alive to the educational needs of the country. Even the mother Government has always taken into cognisance the fact that the key to the development of the colonies lies in education. It was on account of this that the Asquith Commission was sent out by the Colonial Office in 1943 to report on the problems of higher education in the colonies; and it was on the same account that another commission—the Elliot Commission on Higher Education—was sent out. It was as a result of these commissions that the University College, Ibadan came to be established in 1948. I will say that hon. Members are aware of the great strides that have taken place in the sphere of education in Nigeria as a result of the establishment of the University College, Ibadan, particularly in the field of the supply of teachers and future administrators of the country.

Mr Speaker, the aim of this motion is just to show to the University Council, Ibadan the opinion of this House. It is the opinion of the House that the Faculty of Economics and Economic Studies should be established. The motion does not seek to prompt the Council to establish a Faculty of Economics tomorrow or the day after, but just to show the way the people of Nigeria are thinking. There is need to supply the educational needs of this country here in Nigeria and on account of this the Elliot Commission on Higher Education in West Africa said that the need for highly trained Africans is too great to be met in any way other than by training them in their own country. The Faculty of Economics which this motion has envisaged will deal with some other economic subjects like economics pure, analytical, descriptive, applied. It will deal with economic history; it will deal with public finance, banking, international and labour relations, business management and many other such subjects. These subjects are not at present at Ibadan but we know that there is a great need for them in Nigeria today. Nigerian students are fast becoming economically conscious. This can be seen from a scrutiny of the entries to examinations. In the G.C.E. examination more than half the number of students take to economics. It is the same in the Higher School Certificate or G.C.E. Advanced which has replaced Inter B.Sc. Economics. These facts show that the people of Nigeria have realised the importance of economics towards the building up of the nation. Mr Speaker, Sir, there are a lot of boys who could not meet their educational hunger because they have not enough money to go overseas for a course in a first degree in economics which can easily be attained here in Nigeria with the result that a lot of them are stranded and instead of going ahead they go backwards. Instead of continuing with their courses of studies when they get their Inter B.Sc., they go about dancing and playing drums. They have taken to this course because of the new regulations in B.Sc. Economics. The new regulations have numerous and difficult subjects which a private student cannot, either through self-study or through correspondence, achieve. It is on account of this that many have been stranded and have lost their way while they were groping for light. They have not seen that light.

Mr Speaker, Sir, coming to the problem of cost at the Ibadan University we could see that it does not require much money to establish a course in Economics. If Members read carefully the International Bank Mission report they will see that the commission had the opinion that the cost of maintaining a student at Ibadan at present is about ten times the cost of maintaining a similar student in India. While the cost in India is about £90 per annum the cost in Nigeria is about £1,000. This is because the costs have not been spread. The

University College can accommodate at present about six hundred students but what obtains now is about four hundred. If we add the Faculty of Economics about fifty or one hundred students will be added. If we divide the total cost of maintaining students there by five hundred instead of by four hundred, the cost will be less. There are capital costs—permanent costs—which will not be recurrent. But all of them go to add to the cost of maintaining a student. So that if we have more students there these costs will be spread over a larger number of students. That was the opinion of the Bank Mission in support of enlarging the courses of study at Ibadan University. On the problem of costs too, we could go to the length of saying that many students here in Nigeria could afford to pay something like £100 a year to do a course of study at Ibadan instead of going to pay £1,000 a year in England. It is on account of that difficulty that many people have lost their way. I give a concrete example of myself. I have not been to a University but it does not follow that I have not the brains. I came out of a training college in 1948 and got my matriculation in 1950, followed up immediately with my Higher School Certificate and Inter B.Sc. Economics in 1952. But that was the length I could go; there was no way for me because by then the new regulations in Economics had come in and I could not do numerous subjects here in Nigeria. I was looking for a way to obtain a scholarship but that scholarship could not come from the Federal Government. I applied several times but my numerous certificates were returned to me. I was not considered at all. If the Government cannot think of giving scholarships in economics and allied subjects the same Government should think of establishing a Faculty of Economics at Ibadan so that the not over-rich students can afford to go there with £500. If such was the cost of maintaining a student at Ibadan I could have tried to wangle my way there.

Mr Speaker, Sir, that is not the only way to examine that. We must think of what the University College Council is thinking about it. I think, and I have heard from reliable sources, that the University College Council is hard at work on the way to establishing the Faculty of Economics and economic studies at Ibadan. As I speak now they are thinking of it, so that if we just show them what we feel about it, it will accelerate the pace of implementing the programme which they already have in hand. So the University College Council is thinking seriously about the establishment of a Faculty of Economics at Ibadan. In the International Bank Mission Report the mission held that they did not see the need for having a full Faculty of Economics there. They thought that what is necessary at the moment should be the inclusion of a course in applied economics for people doing their general degrees in Arts so that as Administrators they will have something to help them and not to begin afresh when they come to the field. But I feel that is not enough. The University College Council has thought the same way. That is not enough; they are thinking of having a full fledged Faculty of Economics at the University College, Ibadan. One might ask if that is feasible. I would say that it is. The proposition will be a success. From the examination of the cost we see that much capital will not be required because the buildings are there. The Bank Mission held the opinion that accommodation is too luxurious and can only be compared with a few Universities in the world. The report went so far as to advise that if difficulty is felt in the way of accommodation, provision should be made to allow two students to live in one room. But at present if we establish a Faculty of Economics there, it will not warrant the use of a room by two students. They will still have one for each student and there will be a surplus remaining for some time to come. So the question of accommodation will not stand in the way of establishing that faculty at Ibadan.

On the problem of staffing the International Bank Mission Report says that the University could make use of the West African Institute of Social and Economic Research Staff at Ibadan. Further, it recommended that attempts should be made to recruit retired lecturers and professors from leading Universities of the world. This will make it a success. It is not enough for Government to say, when I finish my talking, that there is no money. It does not need much money. I think it is a question of interest. Why we are here is to help people who desire things from the Government to satiate their wants. There are many students in Nigeria who want to do courses in Economics. It is our responsibility to quench their thirst for knowledge

that way. I am pleading with the Members of this hon. House and the Council of Ministers to support this motion which asks for the opinion of the House towards the establishment of a Faculty of Economics at the Ibadan University College. If the University College Council says it cannot do that financially at present it does not matter. This then will be a matter between the Council and Nigeria. But at least the House has done its best. Mr Speaker, Sir, I beg to move.

Mr D. N. Abii (Owerri) :

Mr Speaker, Sir, I wish to second the motion. In doing so I humbly wish to place to the knowledge of hon. Members that this subject is a common subject in which everybody is a student. The difficulty in it is that many who are indeed students of this subject do not know that they are. If the faculty is added to our Ibadan University it will make it possible for many youths, as the Mover of this motion has stated, who are very anxious to study this subject to have an opportunity to do it well. Nigeria today is very much aware of economic problems. The other day we were discussing the possibility of sending for a commission.

If we had people very well qualified in this subject, there would be no necessity to send for commissioners outside this country. We would be able to get enough men to do it and save us the expenses. Therefore in supporting the motion I feel that the Government will make it a necessity to examine the possibility of including the faculty as soon as possible; and recommend it to the College authorities so that in the near future and not very long, we will be able to go to Ibadan University to do the course in economics and economic subjects. Mr Speaker, Sir, I beg to second.

Question proposed.

Mr Kola Balogun, Federal Minister :

Mr Speaker, Sir, I beg to move the amendment standing in the Order Paper to this motion, to leave out from the second "that" to end and add "studies in Economics should be provided for at the University College, Ibadan, as soon as the Council of the College deems such a development advisable having regard to other desirable developments and to the funds made available for additional courses at the University College".

Mr Speaker, there are two main points involved in the question of this motion. First is the academic freedom of the University College, Ibadan, and of course the second is the no less important question of funds. As hon. Members will remember one distinguished Member of this House once referred to the University College as the "million dollar baby" and you find, Mr Speaker, Sir, that we do not want to give any impression to the University College authorities that we are the people who are making them a million dollar baby. The amendment to the original motion by the hon. Member has been proposed in order to point out the real implications of the wording which he adopted. The Faculty of Economics is a rare phenomenon even in British Universities, for example, at the University of Sheffield there is a Department and Chair of Economics but they belong to the Faculty of Arts. The natural thing at Ibadan would be, I think (although it is primarily an academic matter on which I am not qualified to speak with certainty) the establishment of a Department of Social Studies, under a Professor. Such a department might embrace economics, anthropology and law. The University College, Ibadan, is a statutory body to which the Government has always endeavoured to give a full measure of academic freedom. We do not want in this House to give any impression that legislatures wish to interfere with this freedom or to dictate to the College Council or the College administration what they should and should not do. The University College is limited like other organisations by the finances at its disposal. To establish a course in economics will no doubt involve additional calls on the Government grant to the University and I am glad to know that any such requests for economic courses are likely to receive good support from the House, that is assuming that the approval of the motion has some support from the floor of the House.

Just as the Government does not wish to give an impression that it is interfering with the academic freedom of the University College so it will be unfortunate if a motion of this kind committed Government to expenditure without full facts and opinion of the College Council regarding development at the College over the next five years. In other words we cannot and should not commit ourselves to accepting any particular course without having available the full proposals for development which will be considered in connection with the economic programme. This is not to say that the importance of economic studies is not appreciated. On the contrary we regard them as important and I have framed the amendment to show the importance attached to the work in this field. I am sure, Mr Speaker, that after this explanation the hon. the Mover of this motion will be well disposed to accept the amendment moved by Government. As a matter of fact Sir, it will be found that the amendment has more or less to a great extent accepted the spirit of the motion which he has moved and he himself in some of his words said that what he was doing was using the floor of this House to impress upon the University authorities the importance of this study. He knows very well like anybody else in this hon. House that it is not possible and it is not even proper that the University College authorities should be dictated to as to what course of studies they should offer.

I would also like to mention in this connection Mr Speaker, that the Federal Government has awarded two scholarships in economics this year and some other eight candidates who have put in for this course have been found to be below the academic standard. I hope that the interest which the hon. the Mover has sought to arouse in this subject will increase and that many people will come forward with the requisite standard in the future. Mr Speaker, Sir, I beg to move.

The Minister of Communications and Aviation :

I beg to second.

Question proposed.

Mr T. O. S. Benson (Lagos West) :

Mr Speaker, Sir, I rise to support the amendment. The original motion, Sir, is quite clear and the amendment also is quite clear. The original motion seeks to command the Government to have a Faculty of Economics forthwith, that is immediately. Now we have seen the amendment which I think is reasonable and I am sure the hon. the Mover of the original motion will agree with me that this Government is our own government. . . . (*Interruption.*) When I am speaking in this hon. House, Sir, I hope my friends with gold medal will listen. The amendment is quite simple. It has supplied exactly what the hon. Member is asking for. The Government will consult the Council of the College and all other matters which are necessary for the bringing forth of this faculty will be done. I have been to a university myself, not as an external student—internal student of the University College of London. This privilege will be given to my hon. Friend if he is still willing to go to the University. He can rest assured that when he puts forward his next application he will be considered. Mr Speaker, Sir, I rise to second this amendment and I am sure the hon. Mover of the motion if he is satisfied will withdraw his original motion.

Chief S. I. Akintola (Oshun West) :

*On a point of order, Sir. This House does not commend favouritism and it must be clearly understood that the promise given by the last speaker does not receive the support of the House.

M. Maitama Sule (Kano Urban Area) :

*Mr Speaker, Sir, I am not a student of economics and I know very little if anything at all about that particular subject; but somehow everybody today talks economics. The Financial Secretary does it, the Chief Secretary of the Federation does it too. Other members of the Council of Ministers cannot help talking about it and so I too knowingly or unknowingly will

* Speech not corrected by Member.

have to talk economics. The economic development today is in the heart of all men and women within the State including us as parliamentarians who are fully aware of the importance of this particular subject because the productivity, and therefore the higher standard of living, of all the people in this country could only be possible by sound planning of economic development which certainly requires economic knowledge. We therefore must always give support to any idea which seeks to establish that kind of study in our University College at Ibadan. But, Sir, when I talk about Economics it reminds me of something that took place only about a month ago. On the invitation of the Western Regional Government, Professor Arthur Lewis, Professor of Political Economy in the Manchester University, came to Nigeria to advise, I think, the Western Regional Government on how to plan their economic development. The Federal Government of Nigeria quickly seized that opportunity and, realising the importance of economic development in which everyone of us here is keenly interested, asked the Department of Extra-Mural Studies of the University College, Ibadan, to arrange a course on the Economic Development of Nigeria under the directorship of that Professor Arthur Lewis, the famous Professor of Political Economy. Now then, some Legislators from this House as well as from the Regional Governments were invited to attend that Course. I happened to be one of those people who attended that course and I found it most useful and most profitable to the country as a whole. I wish all the Ministers, both Regional and Federal, had attended that course. I had the impression when I was at that course that in Nigeria very little attention, comparatively speaking, is being given to this particularly important thing. For that matter I feel that to have these particular studies of Economics established in the University College, Ibadan, as soon as it is possible and practicable is timely. I am also of the opinion, on the side of the Government, therefore, and supporting the amendment, that we should not dictate to this Department.

All over the world universities have been known to be quite independent and free and we in Nigeria should not at the very start point out to our University College at Ibadan that we want to be dictators. On the other hand I do not like the Government to take advantage of the fact that universities are independent and free and refuse to do something about it. It must recommend to our University College, Ibadan, to establish this important thing which we very badly need in Nigeria today. Mr Speaker, Sir, I support the amendment.

Mr J. A. Wachuku (Aba) :

*Mr Speaker, Sir, the fault in the motion is to be found in only one word—"forthwith". That is all really. If the motion had been without "forthwith" there would have been no necessity for the amendment. Now Government is being realistic this time and we give support when we find that the Government has been sensible. And in this particular case I think a little credit should be given to them. The Government is sensible at this time and so we agree with them that the word "forthwith" should be deleted from the motion and we will accept the amendment.

But, Sir, with this one mistake the Minister who proposed the amendment tried to give the impression that the expression "that this House is of opinion" amounts to dictation. It is not. We agree that our University must be far from interference from any sources. Economic freedom must be held secret.

Mr Kolawole Balogun :

Point of order. If the hon. Member should read the amendment properly he will find "that this House is of the opinion" is actually part of the amendment. To leave out from the second "that" and add the words on the Order Paper. So "that this House is of the opinion" according to the amendment has been moved.

Mr Wachuku :

Mr Speaker, Sir, with due deference to my hon. Friend his interpretation of both the original motion and his own amendment must then be wrong. Otherwise where does he discover the

* Speech not corrected by Member.

dictation? This House finances the University College, Ibadan and therefore this House is entitled to express an opinion of the desires of this country and the people of this country.

The old Universities, Sir, were founded with usually four faculties: you have Divinity, Law, Medicine, and Arts. Those were in the older days of the Universities of Paris, Oxford, Cambridge, Trinity College and the other older universities of the world. But, Sir, then the question of higher studies like Economics and other faculties were not paramount, but in our own society new developments are taking place and the result is, where in the older universities, you do not have special faculties created for Economics, for instance, you may go to the Trinity College and you graduate B.A. (Honours in Economics) and say Political Science, they group them as Schools in the Faculty of Arts. In London, in the more modern schools, you have a clear examination where you have your B.Sc. (Econ.) pure and simple as you have in LL.B. and the rest of them. Now, what we are asking, or this House is asking, is that taking into consideration the requirement of this country and the development that is going on now, that it is time that the Ibadan University College should consider establishing a quality School of Economics. That personally I think is overdue, and the reason why we consider the Government amendment reasonable is that it gives the University Council an opportunity to examine the funds at its disposal, taking into consideration all facts available to it. As a Council that is responsible for the general management of that University, its hands should not be tied. That is why we support it. We cannot come here and just hand out something cut and dried without taking into consideration the details. Now that does not mean that we should allow the University Council to go to sleep. This House is entitled at all time to keep that University awake. Today there is a great yearning for the study of Economics. We have said it over and over in this House that if there is any faculty that should be there indeed from the beginning, it is the faculty of African Oriental Studies. That is our University. There is no need for people from this country going outside to study something about Africa and African Institution in the London University. That is, you stay in Nigeria and have your intellectual and cultural boarding house in London. That is no good. Our University should be founded and embedded and rooted in the soil here. We have our own economic problems quite different from those of England or America and the like. If there is any school of Economic Studies or faculty of Economic Studies, then you have a professor and lecturers who will do research work in relation to the specific problems confronting Nigeria, viewed in terms of its own home environments, then by analytical processes and synthesis, problems from this side, and seeing how other countries have been able to solve their own problems, they will be in a position to solve our own problems.

During the debate on the Gorsuch Report, Sir, they told us that we have not got qualified people over and over again. Now, one of the qualifications required by Administrative Officers is qualification in Economics. Apart from, say, the General Arts and quite other fields, if an Administrative Officer has a good qualification in the field of Economics, he becomes a great asset to the Government and the Public Services. Now, Sir, this is important, as the Mover said that every year we are exporting capital in the form of pounds, shillings and pence. We want to be able to have the price of education abroad cut down. There is no reason why the primary degree should not be done here in Economics and then if the Government awards scholarships to study Economics it will be a matter for post-graduate degree; then we will be sending out people with mature minds who will be able to do a certain amount of research outside and not shoulder with people not their own equals.

When you ask the young student to go to London, Oxford or Cambridge, he goes there as a raw recruit. All that is his concern in such degrees is to take in everything that the lecturer pours into his mind in order to get through the examination; and just at the moment when he has got that idea and it is time for him to select, pick and choose and have something that will be valuable to him, he is called upon to return. At that time he may be suffering from indigestion; he might have taken too much and had not sufficient time for him to assimilate those that are necessary and to throw out a lot of the paper work that has been taken in for the purpose of examination. But if you had the faculty of Economics here in the

University College, then taking his studies here, a graduate goes out elsewhere with a mind ready to take in some other aspect of the studies. He will not be able to cover every field. The question of specialisation then comes in because he will be able to discover himself and find out the particular field and the specialisation. It means that when you send out students abroad on scholarship they will be going out principally to be specialists in a particular branch and not just universally as is likely to be when you are taking your first degree. So, that makes it necessary just as is true if this school is also a school of Law.

Although we are debating the faculty of Economics, I would like the Government to take this to heart and to tell the University Council that the financing body is anxious to see that the University establishes these various schools, call them by whatever name you like, I have no quarrel—all that we want is that the knowledge should be there. The Chair—call them lecturers, call them Mallams, call them anything—but bring qualified people and put them there so that the young boys and girls may go to Ibadan and study that particular subject. I know some Members of the Government Bench, when I mention that, would say it is irrelevant to the motion, but it is one of the social services according to the definition of the Minister who moved the amendment. If you are going to establish a School of Social Studies and include the various subjects, I will be quite happy and contented. All we want is that something must be done. Somebody must be moving the University and I think this is appropriate. We should not dictate to the University, I agree. But certainly we must express our opinion in this House. It is the opinion of the House that the University should do this. If the University is not in a position to do it, let the University tell us through their appropriate Council and through their appropriate Minister that this is their difficulty. If we do not say so, Sir, they will just go to sleep and feel that everything is all right; like the Government. The Government accepts that everything is all right when there is no complaint. If you do not keep on pushing the Government all along the general presumption, Sir, is that everything is in order. Yes, everything is peaceful, everybody is happy and contented. Whenever we come here by way of motion and we get on pushing and pushing and pushing, and if you are lucky, one of these days you may push out something your own way. It is the same thing. We are going to be pushing the University each time; we may be successful but we have no intention of dictating to them. But as for expressing our opinion here, we will express that opinion frankly and we want them to make the fullest and best use of the money provided by this House because he who pays the piper must call the tune. We are the direct representatives of the public, the people of this country and whenever we hear the yearning, the craving of the youth of this country, it is our immediate duty to come in this House and tell the Council of Ministers. We have been running about these places and you put yourselves in the Council of Ministers there building stone walls around yourselves. You are in it, but we are the people moving with the people every day. Do you hear what we hear? They say you should do this. That is where our opinion matters in this particular respect.

Mr Speaker, Sir, as I have said, the Opposition considers the amendment reasonable and therefore the Opposition supports the amendment considering that the word "forthwith" more or less made it impossible to accept the motion as it stood.

Mr T. O. S. Benson (Lagos West) :

Sir, I beg to move "That the question be now put".

Question "That the question be now put" put and agreed to.

Question "That the words proposed to be left out" put accordingly, and agreed to.

Question "That those words be there inserted" put and agreed to.

Resolved :

That this House is of opinion that studies in Economics should be provided for at the University College, Ibadan, as soon as the Council of the College deems such a development advisable having regard to other desirable developments and to the funds made available for additional courses at the University College.

FIVE COWRIE BRIDGE

"That in the opinion of this House the Five Cowrie Bridge on the way to Victoria Beach constitutes a danger to traffic and to human life and should therefore be replaced with a better, stronger and wider bridge".

Chief S. L. Akintola (Oshun West) :

*Mr Speaker, Sir, on reading through the amendment which follows my motion and comparing my motion with the amendment to be proposed by the Minister of Land, Mines and Power, I feel that in essence, both are the same, or in any case, the amendment means the purpose of my motion, and therefore without any argument, I accept the amendment. (*Applause*).

Mr Speaker :

First, the motion must be moved in order to debate the amendment.

Chief Akintola :

I beg to move.

Mr V. D. Phillips (Ijebu East) :

I beg to second.

The Minister of Land, Mines and Power (Alhaji Muhammadu Ribadu) :

Mr Speaker, Sir, I beg to move an amendment to this motion which reads as follows :

To leave out from "That" to end and add :—

"this House is satisfied that the Five Cowrie Bridge is safe and constitutes no danger, provided the traffic regulations are complied with, but realises that it is inadequate for present day needs. This House therefore calls upon the Federal Government to draw the attention of the Lagos Executive Development Board to the desirability of giving priority to the construction of a new bridge when their plans for the development of Victoria Island are formulated".

Sir, as the hon. Mover of the motion has already accepted the amendment, I need not explain the reason for the amendment. Sir, I beg to move.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

I beg to second.

Question proposed.

Mr T. T. Solaru (Ijebu West) :

*I wish to draw the attention of the House to the purpose of the motion and to the allegation that the bridge was unsafe. It is no good denying that fact, otherwise why is the Government doing something about it? We are accepting the amendment but there is no reason why we should not point out that it actually goes to deny that there is no need to place emphasis on that. It is unsafe and that is why you are doing something about it and that is why we accept the amendment. If it is not unsafe, why waste money? After all, it is not as safe as the Carter Bridge. There is no need avoiding the idea that the bridge is dangerous and unsafe. I support the amendment.

Question "That the words proposed to be left out be left out" put and agreed to.

Question "That those words be there inserted" put and agreed to.

Resolved :

That this House is satisfied that the Five Cowrie Bridge is safe and constitutes no danger provided the traffic regulations are complied with, but realises that it is inadequate for present

* Speech not corrected by Member.

[Telephone Service

30th August, 1955

for Akoko District]

day needs. This House therefore calls upon the Federal Government to draw the attention of the Lagos Executive Development Board to the desirability of giving priority to the construction of a new bridge when their plans for the development of Victoria Island are formulated.

TELEPHONE SERVICE FOR AKOKO DISTRICT

Chief I. S. Popoola (Owo North) :

Mr Speaker, Sir, I rise to move the motion standing in my name on the Order Paper which reads as follows :

"That as Akoko Division is without telephone or telegraph service and as the need for such a need is urgent and pressing, this hon. House humbly prays the Government to expedite the installation of a V.H.F. station in the area".

Mr Speaker, Sir, the aim of this motion is to pray the Government to please expedite the implementation of the project it has as laid down for Akoko Division in the White Paper on Posts and Telegraphs. Mr Speaker, Sir, it is very disappointing if one goes from Owo across Akoko Division, to Yagba District in Kabba Division a radius of about one hundred miles, one would not just come across a telegraph office ; very very disappointing. Therefore this hon. House prays the Government to please instal telegraph services, or telephone services in Akoko Division as a means of revenue earning project. In all aspects of the development, Akoko Division is receiving maximum attention from the Western Regional Government. But that Division is lacking one important and indispensable thing and that is telecommunication. Akoko Division has a teeming population which is over 250,000 people. There are many schools and colleges and commercial houses. It does not need any spasmodic effort in explaining to this hon. House how desirous the people over there are about having the installation of telecommunication in the area. Akoko Division, by its place, has a close proximity with the Northern Region, Ikare-Okene and Ikare-Kabba roads serve as a link between Western and Northern Regions.

Mr Speaker :

Order ! My attention is called to the fact that no quorum is present. Strangers will withdraw.

Mr Speaker :

Order, Order. The speaker will resume.

Chief Popoola :

Mr Speaker, Sir, I would have accepted the amendment but for the fact that the word "may" on the first line has put me in doubt and probably has put all Members of this House in doubt. If the Government could change that word "may" to "is" I would agree to the statement.

Mr D. L. G. Olateju (Oshun North) :

Mr Speaker, Sir, I beg to second.

Question proposed.

The Minister of Communications and Aviation (Mr K. O. Mbadiwe) :

Mr Speaker, Sir, I see no objection to accepting the views expressed by the hon. the Mover of the original motion. From his presentation there could be no doubt that telephone and telegraph facilities at Akoko Division are desirable. The implementation is another thing which should be subject to the availability of technical staff and surveyors. So, I think Mr Speaker, that with this assurance, there will be no need for me to move a formal amendment and that the speaker will see fit to accept my assurance and that will be the end of the motion.

Chief Popoola :

Mr Speaker, Sir, I beg to withdraw my motion.

Motion by leave withdrawn.

NIGERIANISATION IN UPPER SECTION OF CUSTOMS AND EXCISE DEPARTMENT

Chief S. L. Akintola (Oshun West):

*I beg leave of the House to move Motion No. 5 standing in my name.

“That this House regrets the low pace of Nigerianisation in the upper section of the Department of Customs and Excise and is of opinion that it be speeded up”.

I need not stress the importance of the Department of Customs and Excise. Members will realise that it is from a revenue point of view, the most important department of the Federation. Members will remember that the latest annual report of the Customs Department gives the figure of £44,274,083 as being revenue derived from the Customs and Excise during the year 1953-54. This represents 80.5 per cent of the total revenue of the Federal Government. The Customs and Excise performs very important functions for this Federation and in a key position such as the one the Customs and Excise occupies, one would expect that an African would find a fitting training ground. But it is a matter for regret that in the real upper section of the Customs Department, an African rarely has any chance.

I would refer hon. Members to an answer to one of my questions posed during the last sitting of this hon. House. I refer to Question W.92, to ask the Chief Secretary of the Federation who are the six most senior Africans by grade in the Customs and Excise Department what are their respective length of service and present grades. The Chief Secretary of the Federation gave the following answer: “The information required by the hon. Member is set out in the following table”. He then gave the names: First, Mr E. A. Akinyanju who served for 33½ years in the Department. Mr A. Nya served for 18 years, Mr M. Nsan for 28 years, Mr P. L. A. Adeyan for 26 years, Mr H. M. Alagua for 29½ years. All the six are Collectors of Customs, nothing higher.

The second question I asked was if there is any African in the Department of Customs and Excise holding a post higher than the Senior Collector of Customs and if not, the reason why. There is not even one holding the post of Senior Collector. The answer then was “No Sir”. No Nigerian has yet been deemed fit to have sufficient experience to enable him to be promoted to any of the posts in question. Among these six that I have enumerated, you will find people who have spent the greater part of their lives in the Customs Department and among them too, there are some graduates as hon. Members would realise; if after 33½ years, 25½ years, 28½ years, a man is still being described as having no experience, only Heaven knows the peculiar experience that the Department of Customs and Excise requires. What makes it a little more intricate is the fact that you have other people, I will describe them as non-Africans, expatriate officers, who are actually trained by these senior Africans and after training them in some cases for three or four years, they rise up higher than even their tutors, their experience is sufficient to qualify them for higher posts after two or three years. Here you have Africans after a quarter of a century, they are described as having insufficient experience to merit higher posts. I think this is a serious matter and it does not speak well of the Department of Customs and Excise that the highest post that an African could get to is that of Collector of Customs. Hon. Members will remember the provisions made in the Estimates for the year 1955-56. You find in the Annual Report of the Department of Customs, that you have various grades, the Comptroller on the top, then you have the Deputy Comptroller, then you have the Assistant Deputy Comptroller, then you have the Chief Inspector, then you have the Principal Collector of Customs, Senior Collector of Customs. In all these elevated posts, no shadow of an African would ever darken the portico. (*Hear, hear.*) Why is the ground so sacred to the feet of an African? If he cannot be a Comptroller at the moment is it too hard even after thirty-three years of experience to make him an Assistant Comptroller or a Deputy Comptroller failing that a Chief Inspector, or failing that a Principal Collector or a Senior Collector? Why must we always play the second fiddle? I will appeal strongly to

* Speech not corrected by Member.

the Government to devise the machinery to make it possible for us to see that this Nigerianisation has really come to stay. I do not put this at the door of the Minister after all, theirs is to evolve a policy and to leave it to the Executive officers to implement but I think that between the plate and the mouth it is possible for something to go adrift. Between the propounding of our policy and the carrying it out, a lot of things often happen. In the Department of Customs and Excise you have succeeding generations of Africans. If after all the years (and I think one of the oldest Departments in this country is the Customs, it is almost as old as colonisation), if after a century of the establishment of this department you cannot even find a single African fit to occupy a higher post there, a lot is missing.

I feel very happy to move this motion because I feel that in this House you have experienced people who have practical experience of the treatment meted to Africans in the Customs Department. I know a good friend of mine, one of the Members of the Government, who was at the time he was in the Customs a graduate with honours degree in English, if he had been in the Customs till today, his experience would not have justified him for a post in the higher ranking of the Department, and what other qualification is required. I venture to suggest that it is not a question of experience or training. Of the six names given here, I remember having met at least two of them in the United Kingdom. They were sent there to spend periods ranging from two to three years to receive training and to gain experience; I remember vividly the case of Mr Dina and the case of Mr Ogisi both of them I met at the United Kingdom having the experience and in spite of that they are left to vegetate on the lower rung of the ladder. When would there be a change? Would our Government be courageous enough to tell the Comptroller of Customs that this policy must change? If you are a teacher and you fail after a considerable period of time to produce efficient students, it must either be one of two things, either you are unfortunate enough to meet a group of congenital idiots, or that you yourself you are an unredeemable failure as a teacher. I do not think that the whole battalion of Africans in the Customs may be described as congenital idiots. It is possible. But something must have been wrong with the staffing position of the Comptroller of Customs. The time has come for a cure to be prescribed. We are fed up with providing money year in year out when we cannot find even a single Nigerian to occupy the position befitting the dignity of an African in the Customs and Excise Department. Mr Speaker, Sir, I beg to move.

Mr L. O. Tobun (Epe):

*Mr Speaker, Sir, in seconding this motion I will say that is the answer that should have been given were the Leader of the Opposition here yesterday when the hon. the Chief Secretary of the Federation said that we were driving away expatriates. He claims to have one of our number in that hierarchy. If that is driving anybody away I repeat again that the sooner such a person started packing the better.

Question proposed.

The Chief Secretary of the Federation (Mr R. F. A. Grey):

Mr Speaker, Sir, one must always pay tribute where tribute is due. I learnt that from the Opposition only two days ago and I think, Sir, I must start by paying tribute to my hon. Friend the Leader of the Opposition for he is unrivalled at the manufacturing of bricks without straw. (*Hear, hear.*) He can so easily work himself up not into a fury, for he always retains his essential dignity—but he always gets, shall I say, excited even when he knows that there is not a great deal to be excited about. I have been in some difficulty in considering what I shall say in reply to this motion, Sir, because I was not clear what the hon. Member meant when he talked about the upper section of the Department. That is one of the disadvantages that Mr Gorsuch has now put upon us when we cannot talk about the "senior" or the "junior" service.

He has made it a little clearer and, as I understand it, he thinks that it is high time there were Africans in what he calls the hierarchy of the Customs Department. I agree with him, it is high time. I am never very sure, Sir, whether one may take the fact that the two most

* Speech not corrected by Member.

I proposed this because from my own layman's point of view it would make electricity economical. There was a problem recently and I do not think it has been solved yet. The cost of maintaining the power station at Oshogbo is very, very high and it might prove to be too high for the limited number of people now served, but if arrangements could be made to extend the services to a larger number of people the cost would be reduced and it would be within the reach of the average man. I think too that at the present stage of development this motion should be supported. We are now embarking on industrialisation on a small scale all over the country and I feel that it is now that we should make a good start by seeing to it that electrical power is adequately provided for the people. Modern industry is impossible without electricity and I am quite sure that even for domestic conveniences electricity is a desideratum.

I have no doubt that this motion would be supported and I am sure that if the Ministers could break faith with me there would be nothing extraordinary about that. But I am sure that brotherly feeling being what it is, they would find it impossible to break faith even with my brother, Kola Balogun. Whatever it is, they would like him to enjoy modern amenities like electricity in a place like Lagos. But however beautiful Lagos may be it is not hon. Kola Balogun's home and I am sure that hon. Kola Balogun is not a lotus eater. Occasionally he remembers his own home and he goes there, and when he gets there he would like to enjoy the same amenities which he enjoys in Lagos. I am sure that our people too in the Provinces are entitled to the same amenities that we are enjoying here in Lagos.

I am sure too that the Members of the Government Party right and left would like to join me in supporting this motion. People who pass to the North, many of our friends here, are always courteous enough to drop in at my place on the way to the North. My home is about the gateway from the West to the North and very often I find my friends thirsty. I think that it would be possible for me to be able to offer, if not a glass of cold beer, at least a glass of cold coca cola. I believe that that consideration too may lead them to support this motion. (*Laughter*).

Mr Speaker, Sir, I beg to move.

Mr D. L. G. Olateju (Oshun North) :

Sir, I beg to second.

Question proposed.

The Minister of Land, Mines and Power (Alhaji Muhammadu Ribadu) :

Mr Speaker, Sir, I remember during the last Budget Session when I was replying to the various criticisms levelled against the Electricity Corporation, I said that it was my sincere hope to see every village in this country adequately supplied with electricity. The hon. Mover of this motion then interpreted me and said that they wanted it supplied in their own homes now. That desire, Sir, I believe is an ideal one, but judging the present circumstances of the country, it is hoping for castles to be built in the air.

There are certain limiting factors which must be seriously considered whenever we talk about the extension of electricity supply. Electricity is a sort of commercial undertaking which is expected to pay its way. The initial capital costs are very heavy and the demand must be up to a certain amount before the outlay can be justified. The generation and supply of electricity to any area must largely depend on economic factors, and charges should be high enough to cover working and overhead costs. In a densely populated area, the supply is economically possible because there is a proportionally greater demand in relation to working and overhead costs than there would be in an area of low population, especially as in areas of low population electrical appliances such as cookers are generally little used.

The towns listed in the motion, Sir, have relatively small populations and it may be assumed that they have a proportionally low demand for current other than for lighting purposes. If any of them were to have electricity the charge would have to be so high that

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the normal consumer would not be able to afford it. Consequently, revenue would not cover the expenditure. If, on the other hand, the charges were made lower to attract consumers, the Electricity Corporation would stand to lose approximately £4,000 a year in each town. The Corporation, as Members know, is running at a deficit and the management are doing their best to rectify the situation. It is the present policy of the Corporation to embark on no additional uneconomic undertakings unless a guaranteed subsidy to offset probable losses is forthcoming from the town concerned. Where a town is in a position to guarantee the Corporation against probable losses, the Corporation would be prepared to enter into negotiations for supplying electricity forthwith.

The Corporation fully appreciates the urgent need to develop electricity supplies throughout the country and will make every effort to meet it provided any given development promises to become ultimately a sound commercial proposition, but the Corporation cannot risk losing more money on projects which cannot be economically run. Sir, I would like to remind hon. Members how strongly the House usually feels when at the Budget Sessions proposals are brought for subsidisation of the Electricity Corporation. Mindful of these sentiments the Electricity Corporation of Nigeria is now trying to organise its workings in such a way as to enable it to pay its way. It would not be wise therefore to saddle the Corporation with schemes which might make them incur further losses. In all communities it is not the domestic lighting supply that provides the bulk of electricity revenue. It is the use of power. In the present stage of the country's development where there is little industrialisation it should not be expected that electricity will come to the reach of everyone. Patience must be exercised; as the country develops so would it become possible to meet all these needs. Very soon cheaper methods of providing supplies of hydro-electric power will be examined and until these proposals come to fruition it will not be possible to generalise supplies.

Sir, in view of these explanations the Government finds it difficult to accept this motion and the only alternative course open to Government now is to oppose it. Sir, I beg to oppose the motion.

Mr L. L. Lakunle (Oyo North) :

Mr Speaker, Sir, I am not convinced that the Mover of this motion is sincere. I find it very difficult to know the data upon which the Mover based his motion. The towns listed herein are referred to as towns and centres of population. In fact I have been to most of these towns and I know how big they are. Most of them cannot be referred to as towns or population centres. They are big villages. In fact I agree with him, Sir, that places like Iwo, Ogbomosho, Ejigbo, Ikiru, Illa, Iseyin, Oyo and Fiditi could be referred to as population centres. But there are many other nearby big towns like Shaki (where I come from), Okeho, Iganna, Igboho, Kishi, Igbeti, Lanlate, Eruwa and so on, which he did not include in the motion, and most of which are perhaps four times as large as some of the big villages that he has included.

I can say without fear of contradiction, Sir, that most of these places are in more urgent need of other amenities than the supply of electricity, and if my hon. uncle, Chief S. L. Akintola, the Leader of the Opposition, is sincere, Sir, let him go to Ibadan where his Party is unfortunately in power and ask that Regional Government to give the farmers of the Western Region sufficient loans with which to improve their farms. I know he would like to tell me that already there is a loan scheme for the farmers of the Western Region. I am quite aware of this, but how much is each farmer entitled to? The loan for each farmer ranges from £5 to £50 and I know, Sir, that only a sum of £50,000 is earmarked for the whole of the farmers in the Western Region, whereas, Sir, a single Grouper on top was given a loan of almost £200,000.

Chief Akintola :

Who got the loan?

Mr Lakunle :

Alhaji S. O. Gbadamosi.

Chief Akintola :

Mr Speaker, Sir, he has broken the rule of relevance. That point has nothing to do with the motion on the supply of electricity.

Mr Speaker :

If an offence, I think it is a very small one.

Some hon. Members :

Hear, hear !

Mr Lakunle :

Mr Speaker, Sir, this motion is a vote-catching one. It is for the purposes of campaign and there is no grain of sincerity in it, Sir. I know this Government is a Government of the common man for the common man by the common man, and I am quite sure that the Government have their plans for all these places and that they would implement them. Sir, I beg to take my seat. (*Laughter.*)

Mr Kola Balogun, Federal Minister :

Mr Speaker, Sir, I wish to associate myself with the hon. Member who has just spoken, and to say, Sir, that it is so clear and so obvious that this motion is not only frivolous, the motion is terribly irresponsible. Mr Speaker, Sir, this motion can be compared to the motion which was brought by the hon. Member during the last meeting of this House when he took his pencil, dotted up a number of places all over the country and wanted this Government to build railways through them. Well, Sir, it is one of the high lights of this House that we must have some time for private Members, if only to amuse us. But amusement should not be at the cost of ruining this country economically speaking.

What are the data? That is the question to answer. What are the data behind the number of points made in this motion? To instal electricity at Ogbomosho, Iwo, Ejigbo, all sorts of places, Jericho, Jerusalem. (*Laughter.*) It is unfortunate that the Leader of the Opposition is so fidgety that he will never listen to another man's argument. Mr Speaker, Sir, if the Leader of the Opposition would allow me. . . .

Chief Akintola :

You are saying nothing.

Mr Balogun :

Mr Speaker, Sir, if the Leader of the Opposition would allow me to say nothing I should be most grateful. For after all that is the essence of this House, that we should come here and be heard.

Now, Sir, it is one of the fundamental principles of parliamentary democracy that the Opposition will bring forward proposals they are capable of implementing if they were in power and I think, Sir, that although we would like to have some fun there are certain principles we should try and evolve in this country. I would like to ask one question. Is the hon. the Leader of the Opposition assuring us that if he comes to power tomorrow, as he is likely to do, or suppose this Government resigns tomorrow, and he comes into power, can he implement this scheme? (*Applause.*)

Chief Akintola :

I accept that challenge. Yes.

Hon. Opposition Members :

Resign, resign !

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Mr Balogun :

Mr Speaker, Sir, it is very easy to jump up and accept the challenge there, but the Leader of the Opposition was sitting on this Bench for three years. He did not lay one railway line and he could not give electricity to one of the towns he has just listed. It is very easy to jump up and accept the challenge.

Mr Speaker, Sir, what we want in this House is responsible suggestions from the Members of this House, and I want to say this quite clearly, Sir. I know that by the week-end we shall meet at home and the Leader of the Opposition will carry this little paper all over the place and say that he has come to us for electricity but the Federal Government turned him down. I want to assure him that he will not get anywhere with it. The place for political campaigns is not this House. We want to save the time of this House. The place for political campaigns is in our constituencies and very soon we shall meet there.

Sir, I support this Government absolutely in rejecting this motion. It is unreasonable, ill timed, frivolous and irresponsible. (*Applause.*)

Mr T. T. Solaru (Ijebu West) :

Mr Speaker, Sir, it has been asked what were the data upon which the hon. Mover of the motion based the motion. He told us that you do not need to build another power station. He took the trouble to find out whether the present power station at Ede was strong enough to supply all those areas. The answer was positive; you have not proved him wrong. You had not said that it was not well founded and you were told it could light only Oshogbo and Ife, and now we want to add another load to it.

The reason why I am making these observations is this. When we were having electricity proposals in Ijebu the idea was first to have electricity for Ijebu Ode. We found that to have a power house to supply Ijebu Ode would be too costly and so we proposed that we should have one to light a number of towns and villages around Ijebu Ode District and we found that even so electricity would be too costly. Instead of having a power station to ourselves we accepted a scheme whereby we could have our power drawn from Ijora right here, so that we can share the same power house. I am surprised that anybody could call that unreasonable, and that you can go on to say it is ill conceived and so on.

Now, if anybody is turning this House into a political platform I put it very humbly it is the other side of the House. After all if you want to include more towns by all means do so. Nobody has come here to play politics with such a thing as electricity. We talk about encouraging productivity in this country when we all know that the foundation for industry is electricity. In Ibadan now, where for generations they have used the mill stone to grind, electricity has set them free from all that. No one ever grinds now if he can help it. We ask you to bring prosperity to the poor farmers in the villages, in the crowded areas mentioned. If you want to extend it, by all means do. All we are saying is : here is a power house at Ede, expand it. It can do the job; why not consider it? If the Minister of Mines and Power would tell us "This is the power of it, and what you are asking is not enough", well, I will not do your job for you. You leave it to other people when they get there. Then they will do the job and you will understand. In any case what we are saying is that the data has been given. There is a power house and it will be cheaper for all concerned if they will all share the power from that power house. And I am surprised too that people should think for an idea like this to come from the Opposition Bench is to say something which if they were in power they will not be able to do. Well, that is a challenge that anybody would accept. After all it is a thing that can be proved. We have accepted the challenge in Ijebu, we have accepted the challenge in Oshogbo, and other places, and I am quite sure if this has not been a national government where we have African Ministers, those who are running the Government will tell us it was impossible. So they told us about Education. So they told us about everything. Nothing is possible until you start doing it. There again the Government is proving its indolence, and it is high time we kick them in the pants and get them to work.

take this opportunity to oppose, with all the strength that is in me, and I am appealing to all the hon. Members of this House to oppose this motion ; and Mr Speaker, Sir, before I sit down I would like an assurance from this House by a shout whether they are going to oppose it. Oppose.

Hon. Members :

Oppose.

Mr V. D. Phillips (Ijebu East) :

Mr Speaker, Sir, the future of this House is, indeed, gloomy, if hon. Members, in their comments and observations, would always base their reasoning on the fact that a suggestion or a motion emanates from members of one political party, or perhaps the subject matter of the motion relates to towns and villages in a particular Region and that the subject matter of the motion does not touch localities in other Regions. I say, Sir, that the spirit which is required here is the spirit of genuineness. We come here, Sir, with this motion with open arms ; with good reasons. Now, Sir, what do we say ? We say "Please approve this plan for the supply of electricity to towns", maybe towns, for that matter, Sir, which constitute the most populated towns in the Western Region and even in the whole of Nigeria. Now, Sir, what do we say ? We say "supply electricity to these towns and you do not need to expend your money ; all you need to do is to make use of an existing power station". If any Member of the House, Sir, wishes to apply to the hon. the Minister of Mines and Power, or perhaps to call on this House to support the suggestion that electricity should be supplied to other parts of the Federation, it is his duty to come to this House with an appropriate motion. It is a pity, Sir, that the last speaker spoke with some venom, or some suspicion. We do not come here to play politics. All we do is what you have been told ; develop the power station built at Oshogbo and supply electricity to these towns. Now, Sir, the hon. Minister Mr Kola Balogun tried to make some caricature of the motion. I would say, Sir, that Members should be seriously warned that a day of reckoning will surely come. A day of reckoning will surely come. Before we come here, Sir, we appeal to the people to vote us in, and having so been voted in, it is our duty to seek the interests of the people who so voted us in. Now, Sir, I had the mortification of my life on an occasion when I visited the very town of the hon. the Federal Minister, that is Otan Aiyegbaju. This town is a town of not less than some thirty thousand.....

An hon. Member :

On a point of order, Sir. I think that going into details is not relevant.

Mr Speaker :

I think it may well be relevant if he develops the argument that some other towns had or had not got it.

Mr Phillips :

As I was saying, Sir, I had the mortification of my life on an occasion when I visited the home town of the hon. Federal Minister, a town with a population of not less than thirty thousand. On this particular day, Sir, there was terrible heat and I was in the company of not less than one thousand five hundred people. And, Sir, we had very serious cause to be thirsty. We called for water, Sir, we could not get water. Now, Sir, we had to stay the night in this particular town, and to our greatest embarrassment there was no light, either natural or improvised. And it surprises me, Sir, that on this particular day the hon. the Federal Minister himself passed through his own town, and he failed to stay the night there.

Mr Speaker :

Is the hon. Member arguing or proposing to move an amendment to include this town in the wording of the motion?

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Mr Phillips :

Mr Speaker, Sir, the very town of the hon. the Federal Minister is included in the towns mentioned, and that is Otan Aiyegbaju. And as I was saying, Sir, I was very much surprised this morning to hear the hon. Minister rebuking conscientious Member, a respectable Member of this House for that matter, for daring to suggest that his own home town should be so supplied with electricity. (*Cries of "Shame, shame"*). Now, Sir, as I was saying, the hon. the Minister failed to sleep in his own home town that night because there was no light. And the very next afternoon on my return journey I had the greatest surprise of meeting the Minister in a hired house in Oshogbo.

Now, Sir, it will almost amount to an abuse of office for a Federal Minister to rise to suggest that Private Members' day is a day specifically assigned for amusement. I would say, Sir, that of all the days for business in this House Private Members' days are the most important. Such days, Sir, are the days when Members introduce private matters of topical importance, matters of the greatest concern to the welfare and safety of the people. Now, Sir, all we do is to ask for electricity for every part of Nigeria and I dare suggest that each of the towns mentioned here, Sir, excepting three, are thickly populated centres. Ogbomosho has been considered a thickly populated centre. The same thing with Iwo. Even as I am speaking, Sir, I saw my Friend hon. Sanni gasping in his seat; he wanted to say a few sentences in support of this motion but he was just unlucky not to have been called. Ejigbo, Sir, is a town of not less than fifty thousand people. Ikirun is a town of almost one hundred thousand people. Ire is a town of not less than fifty thousand people. Igbajo.....(*Continued interruptions*).

Mr Speaker :

Order. Order. We must keep the debate a little more orderly.

Mr Phillips :

Igbajo, Sir, the very town where the National Council of Nigeria Crooks found support in an eminent Nigerian citizen, a Principal of a secondary institution,—and this particular town, Sir, has not only one secondary school; it has two secondary schools, a big public building and, above all, Sir, it has a maternity centre. I wonder why such town should not be given electricity. And as I continue, Sir, I will jump over Iresi. I cannot say anything about Iresi. I know Otan very well, and I have spoken about Otan. The same thing, Sir, applies to Ilobu, where the hon. the Federal Minister to whom I alluded in my speech found the greatest support in the last Federal election. Base ingratitude! Now, Sir, I pass on to Illa. And of all places, Sir, Iseyin, Ilora, Oyo, Awe, Fiditi, all towns in Oyo Division, whose welfare as far as the question of supply of electricity is concerned should have received the open-armed support of the new Member who chose this subject matter to deliver his maiden speech upon. And as I was saying, Sir, we come to Gbongan, Ikire, Apomu, Ago Owu, Ifon, all towns here which are very thickly populated and, as I was saying, Sir, the Federal Minister threw a challenge: "But why the learned Leader of the Opposition was unable at the time that he was in the Council of Ministers to evolve such a scheme". He himself, Sir, has the answer. He glossed over it. He will not choose to bring the answer to the notice of the House and I will tell him the answer. Was it not, Sir, during the tenure of office of the learned Leader of the Opposition in the Council of Ministers that the scheme for the supply of electricity to Ede and Oshogbo was approved? Would you deny that?

Mr Speaker :

Order. Order. The amount of interruptions is in danger of spoiling the debate.

Mr Phillips :

As I was saying it is also most irresponsible for the hon. the Federal Minister to suggest that the mere matter of mentioning the subject matter of this motion is irresponsibility on the part of the Mover. Nothing, Sir, could be of greater importance, nothing, Sir, could be of greater interest to the people than this very motion itself. Now, Sir, the hon. the Minister of Land,

want our public service to be manned by Nigerians we must work for it and that is what this motion seeks the Government to plan to show the way towards the Nigerianisation of the Public Service of the Federation.

Mr Speaker, Sir, when I got the Order Paper of today I noticed there is an amendment to the motion and as I read through it I found out that the Council of Ministers was thinking on the same line with me. I have just mentioned some observations which I have experienced and which I would like them to take into account when they are making the promised programme of scholarship. I am glad to say that I will welcome the amendment which the White Paper has promised to do. I and many hon. Members here are looking forward to the time when the White Paper will be placed before this House. Mr Speaker, Sir, I beg to move.

Mr Z. B. Olokesusi (Ekiti South) :

Mr Speaker, Sir, I beg to second the motion.

Question proposed.

The Minister of Communications and Aviation (Mr K. O. Mbadiwe) :

Mr Speaker, I beg to move an amendment to this motion. To leave out from the first "the" in line 2 to end and add :—

"Federal Civil Service, and in the provision of higher training to fit Nigerians for increased responsibility in all walks of life, calls upon the Council of Ministers to make a comprehensive statement and present specific proposals to this end at the next Budget meeting of the House."

The whole motion therefore will read :

"That this House realising the importance of education in the speeding up of Nigerianisation of the Federal Civil Service and in the provision of higher training to fit Nigerians for increased responsibility in all walks of life, calls upon the Council of Ministers to make a comprehensive statement and present specific proposals to this end at the next Budget meeting of the House".

Mr Speaker, the motion by the hon. Mr Mbakogu was divided into three main sections and although I am not speaking to this motion but rather to the amendment in my name it will be necessary to refer to the hon. Member's motion to show why this amendment is necessary. He mentioned in the first part of the motion neglected fields and gave as the first example Economics. Another motion on the Order Paper deals with economic studies at the University College, Ibadan and I will say no more at this stage on what progress in these studies is likely to be made at the College. There is undoubtedly a need for this kind of training but on the other hand there is no post of Economist in the Federal Government service. Such qualifications might be of value in the department of Statistics, in the departments under the Ministry of Trade and Industry, in commerce and possibly in other departments such as that of Inland Revenue. Nevertheless so long as there is a limit to the number of posts in the public service where such qualification would be useful and to the funds available for higher training it is not possible to give a high degree of priority to training in economic subjects.

As regards labour and industrial relations there are at present twelve scholars overseas. In former years there were eleven special scholarships for trade union leaders. But this scheme had to be abandoned because the majority of the trainees branch over into employment outside the Nigerian trade union movement. As regards engineering the closest attention had been paid to the country's need in recent years. In the years from 1937 to 1947 only four scholarship awards were made in engineering but since 1948 there have been 155 awards with an additional ten this year. After protracted and deliberate negotiations I am glad to be able to announce in this House that the engineering institutions in the United Kingdom have now recognised engineering courses at the Nigerian College of Arts, Science and Technology for the full professional qualifications. Now for the first time engineers can receive their full academic training in Nigeria.

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The other term in the first part of this motion is "specialist course". I do not know actually what this term means. No one can specialise until he has obtained the basic qualifications and also some practical experience in his profession or trade. A scholarship programme cannot cater for all these specialised courses nor is it designed to do so. The normal scholar obtains the full qualification for a senior post in the public service. If he enters the Service and proves himself worthy he can then be sent on study leave in specialist qualification. This is the normal practice. But there is an exception. There is the case of a student who obtains such a high academic level in his degree course that his future clearly lies in the field of research. Research work demands not only an extremely high academic standard but also rare moral and temperamental qualities and the Federal Government Scholarship Advisory Board recently set up by my colleague the Minister of Natural Resources and Social Services is now examining the question of providing within the finance available research work to continue financing post graduate students without break.

I have listened to the hon. the Mover of the motion mention Mr Ezilo who is supposed to have obtained first class honours in Mathematics and I would like the hon. Mover to understand that this brilliant young man, as you portray him, did not apply for any scholarship this year. For your information he did not apply this year.

To summarise, therefore, on the first part of the hon. Mbakogu's motion, it is untrue to say that any of the fields of study mentioned is neglected. On the other hand, it would be pointless to divert students to courses unlikely to qualify them for the many vacant posts in the Public Services. The neglected fields of study are those which young Nigerians do not like to enter, for example, the veterinary science, and it is impracticable to direct applicants to fields of study which they have no desire to enter. The Nigerian College of Arts, Science and Technology is now a sufficient inducement for men to enter the field of engineering.

Coming to what has been called the opportunity of need, the hon. Member who moved this motion asked a question on this subject at the last meeting of this House. The Minister of Natural Resources and Social Services said in his reply that he did not understand the meaning of the term used. Perhaps the hon. Member will explain this in his speech which is already made on the motion, but still he has not been able to point out what he really means by the opportunity of need. If he is suggesting a means test for scholarship applicants, I should like to say that such a test would be very difficult to apply in this country. In many cases a scholarship awarded on merit alone means that a comparatively well-to-do family can send a less gifted member of the family group for further education. Children of poor parents should receive awards in any event. The institution of a means test then would be, in my opinion, an unrewarding and unjustifiable task.

Coming to the top point of the original motion, I would like to say that the present policy is designed specifically to give young people throughout the Federation equal opportunities for receiving scholarship awards. Regional Governments have their own scholarship schemes and any resident in the respective Regions may apply to their Regional Governments. The Federal scholarships now provide not only for residents in the Federal territory of Lagos and the quasi Federal territory of the Cameroons, but also for any officer or employee in the Federal Services throughout the whole territory and for any one resident in any part of Nigeria who expresses an intention to seek employment at a future date in the services of the Federal Government. When the needs of the Federal Service have been met, the balance of scholars on completion of their training may seek employment in the services of the Regional Governments. In addition to scholarships in the categories already mentioned, which this year amount to eighty-six awards, the Federal Government also finances first stage scholars, the award being made on the result of the University College Entrance Examination. These scholars are not bound in any way to serve the Government in any way after the completion of their training. Besides the eighty-six awards mentioned, already forty awards will be made this year for training courses and study leave. This brings the total to 126. I do not say that this is adequate, but

Chief Secretary and the Government until they have done the right thing for this country. I worry them necessarily. Now that they have got a good amendment, we support them on it, but when they begin to shirk their responsibilities we must be firm, we must be hard. We must push the Minister of Labour to labour more and more—and sweat. I know that the Chief Secretary is new in his task as Chief Secretary. I know there must be arrears of work left for him to clear, but there is no reason why I should not impress on his mind that there is some responsibility left behind, and he owes me a debt, and that is, training students in the Department of External Affairs. The Gold Coast is beginning to pay its own debt. Whoever was responsible, the Chief Secretary or the Secretary, whoever was responsible, has already started to pay its debt to the Gold Coast people and the Chief Secretary must pay this debt by creating in the Department of External Affairs a section for training people for that Department.

When you are making a statement, hon. Minister of Communications and Civil Aviation, do not forget that the Secret Branch of the Secretariat hasn't got one single African in it.

The Chief Secretary of the Federation :

Sir, the Honourable Gentleman must not continue to misinform the House on this.

Mr Wachuku :

All right, I am open to correction.

Mr Speaker, I do not want Africans who carry secret files but never open them. There may be Africans who carry secret files in the Secret Branch but haven't got the time to look through the files before they are passed to those who open them. I do not think the Chief Secretary would tell us that there is any African in the Secretariat who is able to decode any thing. Is there any one? I am open to correction. . . . (Interruption: "Yes"). Oh, good! Wonderful things are happening! That must be since last Budget Session, Mr Speaker. Why do they want to seal the Secretariat from us? We are the true accredited representatives of the country. We want to search, we want to probe, and we will keep on knocking and knocking because the Holy Bible says "Knock and it shall be opened. Seek and ye shall find". And when I ask I shall receive. I am speaking, I am knocking and I will continue to press.

Now, Mr Speaker, I have tried to impress the Government to see to these things. The Minister of Communications and Aviation when speaking here tried to give the impression by reading out certain statistics and all that. We have heard those things before. We have read Phillipson/Adebo Report—the quoted figures and numbers. I have seen the Imrie/Lee Report and the latest one—Gorsuch. Gorsuch analyses these things. I am thinking now, Sir, the kind of discrimination they have. The Ministry printed their own Gorsuch Report and put it in a volume and sent to us a rough thing to read. We patiently carried those two bulky volumes and waded through all of them. At first the sections were unintelligible then later on we had to go back with great pains to go through the whole thing, and now what do we find? We found in that Report again the same repetition—training, training, training. What we want when you are making your statement is this. Tell us there are so many vacancies this year in Department "A" warranting qualifications or requirements there. Now how do you propose to meet this? If you search throughout the whole of Nigeria and there is not a single Nigerian who has got the minimum qualifications to enable him to go to train to be able to fill this post, before you go elsewhere, either within the service or outside the service, put up a programme for recruitment of a certain number to be sent out for training to fill those positions. We want that. We are very serious about this Nigerianisation. We have preached it so long, and we are getting tired of it. The repetition is caused by the Government and not by the Members of this House. As long as we do not see an effective result we will come here and be worrying you. It may be nauseating but we will continue to say it, and I am happy to see that a definite statement has been made—I hope this will not be left out in the transcript. I am going to retain this paper. This is a solemn promise that they made in an open House and I

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sincerely hope no excuse will be fulfilled to mislead us again. We want such a programme within the shortest time that will make provision to fill all the vacancies and yet have spare people for future filling of vacancies. With the development that is going on let us not be tardy in fulfilling our promises, let us not keep on paying lip service to our responsibility to this country.

I am also happy to see that the Minister in the amendment referred to the Civil Service. As I pointed out in my former speech earlier during the Session, the Federal Service is the weakest link we have now. That is where the Council of Ministers must concentrate all their energy and if you cannot get the young persons, I ask the Ministers to make public the advertisement for people who have got their degrees—as external students or internal students—to go for further training in order to take this responsibility. If Nigerians are told that they are being trained specifically in order to fill vacant posts and take responsibility, I am perfectly certain they will come forward. It is that type of frustration that we found the other day in the Department of the Attorney-General that is driving back Nigerian students. A man qualified professionally comes back and you put him in the Junior Service, and yet when I come here I am told that they need to be induced. The Attorney-General was on my neck during the debate on the Magistrates' Court Bill. What inducements do we want for Nigerians? They may not be monetary inducements, as you want for the non-Nigerians, but the scholarship you give them is an inducement. The training you give them and the assurance that when they are qualified you will put them in jobs, or posts, or grades, commensurate with their training, and you give them the status and the dignity of the office, and then they know they are working for their country. I am perfectly certain that it isn't so much the money that they are pressing for. But I know this as a fact, that there are young ones who have gone out qualified as third-class clerks, when they return here they revert to that position and gradually, later on or so, they go to the Civil Service Commissioner and he will put them forward for promotion. Well that is frustration.

Now, the Minister told us today that Mr Osilo did not apply for scholarship this year. We ask them what of last year? Did he apply? We called for an answer, but he did not answer because he knows full well that he applied last year and he must have applied the year before as well as the year before, and because he got fed-up, frustrated, no encouragement from his own Government, he decided this year not to apply. Well nobody can blame him.

An hon. Member :

Aren't you tired yet?

Mr Wachuku :

I am not tired in dealing with your Government and I will continue to deal with the Government of which you are Chief Whip.

Mr Speaker, Sir, I sincerely hope that this programme will be forthcoming. If it is sound and appropriate, the Opposition will give the Government the support that they deserve. The Minister of Transport said that we required co-operation but co-operation must be both ways. It is not only the Government that wants co-operation from the Opposition and refuse to co-operate with the Opposition.

My last remark, Sir, will be in connection with the remark by the Minister of Communications and Aviation, who told us here that there is no provision for economists in the Civil Service. May I refer him to the last edition of the Estimates : Council of Ministers, National Economic Council, Head 68, Sub-head 13 and 14. If you say there is no provision for economists in the Civil Service, who will fulfil this function—people who know nothing about economics at all? If you are going to bring people who know nothing about economics to run economic councils, then I am afraid it must be a bogus economic council. Surely that council will be more efficient if you have an economist there. I do not believe that in a council like that there is not a single person who does not know something about economics, otherwise they will not be able to advise anything to the Ministers, who will get bogus advice. They will not help

them at all. Therefore to tell us that this word means nothing—perhaps the Minister will remember that when we are debating this very subject: the people who deal with the recommendations of the International Bank Mission.

The Minister of Communications and Aviation:

You don't seem to remember anything about it.

Mr Wachuku:

I don't remember because the Hansard is not ready, and it is not ready because the Ministers have not made the necessary provisions to be able to have it ready in time for us to read and be able to deal with the Ministers of the Council adequately in accordance with the speeches of Members of this House. Mr Speaker, I have thrust enough at the Ministers and I see that they are all afraid of the Opposition and what we have to do, and sometimes when they are driven to a corner they begin to shadow box. I will not heed them any more and therefore, as I said before, the Opposition supports the Government amendment.

Mr A. Adeyinka (Ibadan Central):

Mr Speaker, Sir, I rise to support the amendment. Actually the amendment is quite clear and the Government has clearly set out its scholarship scheme. It does not need all this long talk, we are only waiting for the statement from the Government which I believe should be comprehensive. Before going further, Sir, my own point about scholarship is this, the Council of Ministers should please remember that they should be prepared to lay before this House their bold policy on scholarship. They must try by all means to satisfy those Divisions in the Regions especially the Western Region which forms part of the Federation that I come from and which I have the honour to represent in this House. I would like to inform this House that we are suffering greatly in the Regions, especially the Western Region owing to political reasons and I believe when scholarships are going to be awarded, it must be on national basis. In the Western Region there are brains but when they ask for scholarship, they would not be awarded because they are not Action Groupers. Mr Speaker, Sir, my point is that when a scholarship is going to be awarded, the Government will try its level best to see that they satisfy some young men who are prepared to go forward for higher learning. This country cannot progress properly without the people being qualified to man some of these responsible posts and I am sure that there are so many young men in this country who are prepared to learn but for certain reasons which have limited them, they have not been able to seize the opportunity. For instance in my own Region in Ibadan, where a young man with Inter B.A. and a matriculate applied for scholarship, he was knocked off simply because he was an N.C.N. Cer and simply because my Division has no support for that bogus Government of the Western Region. That is why he failed to be awarded a scholarship. I would like the Council of Ministers to take all these gross anomalies into consideration when awarding their own scholarships.

Mr Speaker, Sir, I beg to support.

Mr F. U. Mbakogu (Awka):

Mr Speaker, Sir, I rise to accept the amendment. But I would like to make this little observation. What I meant by the principle of need was the need of the Nigerianisation of the Civil Service. When I mentioned specialised courses, I meant such courses like Ph.D. which Mr J. Ezeilo applied for. While we are talking about university lecturers and professors we want our own men and we must train them. Where we have not got people who can carry on the course because of the financial limitations, Government should try to train experts so that when I said specialist courses I meant courses for experts in all departments of state.

Question "That the words proposed to be left out, be left out" put, and agreed to.

Question "That those words be there inserted" put, and agreed to".

[Nigerianisation in Upper Section

30th August, 1955

of the Survey Department]

Resolved :

That this House realising the importance of education in the speeding up of the Nigerianisation of the Federal Civil Service, and in the provision of higher training to fit Nigerians for increased responsibility in all walks of life, calls upon the Council of Ministers to make a comprehensive statement and present specific proposals to this end at the next Budget meeting of the House.

NIGERIANISATION IN UPPER SECTION OF THE SURVEY DEPARTMENT

Chief S. L. Akintola (Oshun West):

*Mr Speaker, Sir, I rise to move the motion standing in my name on the Order Paper :

“That this House is of the opinion that the pace of Nigerianisation in the upper section of the Survey Department where at present sufficient use is not being made of suitable local material should be accelerated.”

This motion goes along the same lines as the one I moved this morning in connection with the Customs and Excise Department. If hon. Members will refer to the Estimates for the year 1955-56, the current Estimates, it will be discovered that there are important posts in the department which in the nature of things appear not to be accessible to Africans. The Head of the Survey Department is the Director of Federal Surveys. The next in priority is the Deputy Director and then you have also a Superintendent of Surveys, you have also a Senior Surveyor, you have also the Map Production Officer. It would appear that throughout all these high posts, there is not a single place reserved for an African. What is amazing about the position of Africans in the Survey Department is this: people may complain of lack of opportunity for training in other departments of the Government—not in the Survey Department. The Survey Department established a system of training for very many years now. There was the old School of Survey where Africans were trained and I believe the school is still in operation, and in this school which was part of the Yaba Higher College, several young Africans were produced; many of them as a result of hard work and years of experience have become fully qualified Surveyors. Some of them have even got licences as Surveyors but in spite of this intensive training and in spite of their years of experience, it seems as if there is a difficulty earmarked for them beyond which they dare not pass. I think the time has come for the Government to probe a little more into the activities of the Survey Department. Many Africans who acted in certain posts were not encouraged to become substantive holders of those posts. I remember a point raised in this House on several occasions before, about the Map Production Officer. The type of duty done by these officers was done by some Africans but for some mysterious reason, a new man was imported from beyond the seas and he virtually became the senior of those who have been carrying on the work before.

I would not have stressed this very much if it could have been argued logically that these Africans were not qualified. There is no evidence of the lack of qualification because the department itself provides training theoretical training and over and above that, they have also practical experience in the office. Not only theoretical experience in the school, not only practical experience in the office, but many of them have many years of field experience as surveyors; but in spite of all these if you keep on enumerating the posts in priority from one to six and you can still not find a single African fit enough even to be No. 5 or even No. 4, not even to speak of No. 3 or No. 2, I think something is really missing. When you talk of qualification and of training, there is something that arouses one's suspicion. Reference was made recently by way of illustration to what happened in the Department of the Administrator-General. There, a post was created some years ago—the post of Assistant Registrar of Trade Unions. At the time that this post was created, it was stated that it required a legal qualification for an African to occupy it. After long argument, a young African who had legal qualification occupied that post. Later on, there was a Cypriot who has also had a legal

* Speech not corrected by Member.

qualification who succeeded the African in that particular office. There was also another office : that of Administrative Assistant which was filled by a man with legal qualification in the Administrator-General's office but hon. Members would remember that it was only yesterday or the day before that a question was answered in this House to the effect that there is a trained man with legal qualification with all the experience necessary in the Department who is now still in the Junior Service. The answer was even honest enough to admit that this young man requires no further qualification to qualify him for a Senior Service appointment. Why is such a man not promoted, why is he not raised to the senior post? Simply because we must keep on manufacturing some excuses for keeping such people out.

I am very happy that the Chief Secretary is becoming increasingly aware of the feeling of the people of this country on this vital matter. It was not many years ago when a friend of mine perhaps not unknown to this hon. House who was a graduate with honours degree in English was rejected in the Secretariat here; he was there for a few months and somebody got it in his head that he couldn't pick up, that he should go and become a 2nd Class Clerk. That is a man who has an honours degree in English. He has been holding his own ever since but I am sure if he had been in the Civil Service, maybe he would still be considered not fit to hold a Senior Service appointment; and on the fact of that you have some expatriates whose highest qualification might even be School Certificate, they never come to the Junior Service; on entry right away they go to the Senior Service. Something must be wrong somewhere if we are in the habit of being told all the time that Africans are not qualified in the Survey Department, we cannot find suitable materials, either you are not sincere or the searcher's eyes cannot see very well. In the whole of this long era of men in the Survey Department if we cannot find people who will play the second or third role to the man on the top, heaven save this country.

I feel strongly that this matter should be looked into seriously. I might be happy if the type of proviso that the Chief Secretary pointed out this morning would be given even on this rather thorny point. I appeal to the Government once more to look into the Survey Department and give the African the chance that is fair and equitable, the chance that may bespeak to the world that the Nigerians are really coming into their own. Mr Speaker Sir, I beg to move.

Mr T. T. Solaru (Ijebu West):

Mr Speaker, Sir, I beg to second and I think enough brickbats have been hurled at the Chief Secretary and I would not add mine but I would say this especially to our own people who tend to misconstrue some of the things that are said here that what has been said on this subject is what they all think very deeply in their own hearts and what they would say anywhere. But there is something we have inherited from the past and I think it is about time, Mr Speaker, that we began to breathe God's free air. We have inherited the idea that we cannot do it. As a matter of fact, deep down in the hearts of many of us is the idea that the African cannot do it. The most damnable thing that can be done to one is not to have confidence in ourselves; and the anxiety with which we ask this question and press for this appointment is the measure of the confidence we want restored to us. If we are going to live in a free country it must be run by men who are free not only mentally, but morally and spiritually even to hold up their heads; and unless you are entrusted with some responsibility, you cannot prove that you are the equal of the other man. Mr Speaker, Sir, I support the motion.

Question proposed.

The Chief Secretary of the Federation (Mr R. F. A. Grey):

Mr Speaker Sir, the hon. Gentleman, the Leader of the Opposition, was so kind this morning as to say that he would give me a trial run in the role of a prophet. I am sorry that I cannot claim to have a trial run on this subject in that role as I have no prophecy to put before him at all that might be called short term.

I am grateful Sir, that the seconder to the motion decided to refrain from throwing any from the apparently inexhaustible supply of brickbats kept under their benches but he will pardon me if I say that some of the brickbats appear to be remarkably light weight. However, Sir, at this stage of the meeting I am glad for any mercy however small.

The first point I wanted to take up is the remark made by Mr Solaru, who is, as I am, a member of the Council of the University College and who is in a special position to know these things. He said, "Let us not feel that the African can not do". I don't think that anybody who is concerned with the filling of posts in the Public Service has that view. But there is a feeling which is close to it at this time when men—not only Nigerians but men of all races—are in short supply for certain jobs. There are certain jobs about which it is fair to say in the local context that the Nigerian will not do, and not only Nigerians but others as well. The surveyor's life is not one that has a very great attraction for many people and it does mean a lot of hard living and hard lying—whether or not there is any allowance to go with it. Government has not made up its mind on that subject and while other better jobs are offering, it is hard to get people into the Survey Department.

The Leader of the Opposition will know men, as I do, Sir, some of the older generation, who did work very hard in that occupation and some of whom did a great deal of most useful work in the mapping of this country but, just at present, I don't know that there are so many young men coming forward who are keen on that sort of very hard life. Now, it is true, Sir, that there are not Nigerians in the top levels of this department. Unfortunately, the fact is that in many of the posts not only are there no Nigerians but there is not anybody at all. I am informed that there are four super-scale posts of which two are filled, both by expatriates; there are four posts in the upper segment of the A scale, none of them filled at all. There are thirty posts in Scales A and B, four of which are contract posts and sixteen of these are vacant. The fact of the matter is that until the 1st of October last, the Federal Survey Department was an Inspectorate-General and did not contain field workers. It consisted of the Inspector-General of Surveys and map production staff. When we reorganised the department again, for the second time in the past three or four years, we went back again to the state of having to employ field surveyors and we are now in a stage of building up the staff. There are Nigerian surveyors of some experience in the Regional departments but there are only three Nigerian officers as it seems here in the Federal Surveys. There is another one, Sir, who has passed the Intermediate Examination of the Royal Institute of Chartered Surveyors and he is a Surveyor Grade II on Scale B2 and he has some other professional qualifications to obtain before he is eligible for promotion to the professional grade. We are proposing to award scholarships to Survey Assistants who have already had two or three years in the department to send them to the University College at Ibadan to get a degree in Geography, Mathematics and Physics and after gaining that degree they would have to go to the United Kingdom to get professional qualifications. We hope to get graduates from outside the department coming in but it is only reasonable that they be tried out on field duties to start with because a lot of people do not like living in tents and sweating through the bush if they can get what they regard as a more comfortable job on the strength of their University degree.

So, the hon. Member's motion has served a useful purpose in impressing this point on my mind and, as his most vocal assistant remarked a few minutes ago, I am new at the job and it is quite fair to impress as much as possible on my mind. But my mind does contain some recollections gained in other capacities and I think Sir, as a new Member of the House of Representatives, it might not be out of place for me to say that I am gradually coming to understand that there are for all legislators especially those in the Opposition, some heaven-sent gifts which can be used again and again without really getting worn out. In some mysterious way, Sir, we slid off the business of Surveyors and had quite a good look, much more than a sidelong glance, at the Department of the Administrator-General.

As I remember it, Sir, that used to be the happy hunting-ground of a distinguished gentleman no longer with us, but he could be readily identified if I refer to him as the care-free Prince. The care-free Prince, Sir, at the annual Budget meetings of the then Legislature

used to refer to the Administrator-General's office, which always seems to have some professional men in it who have been rigorously kept down in the Junior Service. It would perhaps please him to know that, as from today, when the Administrator-General sailed away, that Department contains no expatriate whatever. Perhaps that is a sign of good things to come. If the Leader of the Opposition will on this occasion receive a long-term prophecy from me, as opposed to the short-term one I gave him this morning, I would invite him to withdraw this motion also, on the understanding that the Government will do its best to see that Nigerianisation in the Survey Department proceeds apace.

Chief Akintola :

*I am quite sure that the assurance given by the Chief Secretary was well meant. Further all the dead who have left their property for the Administrator-General would be perfectly sure that their property would be properly as safe in the hands of the expatriate as well as in the hands of Africans. (*Laughter*). With this assurance, I beg to withdraw the motion.

Motion by leave withdrawn.

MASSEY STREET MATERNITY CENTRE

Chief S. L. Akintola (Oshun West) :

*Mr Speaker, Sir, I beg to move Motion No. 10 standing in my name :

"That this House calls upon the Government to take immediate steps to remedy without further delay the very unsatisfactory position created by excessive congestion at the Massey Street Maternity Centre".

I notice that as usual, the Government has attached a very lengthy amendment but the amendment in its position is extremely apologetic. Now, what is the position of the Massey Street Dispensary? The White Paper submitted during the Budget Session on the medical services in the Federal territory by the hon. the Minister of Natural Resources gave a vivid peep about what is happening at these important centres. Two or three mothers sleeping in the same bed, expectant mothers would sleep on one another and on the floor, and there was the danger there of Jacob's son, newly born baby being mixed up with Esau's baby because the congestion created a very great problem. I do not think that if the Massey Maternity Centre generally belonged to Government, that the Government would have tolerated such a condition up till now. Something would have been done long ago about it.

It is true that a White Paper was submitted recently on the position at the Massey Street Dispensary. We are not merely reading the White Paper, we are seeing from day to day the practical implementation of what the White Paper promises. For all practical purposes, we have not seen any change in the situation up till the moment. The congestion still remains and the appalling situation has not changed. I therefore feel that the Government must treat this matter with extreme urgency. I know that it may be argued that one or two steps have been taken but with what result? If the question of accommodation creates a problem I respectfully submit that the Government can hire houses in the neighbourhood and put these houses in proper shape, at least to be used temporarily. It does not speak well of this Federation that we get a Maternity Centre of the kind that we have at Massey Street. I don't by any means imply any lack of appreciation of the highest standard of medical and clinical services that is being given there. The doctors there, the nurses there, the matrons there from all accounts, are among the best that we can have in the whole of West Africa. (*Hear, hear*). But we are not creating conditions which will make their work productive of the best results. Too many congregate in too small an area and the Maternity Centre serves not a small area, but it serves practically the whole of the Colony Area; expectant mothers would come even from the Mainland but what type of service do we offer? If we are not careful, sometimes an expectant mother who comes to the place with one kind of complaint

* Speech not corrected by Member.

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may succeed in carrying home a greater or more serious complaint because of the problem of congestion. I think that the time has come for the Government to take a bold step. This idea of steps being taken that we are satisfied with the steps now being taken, what are those steps which don't reflect themselves in practical result? What steps are being taken when newly born babies two or three of them in the same bed, when expectant mothers will even be sleeping on the floor? In spite of our White Paper, in spite of all provisions in this House the situation still remains unchanged.

On a previous occasion I proffered advice that the Minister should advise his departmental head to explore the possibility of securing the services of private medical practitioners, private midwives, so that, if possible, expectant mothers might be assigned to them. Now that might be able to help us to solve the problem of congestion up to a certain extent, but up till now very very little has been done if anything at all. These young ones being produced from this rather unsatisfactory hospital may be the leaders of this country tomorrow and it is part of our duty to see that we receive them with open arms. At the moment we have not been given any evidence that we are taking the very best care of them. I therefore invite the attention of the Government once more to this serious problem in the hope that they will take an immediate step to see that it is remedied.

Mr Speaker, Sir, I beg to move.

Mr L. J. Dosunmu (Lagos East) :

Mr Speaker, Sir, I beg to second the motion so ably proposed by the hon. the Leader of the Opposition.

It is unfortunate that the Government seeks to make this a matter of confidence, because I cannot see any other reason for putting in the amendment and asking this House to express satisfaction in the steps taken by the Government at the moment. The situation is in fact grave. As a matter of fact when I read the Government white paper which was placed on the Table of this House some months ago, I admired the courage of the Minister concerned to have put in print the conditions that are prevailing at the Massey Street Maternity Centre. The description was very true, and as I said it takes a man of courage to assume responsibility for such a disgraceful situation in the municipality of Lagos.

It is a very very serious situation when mothers having delivered babies, and even before they are restored in health are asked to leave the Maternity Centre. This is not a matter which, if you will allow me to say, Mr Speaker, can be made the subject of a White Paper. It is one that does not admit either of a short or a long term policy. Something must be done right now, and I think the hon. the Leader of the Opposition has given a very valuable suggestion towards this end. The congestion must be relieved immediately.

The point was made that if this situation occurs in a private dispensary, it wouldn't take the Government one second to close down such a dispensary. It wouldn't take the Government one minute to prosecute a private medical practitioner who is carrying on the business under such conditions. Immediate steps should be taken to relieve the congestion and I am satisfied, Sir, that efforts can be made to relieve the congestion either by hiring, in focal points in Lagos, sufficient accommodation for the expectant mothers. On this occasion the plea is not lack of medical officers or midwives, but it is just not having sufficient accommodation for the pregnant women. This shouldn't create insurmountable difficulties. It should be easy to secure accommodation in the municipality where houses spring up right and left in various parts of the city. The Government is not slow in renting big houses for a department of one kind or the other. But when it comes to hiring them for social services of this kind they feel rather reluctant. I would suggest that this is a matter that should claim priority on the Government's list and therefore I support this motion and ask the Government not to insist on carrying the House on its own amendment. In a matter of life and death it is not right to make it a subject of long debate or one under which the Government can ask that we express satisfaction that the steps so far taken are commendable. I asked what steps have been taken so far? Until the

Chief S. L. Akintola (Oshun West) :

*Well, I believe that it is true to describe every Member of this House as hon., and in spite of the statement of the last speaker, I shall still continue to deem him an hon. Member. But in spite of the attributes of hon. Members—to be terminologically exact—in any case let him wear it whom the cap fits. This is not a matter for mere. . . . it is a matter for party politics. Why not? I do not belong to the category of people who will say that they come here not to play politics. What do you come here to play, football? (*Laughter*). Everything we are discussing here is politics.

I invite the attention of this House to the picture as presented to this House only a few months ago. My contention is not that you have not made a plan, but no plan has been put into effect. I do not know what the intention of those who support the motion is. Perhaps the intention is to bring about a real fusion in Nigeria. If you leave the Massey Hospital as it is now, I know one result will come out and perhaps that has been coming out too.

An hon. Member :

How did you leave it?

Chief Akintola :

Well I left it in a position that I thought would be improved upon, and conservation is not contribution. The fact that my successor has conserved what I left is a proof that he has not contributed his own quota. We want evidence of that improvement. Now what happens: it may be that the baby of an Ibo man may be given to a Hausa man; the baby of a Hausa man may be given to a Yoruba man; may be that is one way of bringing about the unity of this country. (*Laughter*). That place today, from the point of view of congestion is really suffering some confusion. I challenge the last speaker who said that he was there recently. If he had been there recently, he must have been a passer-by or he must have gone there to see one of the attractive nurses there. (*Laughter*). His intention was not to go there and find out facts. I am saying this with all sense of responsibility that the situation is still serious.

What do we want to be done? I am not saying that the hospital proposed should be completed within a year or two; but before the completion of this gigantic plan something ought to be done immediately. And what do we suggest? I said: instead of this congestion which your White Paper bears, which nobody denies, still exists—and for the information of Members, I may refresh your memory—the present Maternity known as Massey Street Dispensary, has a capacity of only seventy-four beds. It deals with an average of 9,000 in-patients every year. The condition in the hospital reflects the inadequacy of the services. Sometimes two or more mothers are accommodated in one bed, and many lie on the floor. Even so, it is usually necessary to discharge patients long before they are fully recovered from childbirth and in some cases within twenty-four hours of delivery. Well this is a very serious matter. We do not want to score any points on this. All I want is that there should be an immediate remedy applied and I do not come out here with a mere criticism. I have put in a number of alternative suggestions which nobody has had the courage either to accept or to comment upon.

There are houses in the neighbourhood. These houses could be hired.

An hon. Member :

Have you one?

Chief Akintola :

Certainly, if you are in need of houses we can appeal to the people of Lagos and I believe they are public minded enough to give you houses provided you are going to pay the rent. There are competent midwives who are carrying on their profession privately. We can enlist the co-operation of these private midwives so that patients, expectant mothers might actually be sent out to these midwives to assist. I am sure that such an improvement can be made

* Speech not corrected by Member.

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within a matter of two or three weeks. You are not building a new house and this arrangement can be made temporarily pending the completion of your own gigantic scheme. I see no reason, I am not at all convinced, that there is anything in this woolly-worded amendment. The amendment is as lengthy, as unreasonable, lousy, meaningless, and I therefore appeal to the House to reject it.

Mr Kolawole Balogun, Federal Minister :

I only want to say one word in support of this motion and that is

Chief Akintola :

There are too many words.

Mr Balogun :

.and that is to examine a little bit the one and only suggestion made by the Leader of the Opposition that the houses surrounding the Massey Street should be hired by the Federal Government for the purpose of accommodating people who go there for medical services. Of course, anybody who knows Lagos and knows the housing condition in Lagos knows how very fantastic that suggestion is. You want to hire a single room in Lagos and you will be on for one year and you are not able to hire a room, not to talk of

An hon. Member of the Opposition :

Get a house at Ikoyi.

Mr Balogun :

Get a house at Ikoyi? Mr Speaker, Sir, day by day one begins to lose one's respect for Members sitting on that Bench. (*Applause*). It does not appear to me as if they do any sound reasoning at all. They just open their mouth all the time and they all blah, blah, blah. (*Applause*).

I cannot understand how any person in Lagos can treat the housing position of Lagos so lightly, to say: "Go all over Lagos; go and get the house and put all these women there!" If these houses were available, I want to tell you that there are so many private Nursing Homes in Lagos who will like to set up if houses were available. The problem is that many midwives cannot set up because they cannot get these houses, and the only reasonable alternative is what the Government is doing and what has been put down by the White Paper: the scheme to have a new place entirely in order to relieve this congestion.

It has been only three months now since that Paper was approved here during the Budget Session and as the Parliamentary Secretary has said, the White Paper is already being implemented. I am surprised that the Leader of the Opposition cannot go down and think of more serious problems to put before this House other than this type of frivolous matter all the time: his Five Cowrie Bridge, his Maternity House, his Railway all over the place, his Electricity in any little village all over the place, all sorts of funny little ideas. I want to say, Sir, that my own idea of the Leader of the Opposition, as I said once before, is a person who can come forward and take over responsibility any day and one of the reasons why Parliamentary Government is superior to any other Government is that when

Chief Akintola :

No lecture.

Mr Balogun :

You might benefit from the lecture. One of the benefits of Parliamentary Government is that when a Government retires, the political party not in power can think out new and fresh policies for another administration. I do not see any evidence of thinking in all this little rubbish that we are having here. Here is a gentleman who was taking part in a debate on a White Paper for Medical Services in Lagos only three months, he comes to want this today, he wants this to be done right away.

wife, just as a married female nurse may devote part of her attention to her home. If in spite of marriage a male doctor can be offered security of tenure why cannot a female nurse be offered the same thing? Why should she be in constant fear of losing her job?

Another point is that we are unconsciously encouraging some sort of warfare between married female nurses and unmarried female nurses. Every unmarried female nurse who enters the country constitutes a potential danger to a female nurse who is already married because the policy is to substitute the married female nurse with the unmarried ones. I do not think that this is fair, and I therefore respectfully ask the House to pray—I do not think it can be described as frivolous to pray, it is one of those prerogatives that are reserved even to the humblest of men. The Opposition might be irresponsible in doing anything at all, but would it even be said to be irresponsible in offering a prayer, a prayer on behalf of women, on behalf of the fair sex, on behalf of those who belong to the same category as the mothers that begot everyone of us. We humbly pray and we sincerely hope that our prayers will not fall on deaf ears, and I am quite sure that the Ministers will give a deep thought to this motion because I am told, and I believe on good authority, that when they do go on tour those who minister to their needs most are the female nurses. (*Laughter*). Sir, I beg to move.

Mr J. A. Wachuku (Aba) :

*Mr Speaker, Sir, I rise to second this motion. Sir, during the last Budget Session I brought up this matter, about six cases of African qualified Nursing Sisters who were deprived of their jobs in the General Hospital, Lagos, because they were married. As the Leader of the Opposition has said, it appears that the Government is putting a premium on spinsterhood in this country, but historically and sociologically our people, our African society have always put a premium on motherhood. But it appears that we are now reversing the order of things in Africa and Nigeria in particular.

Sir, it has been said that some of the reasons given for this policy is that married Nursing Sisters are not willing to go on transfer elsewhere. Sir, I investigated this and I learned from the persons concerned that they were quite willing to go on transfer. I even met their husbands and they told me that they were quite willing for their wives to go on transfer. Now, this motion deals particularly with the Federal Territory. We know that this has come now within the Regionalised Services. There can only be two areas, Lagos and the Cameroons. Surely the Cameroons cannot take more than a limited number of Nursing Sisters, and the bulk of them must be here in Lagos and now we are planning for bigger hospitals, bigger maternities, and certainly, Sir, the need of Lagos as the premier city of this country will be greater. I would say, Sir, that this motion becomes very appropriate because if there is anybody who will appreciate the nursing care that is necessary it is the married woman, the mother. She knows the tender affections, she knows the pains and the sufferings, and therefore she would be more kindly disposed in dealing with patients because she has had practical experience.

Therefore, Sir, as the proposer of this motion has said, this motion is a prayer to His Excellency the Governor-General to review the position. I hope that the Government will not oppose this motion because it is proper, it is opportune, it is necessary and it is in the best interests of all people; and we therefore leave it to the Government to exercise their judgment rightly in the best interests of the persons concerned.

Sir, I beg to support the motion.

Question proposed.

The Chief Secretary of the Federation (Mr R. F. A. Grey) :

Mr Speaker, Sir, having twice taken on myself the role of prophet at the request of the Leader of the Opposition I can only hope and pray, Sir, if I may use that word, that I may be

* Speech not corrected by Member.

rather more successful than he is, because whatever the sparkling face of the hon. the Minister of Communications and Aviation and the jaunty set of his cap may mean, it does not mean that he is going to support this motion; nor do I understand that there is any probability that the hon. the Minister of Transport will give either his moral or spiritual support to it.

Sir, we have heard a little about chivalry, kindness and consideration, and we are urged to do what we must do in the interests of the fair sex. It is one of the advantages of being in Opposition, Sir, that one may make one's policy animated by these high and slightly vague motives. But one of the penalties of being responsible, Sir, is that one must decide the thing wisely, and the Government, although I hope individually as chivalrous as most, hopes that it will prove a little more sensible than the Opposition.

Now, Sir, one of the responsibilities of Government is to disentangle the relevant from the irrelevant, and I would like to bring the House back to the motion, which is that the House pray the Governor-General to review the policy of recruitment and appointment. So let me slay at once the bogey of "clandestine marriages" and "subterranean wedlock". If a girl, a Nigerian girl, is employed, Sir, as a nurse or a nursing sister, and she bears in mind her sociological obligations about which we have just heard, and decides to marry, she is not, unlike her expatriate sister, required then to resign from the Service. So there is no reason to keep her marriage a secret. I think it is very important, Sir, but I hesitate to go on talking about it lest I be accused of repetition, because it is only a few months ago since the whole of this matter was set out by the Government in answer to a question asked, surprisingly enough, by the hon. the Leader of the Opposition. (*Laughter*). However, Sir, although he is a little repetitive it may please him to know that his motion has already had the effect that he desired.

He asked that His Excellency be prayed to review the policy. His Excellency, with his Council of Ministers, recently did review the policy of appointment and recruitment and decided to keep to it. Now, Sir, the policy of recruitment is that if women are married they are not offered permanent appointment. There are three reasons that I know of and one of them has been given to us, as so much has been given to us, by the hon. Gentleman from Aba in slightly garbled form. He said it was because married nurses were unwilling to go on transfer, but he said where could they be transferred to but the Cameroons.

That is not the reason at all, Sir. It very often happens that it is not the married woman who is unwilling to go on transfer; it is that the married woman's husband goes on transfer and she would fain follow him, and it is a little difficult to do as we were invited to do some day last week and give an assurance that every man would be posted where his wife would like to be. (*Laughter*). That is one reason, Sir.

But there is another reason, Sir. (*Interruption: The first came from your own supporter*). I am afraid, Sir, that all of us, even those of us who are not civil servants, are capable of turning down an idea that comes from quarters friendly to us if it does not seem to be a good one. Other people may have a different philosophy of life. Now, Sir, one of the strongest reasons is the reason given so eloquently by the two gentlemen who spoke in support of the motion, and that is that there is a very intense desire on the part of women who are already married to continue to look after their families and for that reason they are often not as satisfactory if they then seek to take up employment for the first time (and bear it in mind that we are talking only about recruitment) as people who do not have those obligations.

The third reason, Sir, probably is the best of all, and it was given not, I regret, Sir, at a time when ministerial responsibility for these matters was as it is now, but in the time of another Minister of Health. The advice was given by the Chief Medical Adviser and I am strengthened in quoting this, Sir, because I have been adjured to do only what is in accordance with Nigerian views, and, as we have heard so often in another debate recently, the Chief Medical Adviser is a Nigerian. He said (I am quoting him with the greatest approval): "The

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Mr Benson :

I am continuing. I have heard the Speaker, but I am continuing on another matter in the Handbook of Constitutional Instruments.

Mr Speaker :

Is Mr Benson talking about a Regional matter ?

Mr Benson :

No, Sir. What I am talking about now is the Concurrent Legislative List, page 101 (6)—Commission of Inquiry. My point is this, Sir. I have told the Chief Secretary that he should ask the Attorney-General to be here so that we could have a full dress debate on the matter.

The Chief Secretary of the Federation :

On a point of information, Sir, I am afraid that the Government has no intention of staging a debate, and I must tell you, Sir, that although we have not had the advantage of hearing Mr Benson's argument in detail, the Government has taken advice on this matter which is not in his favour and I do not think, Sir, it would be suitable to introduce the matter here.

Mr Benson :

I am just speaking generally, Sir, on a matter which is Central. I would not refer to what he has said.

Mr V. D. Phillips (Ijebu East) :

On a point of order, Sir, we thought, Sir, that once the Speaker rules a Member out of order that Member automatically should respect the ruling of the Speaker and take his seat.

Mr Speaker :

I think I asked Mr Benson if he is dealing with a Regional matter. Perhaps he can prove that he is not doing so.

Mr Benson :

Mr Speaker, Sir, I am bound to obey your ruling and I have done so. My point is that any matter which is contained in section 6, Sir, Commission of Inquiry, and is referred to as a Central subject according to the Handbook that any Government for that matter should respect the findings of any enquiry under this Concurrent Legislative List. If there is going to be any matter, Sir, as to the maintaining and securing of public order they can do the same thing under item 22 at page 102. For all I know a person like the Leader of the Opposition, I only hope that the day will come, Sir, when he will be banished from this country. (*Laughter*). There may then be a Commission of Inquiry to enquire into his affairs, and I am sure the first person to come forward will be Chief Rotimi Williams to say : "Why do you banish my friend, hon. Akintola ?"

Mr Speaker :

I must draw the hon. Member's attention to the fact that he is breaking a ruling that I gave a month or two ago that a Member speaking on the adjournment must give a Minister at least as long as he has to reply.

Mr Benson :

That is all right, Sir. I will give him time to reply now.

The Chief Secretary of the Federation :

Sir, I am sorry to have to differ with the hon. and learned Gentleman but the advice given to the Government is otherwise. The hon. Member suggests that this matter of a certain Commission of Inquiry, the facts of which are not within my own or any of my colleagues'

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official knowledge is within our ministerial responsibility. But it is governed by a law which, as it relates to a matter on the Concurrent List, on the 1st of October, 1954, began to take effect as though it were a law of the Legislature of the Western Region. That being so, Sir, it is not within our competence and I regret, Sir, that no one on this Bench has ministerial responsibility in the matter.

Mr Speaker :

It is now my duty to adjourn the House. Before I do that I just want to say two things. First, to the officials of the House, I want to thank them for the excellent work they have done in spite of shortage of staff ; and the other thing is to all Members of this hon. House ; I want to thank them very much for their kindness to me and tolerance, and I wish you God speed on your journeys, and may He keep you safe till we meet again. . . . (Applause).

Adjournment

And it being six o'clock, Mr Speaker adjourned the House sine die, pursuant to the Resolution of the House this day.

QUESTIONS AND WRITTEN ANSWERS

Question—

O.15. Mr J. C. Obande :

To ask the Minister of Land, Mines and Power :—

Whether he is aware that there are coal deposits at Okukram and limestone at Igumale ; and what proposals have the Government for exploiting these minerals for industrial purposes ?

Answer—

The Minister of Land, Mines and Power :

Yes, Sir. In 1953 the Geological Survey Department carried out a drilling and mapping programme on the Orukpa (Orukram) coal seam and found very satisfactory reserves. At Igumale a drilling and mapping programme is being carried out and five drill holes have been completed and though a number of limestone beds have been intersected they are of poor quality. The drilling programme is still in progress and it is at present too early to estimate the value of these deposits.

Government has at present made no plans for the exploitation of these mineral deposits and will not be in a position to plan until the drilling programme has been completed and it is ascertained whether the deposits are sufficiently rich for economical exploitation.

Question—

O.24. Mr R. A. Fani-Kayode :

To ask the Chief Secretary of the Federation :—

What administrative machinery exists for the protection of the interests of civilian workers of the Nigeria Regiment ?

Answer—

The Chief Secretary of the Federation :

The administrative machinery that exists for the protection of the interests of civilian workers of the War Department is as follows :—

Firstly, the employers, the War Department, are represented in Nigeria by a War Office Civil Servant known as the Civilian Establishment and Pay Officer (CEPO), who is attached to Headquarters Nigeria District. This officer is responsible for the pay, records, and general administration of all civilian workers of the War Department in the Lagos area, where the majority of the W.D. civilian workers are employed. In the area outside Lagos these duties are performed under the general supervision and with the expert advice of the CEPO, by the officers in command of units to which the civilian workers are attached.

Secondly, the workers themselves are represented by the Amalgamated Union of Civil Workers of War Establishments in Nigeria, which is centred at Lagos but has branches in most of the larger military installations.

Negotiation may be either between the Union H.Q. and the CEPO, or between Branch Unions and officers commanding units. In the latter case, if agreement is not reached, negotiation may be resumed by the Union Headquarters with the CEPO.

Thirdly, in addition to the Trade Union channel of negotiation a form of joint consultation exists in the "Durbar" system. Each military unit holds a "Durbar" for its civilian employees monthly. At a "Durbar" any civilian employee has the right to make representations or complaints or to suggest improvements. Minutes of "Durbar" proceedings are recorded, and where agreement cannot be reached at the "Durbar", the matter is referred to the CEPO.

Fourthly, the employment of the civilian Workers of the War Department is governed by the terms of the Nigerian Labour Code and of the Workmen's Compensation Ordinance.

[Written Answers]

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[Written Answers]

*Question—***O.26. Mr J. U. Udom :**

To ask the Chief Secretary of the Federation:—

What is the strength of women constables of the Nigeria Police Force and how many of these were recruited from each Region and the Southern Cameroons ?

*Answer—***The Chief Secretary of the Federation :**

The honourable Member is referred to the last paragraph of the answer to question No. W. 40 asked by Chief S. L. Akintola which was published on 29th March, 1955, and in which it was stated that no women police constables had yet been enlisted because of lack of housing accommodation. Accommodation has now been provided and uniforms are being made. It is hoped to begin interviewing candidates for appointment in the near future.

*Question—***O.30. Mr F. U. Mbakogu :**

To ask the Minister of Natural Resources and Social Services :—

Does the Federal Government follow the principle of need or that of least cost in its award of scholarships ?

*Answer—***The Minister of Natural Resources and Social Services :**

It is not clear what the hon. Member means by "the principle of need". If he means the needs of the country for particular categories of trained people, the answer is "Yes". We are bound to consider to a considerable extent which kinds of training are most needed for the progress of the country and the Nigerianisation of the Government Service. If the hon. Member is referring to the financial circumstances of applicants, no enquiry is made in considering awards. Successful candidates are placed in institutions where the best possible form of training will be provided, irrespective of costs, but full use is made of facilities provided by Nigerian Institutions of Higher Education and candidates are sent overseas only if Nigerian Colleges cannot provide the particular course needed in individual cases.

*Question—***O.31. Mr F. U. Mbakogu :**

To ask the Minister of Natural Resources and Social Services:—

How many scholarships have gone to:—

- (a) each of the Regions and the Southern Cameroons, respectively, and
 (b) Awka Division since 1951 ?

*Answer—***The Minister of Natural Resources and Social Services :**

(a) Northern Region	..	..	..	..	..	..	..	23
Western Region	..	..	..	..	..	..	..	287
Eastern Region	..	..	..	..	..	..	..	290
Cameroons	..	..	..	..	..	..	..	3

- (b) There is no record of awards on a divisional basis.

*Question—***O.33. Mr F. N. H. Ayeni :**

To ask the Minister of Communications and Aviation:—

In view of the inordinate delay at the counter of Badagry Post Office, where the volume of business transacted is too great for the only Postal Clerk, will Government consider opening Postal Agencies in the following areas of the Division:—

- (a) Apa, and
 (b) Ilogbo ?

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*Answer—***The Minister of Communications and Aviation :**

Consideration to the opening of a Postal Agency at Apa will be given as soon as an application has been received from the local community through the usual channels.

With regard to a Postal Agency at Ilogbo, I am causing an enquiry as to the desirability of an Agency being opened at this town.

*Question—***O.34. Mr F. N. H. Ayeni :**

To ask the Chief Secretary of the Federation :—

When a Radio Diffusion Centre will be set up at Badagry ?

*Answer—***The Chief Secretary of the Federation :**

The provision of wired radio distribution services in the Western Region is the responsibility of Messrs Rediffusion (Nigeria) Ltd. I have no knowledge of the Company's intentions in respect of Badagry.

*Question—***O.36. Mr M. A. Sanni :**

To ask the Minister of Communications and Aviation :—

When will the new Post Office at Iwo, Ibadan Province, be opened for public business ; will letter boxes, telephone and telegraph facilities be provided there, and how soon ?

*Answer—***The Minister of Communications and Aviation :**

The Post Office at Iwo is ready for opening now and I hope to visit Iwo as soon as possible after the conclusion of this Budget session to perform the opening ceremony after which the Post Office will be open for public business. Letter boxes have been installed, but the installation of telephone and telegraph facilities will depend upon the availability of development staff. As I have pointed out in the White Paper on Policy and Re-organisation of the Posts and Telegraphs Department, a severe shortage of staff exists in the department and no further development commitments can possibly be undertaken until the situation is remedied by the implementation of proposals in the White Paper.

*Question—***O.39. Mr J. I. Izah :**

To ask the Chief Secretary of the Federation :—

Why only six out of the fourteen or more African Army Officers-in-Training at Kaduna were sent to the Military School on the Gold Coast ?

*Answer—***The Chief Secretary of the Federation :**

The term "African Army Officers in training" is not used in the Nigerian Military Forces, and I presume the hon. Member is referring to candidates for Army Commissions. In September 1954, 50 candidates applied for commissions and 15 of these were serving soldiers stationed in the North-Eastern Sub-District, the Headquarters of which are at Kaduna.

Six candidates were successful and proceeded to the West African Command Training School at Teshie in the Gold Coast. Of the remainder 40 failed the entrance examination, and 4 were rejected by the District Selection Board.

Written Answers]

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[Written Answers]

Question—

O.41. Mr A. Adeyinka :

To ask the Minister of Land, Mines and Power :—

How many Nigerian Surveyors of the Department of Survey have been granted scholarships and how many hold Senior Service posts ?

Answer—

The Minister of Land, Mines and Power :

The Federal Survey Department only came into being on the 1st October, 1954, and since its establishment no scholarships have been awarded to Nigerian surveyors. There is one Nigerian Senior Service officer serving in the Federal Department.

Question—

O.42. Mr A. Adeyinka :

To ask the Minister of Communications and Aviation :—

How many Linemen have been granted scholarships tenable overseas ; and how many have been promoted to the Senior Service ?

Answer—

The Minister of Communications and Aviation :

Two Posts and Telegraphs Linemen have to date been given courses in the United Kingdom, one of whom was promoted to sub-inspector grade prior to his leaving Nigeria and has since his return to Nigeria, appeared before a Federal Promotion Board in connection with an "on trial" promotion to the Senior Service.

In general Officers of the grade of linemen do not have the necessary basic educational qualifications to secure promotion to the Senior Service by way of overseas study. There have however been several cases of linemen working their way through inspectorate grade to Senior Service appointment.

Question—

O.46. Mr J. L. Nsima :

To ask the Minister of Trade and Industry :—

How many tons of produce are evacuated from Eket annually through the Qua Iboe River ?

Answer—

The Minister of Trade and Industry :

The only figures available of produce evacuated from Eket *via* the Qua Iboe River are those in respect of Marketing Board produce graded at Eket during the past five years. During this time, all this produce has been evacuated by water to Calabar, with the exception of occasional small evacuations by road owing to congestion and shortage of shipping.

The tonnage of Palm Kernels and Palm Oil graded annually at Eket are 3,850 and 2,750 tons respectively.

Question—

O.47. Mr J. L. Nsima :

To ask the Minister of Communications and Aviation :—

When will the new Post Office approved for Eket since 1953 be built ?

Answer—

The Minister of Communications and Aviation :

The Department of Posts and Telegraphs has long recognised the need for a new Post Office at Eket but owing to a general shortage of development staff the Department has not been able to include this Post Office in its building programme.

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*Answer—***The Minister of Trade and Industry :**

As Adogo, in Igbirra, is in Kabba Province, its gazetting as a produce buying station is a question for the Northern Regional Marketing Board in consultation with its Regional Committee of Licensed Buying Agents.

If the Board is approached on the matter by the Committee, I have no doubt that the request will receive sympathetic consideration.

*Question—***O.57. Mr R. A. Fani-Kayode :**

To ask the Minister of Trade and Industry:—

How many applications have been received by him for licences to import goods from Japan over and above £10,000 since he issued instructions that such applications be referred to him; and how many have been granted?

The Minister of Trade and Industry :

The reply to the first part of the Question is nil, and the second part of the question does not therefore arise.

*Question—***O.58. Oba A. Aiyeola :**

To ask the Chief Secretary of the Federation:—

How many Anglo-Indians have entered the country for employment under the Nigerian Railway since 1953; what are their respective ages; and how many of them had previously served in the Indian Railways?

*Answer—***The Chief Secretary of the Federation :**

No person of mixed European and Indian parentage (that is to say, no person of the class to which the term "Anglo-Indian" is now customarily applied) has, so far as is known, entered Nigeria for employment with the Nigerian Railway since 1953. The remaining parts of the question do not therefore arise.

*Question—***O.59. Oba A. Aiyeola :**

To ask the Chief Secretary of the Federation:—

For how long has the present Acting Chief Traffic Superintendent of the Nigerian Railway served in that capacity?

*Answer—***The Chief Secretary of the Federation :**

There is no post of Chief Traffic Superintendent in the Nigerian Railway. If the honourable Member is referring to the post of Chief Superintendent (Operating and Commercial), then the answer to his question is that the present holder of the post acted in that capacity from the 21st of July, 1953, when the post became vacant, until the 1st of March, 1955, when his substantive promotion was finally approved. This interval was due to the need to ensure that the officer acting in the post was suitable in every respect for the promotion which, when approved, was made retrospective to the date of the vacancy.

*Question—***O.60. Oba A. Aiyeola :**

To ask the Chief Secretary of the Federation:—

How many Africans in the Traffic Department of the Nigerian Railway hold superscale posts; and how many Africans were trained in the United Kingdom with a view to their being appointed to superscale posts?

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Answer—

The Chief Secretary of the Federation :

(a) There are at present no Africans in the Traffic Section of the Operating and Commercial Department holding superscale posts ;

(b) Seven out of the eighteen African Officers at present holding senior posts in that branch of the Nigerian Railway have so far received training in the United Kingdom. This training is designed to help such officers to acquire additional skill and experience so that they may discharge their duties in Nigeria with greater efficiency. Promotion to superscale posts is governed by the aim that each post should be filled by the officer best suited by official qualifications, by experience and by merit to fill that post.

Question—

O.61. Oba A. Aiyeola :

To ask the Minister of Transport and Works:—

How many non-expatriate Civil and Mechanical Engineers have been trained and employed by the Nigerian Railway before and after 1953 ?

Answer—

The Minister of Transport and Works :

The number of non-expatriates trained and employed is as follows:—

	Civil Engineer	Mechanical Engineer
Trained and employed before 1st January, 1953	2	1
Completed U.K. training before 1st January, 1953 and employed after that date	—	2
Trained and employed after 1st January, 1953	—	1

At present two non-expatriates are under-going training as Civil Engineers and one as a Mechanical Engineer. In addition three are being trained as Mechanical Engineers under Government open scholarships.

Question—

O.63. Oba A. Aiyeola :

To ask the Minister of Natural Resources and Social Services:—

How many Nigerians have been awarded scholarships for secretarial courses with a view to their being employed as Secretary-Typists in the Government Services ?

Answer—

The Minister of Natural Resources and Social Services :

None, Sir.

Question—

O.64. Mr R. A. Fani-Kayode :

To ask the Chief Secretary of the Federation:—

What is the number of South African immigrants who have entered Nigeria for the purpose of working under registered companies and firms in Nigeria, giving their names and addresses ?

Answer—

The Chief Secretary of the Federation :

All Commonwealth citizens are, for the purposes of immigration statistics regarded collectively as "Nationals of Commonwealth Countries" and are not classified separately according to their countries of origin. The information required by the hon. Member could only be obtained by an examination of all case files in the records of the Principal Immigration Officer. This would require a diversion to this task of staff already inadequate for the provision of a satisfactory Immigration Service.

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Government of the Federation, gradually but systematically to reduce the number of British non-Commissioned Officers and to replace them with African non-Commissioned Officers as the general level of education and of Military competence of African non-Commissioned Officers rises. In 1951, for instance, the establishment of an Infantry Battalion provided for twenty-two non-Commissioned Officers; the establishment now is only twelve. So long as British non-Commissioned Officers are required for purposes which are mainly instructional there must inevitably be a relationship between British and African other ranks which is akin to that of tutor and pupil.

There is a disparity in the facilities and emoluments of British and African non-Commissioned Officers. This is because African non-Commissioned Officers have enlisted under terms and conditions of service which have been approved by the West African Governments, whereas British non-Commissioned Officers have enlisted under terms and conditions of service drawn up by Her Majesty's Government in the United Kingdom. This Government has not the power to amend the terms and conditions of service of British non-Commissioned Officers even if it were satisfied that there is a case for so doing. The terms and conditions of service of African non-Commissioned Officers are kept under regular review and are being steadily improved. They must, however, be related to the standards and cost of living that obtain in Nigeria and so long as it is necessary to have the services of non-Commissioned Officers who are recruited from overseas and serve in Nigeria for comparatively short periods, some difference between their terms and conditions of service and those of Nigerians whose service is limited to the West African Forces, is inevitable.

Question—

O.73. Mr A. Nwachuku :

To ask the Chief Secretary of the Federation:—

How many hand-writing analysts has the Criminal Investigation Department of the Nigeria Police; and what rank does each hold?

Answer—

The Chief Secretary of the Federation :

There is at present one handwriting analyst in the Criminal Investigation Department; his rank is Sergeant.

Two other members of the C.I.D. are shortly to undergo training to qualify as handwriting analysts.

Question—

O.74. Mr A. Nwachuku :

To ask the Chief Secretary of the Federation:—

Whether he will meet the repeated requests of the Oha Ozara people in Afikpo Division by establishing a police post at Okposi?

Answer—

The Chief Secretary of the Federation :

No, Sir.

Okposi is only 16 miles from Afikpo, where a Police Detachment of 1 Sub-Inspector and 33 Rank and File is stationed. Okposi and Afikpo are connected by a good motor road, and it is considered that law and order in the Oha Ozara area can be adequately safeguarded by the Police Detachment at Afikpo.

Question—

O.75. M. Abare Shani :

To ask the Minister of Communications and Aviation:—

How many of the new airstrips in the Northern Region have been completed and will these be open to aircraft carrying not only officials and other distinguished persons but also ordinary passengers?

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[Written Answers]

Answer—

The Minister of Communications and Aviation :

Of the 15 airstrips planned, approximately 6 have been completed and are due for inspection.

It should be remembered that these airstrips are intended for use by the Northern Regional Government Communications flight which will operate only very light aircraft. The constructional specifications for the airstrips are designed for aircraft not exceeding 5,000 lbs all-up-weight and therefore the airstrips are quite unsuitable for use by normal commercial passenger aircraft.

Question—

O.76. Mr B. O. Ikeh :

To ask the Chief Secretary of the Federation:—

Whether he will consider providing a Radio Diffusion station for the township of Abakaliki ?

Answer—

The Chief Secretary of the Federation :

The provision of a radio distribution service in Abakaliki is being considered but owing to the shortage of technicians and equipment it is impossible to give any firm undertaking about when it can be installed.

Question—

O.77. Mr B. O. Ikeh :

To ask the Minister of Transport and Works:—

Whether he will consider extending the railway line proposed for the Nkalagu Cement Works to the lead-zinc mines at Enyingba ?

Answer—

The Minister of Transport and Works :

The Railway Administration have been unable to ascertain the exact location of Enyingba, but it is presumed to be in the vicinity of Abakaliki.

The question of extending the proposed railway line from the Nkalagu Cement Works to the lead-zinc mines in the Abakaliki area has already received some consideration and the conclusion arrived at was that the traffic likely to be offered from that area would not justify the cost of the extension unless there are considerable inward traffic as well, which seems unlikely.

Question—

O.78. Mr J. Mboyam :

To ask the Financial Secretary of the Federation:—

What is the share of the Southern Cameroons in the proceeds of enemy property valued £1.6 million (page 71, line 2 of the International Bank Mission Report) and how soon will that share be made available to the Southern Cameroons Government ?

Answer—

The Financial Secretary of the Federation :

Of the total of £1.6 million derived from the disposal of enemy assets in Nigeria and the Cameroons a sum of £1,112,000 has accrued from the realisation of enemy property in the Southern Cameroons. The latter amount includes a sum of £849,921 paid to the Custodian of Enemy Property by the Government of Nigeria for ex-Enemy lands and the physical assets situated thereon. These lands were subsequently leased to the Cameroons Development Corporation at a half-yearly rental of £20,359, payable for 35 years from the 1st July, 1948. As from the 1st October, 1954, the whole of this rental accrues to the Government of the Southern Cameroons.

Before the Federal Government can dispose of the Custodian's assets it will be necessary to set aside a part of those assets for the settlement of claims by persons who were Austrian citizens prior to the annexation of that country by Germany in 1938. The total amount involved in such claims may be substantial, and I am not at present able to say when the balance of the Custodian's assets will be available for distribution.

Question—

O.79. Oba A. Aiyeola :

To ask the Minister of Transport and Works :—

With a view to checking ticket-less travel, will the Railway management both train more inspectors, and also make most stations "closed", so that entry into stations will be through one main entrance at which the ticket seller will be posted and also a ticket checker for duty before the passengers enter into the platform ?

Answer—

The Minister of Transport and Works :

The establishment of Guards, at present responsible for both Guards' duties and Ticket Collecting duties, is being split into two. One part will remain Guards and part will be employed on Guards' duties only and the other part will be re-named Ticket Collecting staff, and will be employed solely on those duties. The ticket collecting staff will be specially trained in the most up-to-date methods of combating ticket-less travel, and will be strengthened by experienced senior staff recruited specifically for this work. Some £12,000 additional expenditure has been provided in the Estimates especially for the prevention of ticketless travel, and it is confidently expected that this expenditure will be repaid one hundred-fold. I am informed that ticket-less travel today is losing the Railway something of the order of half a million pounds per annum in revenue. I believe that in the first year of the introduction of the proposals referred to above the Railway will be able to recover at least £100,000 of this loss.

It would be a difficult and expensive undertaking to fence all or even most stations to ensure that only one entrance is available for passengers. The passage of the trains requires two gaps apart from the passenger entrance and these would presumably have to be watched if the limitation to one entrance was to be effective. There are a great number of isolated stations on the railway and the cost of fencing and the provision of additional staff would be prohibitive, as it is considered that the advantage to be gained by this method would not be anything like commensurate with the outlay.

Question—

O.80. Mr S. W. Ubani-Ukoma :

To ask the Minister of Communications and Aviation :—

In view of the repeated aircraft crashes over land, will he take steps to have passenger aircraft operating in Nigeria equipped with parachutes ?

Answer—

The Minister of Communications and Aviation :

It is not the accepted policy for commercial airlines to equip passenger aircraft with parachutes. The provision of sufficient parachutes for all passengers and crew would result in a drastic reduction in the payload of an aircraft and would therefore necessitate significant increases in air fares.

The accident record of commercial airlines throughout the world is a very creditable one and it would be difficult to prove that it was, as a general rule, any more dangerous to travel by air than by road transport. This is especially true of Nigeria where driving standards of road users leave so much to be desired. But even on the very rare occasion when a

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passenger aircraft does meet with an accident, a parachute is in most cases of little value because the accident occurs so quickly that it is doubtful whether any passenger would have sufficient time to put on his parachute and vacate the aircraft.

Commercial airlines rely for safety on the reliability of their aircraft and on the high calibre both of maintenance engineers and of the flying crews who man the aircraft.

Question—

O.81. Mr S. W. Ubani-Ukoma :

To ask the Minister of Communications and Aviation:—

What is the annual premium payable by Government for the insurance of its employees travelling by air during the execution of their duties; how much money covers each life in such policy, and which Company assures the employees?

Answer—

The Minister of Communications and Aviation :

All Government passengers and their wives travelling by air on Government warrants are automatically insured through the Alliance Assurance Company, London. The total premium paid by Government for the Financial year 1953-54 was £3,797, the figure for 1954-55 is expected to be in the region of £2,500. The sum assured is £6,000 in the case of the Government official and £3,000 in the case of his wife.

Question—

O.82. Mr S. W. Ubani-Ukoma :

To ask the Minister of Communications and Aviation:—

How many Meteorological Observers have resigned their posts during the past seven years; and what is the common cause of their resignations?

Answer—

The Minister of Communications and Aviation :

Seventy-seven Meteorological Observers have resigned their posts during the past seven years. The various causes of these resignations are as follows:

Resigned before completing training course	15
Resigned after completing training course to avoid transfer to outstation ..	20
Resigned in order to proceed to United Kingdom or Ibadan for further study	14
Resigned owing to ill-health	4
Resigned after failing Civil Service entrance examination thrice	2
Miscellaneous reasons, or reasons unknown	22
Total	77

Question—

O.83. S. W. Ubani-Ukoma :

To ask the Minister of Land, Mines and Power:—

What is the distinction between Railway land and Crown land in this country?

Answer—

The Minister of Land, Mines and Power :

The expression "Crown Land" is defined in section 2 of the Crown Lands Ordinance, Chapter 45. The expression "Railway Land" is not defined by law, and is merely an expression used for administrative convenience when reference is being made to land used by the Railway.

[Written Answers]

30th August, 1955

[Written Answers]

Crown land includes land used by the Railway, with the exception of native lands subject to the Land and Native Rights Ordinance. Therefore no real distinction can be drawn between Crown land on the one hand and Railway land on the other.

When the new Railway Ordinance comes into force there will be a distinction between Crown Land and Railway Land. The Railway will then have a definite title under the Ordinance to the land used by the Railway.

Question—

O.84. Mr J. L. Nsima :

To ask the Chief Secretary of the Federation :—

Whether he will consider extending Radio Diffusion facilities to the town of Eket ?

Answer—

The Chief Secretary of the Federation :

The provision of wired radio distribution services depends on the availability of technicians, equipment and funds and the Government's resources in these are already fully committed. I can give no undertaking about when it may be possible to provide a wired distribution system for Eket.

Question—

O.85. M. Ibrahim S. Usman :

To ask the Minister of Natural Resources and Social Services :—

What is the composition of, and the basis of representation in, the Nigeria Pharmacy Board ; and how many licences held by pharmacists have been renewed by the Board in respect of each year from 1950 to 1954 ?

Answer—

The Minister of Natural Resources and Social Services :

(a) The Nigeria Pharmacy Board on the 1st April, 1955, was composed of :—

The Chief Medical Adviser to the Federal Government (Chairman).

The Deputy Chief Medical Adviser to the Federal Government.

The Pharmaceutical Registrar and Principal, School of Pharmacy (Secretary).

2 Representatives of the Nigerian Union of Pharmacists (but one appointment is vacant).

3 Representatives of the Pharmaceutical Society of Nigeria.

1 Representative of the Lagos Chamber of Commerce.

1 Teaching Pharmacist.

(b) Licences renewed :—

1950—120

1951—186

1952—228

1953—232

1954—258

Question—

O.86. Mr C. M. Booth :

To ask the Chief Secretary of the Federation :—

When is it expected to open the Nigeria Information Office in London, for which provision was made in the 1954-55 Estimates and is again made in the 1955-56 Estimates ?

Answer—

The Chief Secretary of the Federation :

It was impossible to open the office during 1954-55 because of lack of accommodation in or near to the building occupied by the Commissioner for Nigeria in the United Kingdom.

[Written Answers]

30th August, 1955

[Written Answers]

With the move of the Nigeria Office to another building, enough space can be made available for an Information Office, and steps are now being taken to recruit an Information Officer and an Assistant Information Officer.

Question—

O.87. Mr L. P. Ojukwu :

To ask the Chief Secretary of the Federation :—

Whether he is aware of the circumstances of the unreasonable arrest at Kano on the 21st of February, 1955 of an Honourable Member of the Northern House of Assembly, the refusal of bail by the Police, and the subsequent acquittal and discharge by the Magistrate ; and, in view of the unfavourable remarks on the action by the Police made in the Magistrate's judgment, will he take both disciplinary action against the officers concerned and necessary steps to prevent such high-handed action by the Police in the future ?

Answer—

The Chief Secretary of the Federation :

I have carefully examined the facts of this case and am satisfied that the arrest was not in the circumstances unreasonable. The question of bail was one for the Magistrate to decide. I am aware that the Magistrate made certain unfavourable remarks on the action of the Police but these were directed at the form in which the prosecution was brought. The Magistrate was of the opinion that the accused should have been prosecuted under the Customs Ordinance for being in possession of uncustomed goods instead of under the Criminal Code for being in possession of goods reasonably suspected to have been stolen or unlawfully obtained. The Magistrate's remarks did not suggest any unreasonable or high-handed exercise of their powers by the Police and I am satisfied no disciplinary action against any member of the Force is called for.

Question—

O.88. Mr R. A. Fani-Kayode :

To ask the Chief Secretary of the Federation :—

If the Government is aware of the growing anti-West African policy of the Nationalist Government of the Union of South Africa ; and is the Government prepared to lodge a protest on behalf of Nigeria through the proper channels ?

Answer—

The Chief Secretary of the Federation :

The Government is not aware of any such policy and the second part of the question does not therefore arise.

Question—

O.89. Mr P. M. Dokotri :

To ask the Minister of Transport and Works :—

Whether he will consider opening the Jebba Railway Bridge to road traffic at night ?

Answer—

The Minister of Transport :

As a result of a motion which was adopted in the House of Representatives on the 16th of March, 1954, that the Jebba bridge should be opened to traffic at night, materials for the lighting of the bridge were ordered. The materials are now being received and I am informed that the installation of the lights is expected to be completed by the end of May.

Question—

O.90. Mr A. Adeyinka :

To ask the Chief Secretary of the Federation :—

Whether he is aware of the representations made by the Linemen's Union of Nigeria and Cameroons for the creation of Foremen grades within the establishment of Linemen ; and what steps he is taking to meet their wishes ?

[Written Answers]

30th August, 1955

[Written Answers]

As I pointed out in the White Paper on policy and Re-organisation of the Posts and Telegraphs Department, the development of postal and telecommunication services in Nigeria is at present seriously handicapped by an overall shortage of staff in the Department. The White Paper contains detailed proposals to remedy the situation but I regret that until these proposals have been implemented, I can hold out no hope for further developments at present. I am confident that before long the staff position will have considerably improved and that the Department of Posts and Telegraphs will be in a position to press forward with its development programme. When this time comes, I can assure the honourable Member that due consideration will be given to his suggestions for the improvement of postal facilities in Ilorin.

Question—

O.99. Mr M. A. O. Olarewaju :

To ask the Minister of Transport and Works:—

Whether he will consider building a branch railway line along the following route:—

Offa-Ajasse-Po-Omu-Aran-Ado-Ekiti-Owo in view of the abundance of foodstuffs in Igbomina land and of cocoa, kola-nuts, timber and bananas in the parts of Ondo Province to be affected by the line ?

Answer—

The Minister of Transport and Works :

I am prepared to refer this suggestion to the Railway Corporation when it is established. The honourable Member will appreciate that an investigation of this kind, as I explained to the House earlier in this meeting, requires considerable expenditure of time and money and also the services of expert staff. I cannot therefore hold out the hope of any early report.

Question—

O.100. Mr J. G. Adeniran :

To ask the Minister of Trade and Industry:—

In which localities were investigations made into cassava starch and gari products in 1953-54 and 1954-55 ; and what were the results ?

Answer—

The Minister of Trade and Industry :

In 1953-54 experiments in the mechanised production of gari and cassava starch were undertaken by the Department of Commerce and Industries at the Bar Beach Experimental Station, Lagos. In 1954-55 investigations were limited to laboratory tests and investigations on the biochemistry of these processes ; these investigations were carried out in Lagos and in the Department's Laboratory at Aba and also by the Applied Nutrition Unit of the London School of Hygiene and Tropical Medicine.

Results so far indicate that a fully mechanised process for the production of cassava starch and gari is possible.

Further developments on a pilot scale depend on whether it is decided to set up an Applied Research Institute in accordance with the recommendations of the International Bank Mission.

Question—

O.101. Mr J. G. Adeniran :

To ask the Minister of Natural Resources and Social Services:—

What are the compensations currently paid by the University College Authorities for the temporary use of the Adeoyo Hospital, Ibadan ?

[Written Answers]

30th August, 1955

[Written Answers]

Answer—

The Minister of Natural Resources and Social Services :

None, Sir.

Question—

O.110. M. Baba Daradara :

To ask the Chief Secretary of the Federation:—

Whether he has received a petition entitled "Employment of Northerners in the Railway" dated 17th May, 1954 ; and what action he has taken in the matter ?

Answer—

The Chief Secretary of the Federation :

The petition to which the honourable Member refers has not been received in my office. The second part of the question does not therefore arise.

Question—

O.113. Dr E. U. Udoma :

To ask the Minister of Communications and Aviation:—

Whether he is aware that the present Post Office at Opobo is out-of-date and inadequate to meet the demand of the people of the Division, and in view of the fact that land has been promptly set aside by the people of Ibekwe for a new Post Office, he will consider the immediate erection of the building ?

Answer—

The Minister of Communications and Aviation :

I am aware of the urgent need for a new Post Office for Opobo and special funds have already been obtained for this purpose. It is hoped that work will commence on this project during this year but this is, of course, subject to executive capacity within the Eastern Region.

Question—

O.119. Mr L. J. Dosumu :

To ask the Minister of Natural Resources and Social Services:—

Whether he will consider appointing a Commission of Enquiry to investigate the causes of the collapse of the walls of St. Peter's School, Lagos, on Wednesday the 3rd August, 1955 ?

Answer—

The Minister of Natural Resources and Social Services :

I have considered the matter, but do not propose recommending the appointment of a Commission of Inquiry.

Question—

O.120. Mr L. J. Dosumu :

To ask the Minister of Natural Resources and Social Services:—

Whether he will order the inspection of all school buildings in the Federal Territory of Lagos with a view to ascertaining if they are reasonably safe ; and whether Government assistance will be forthcoming for the re-erection of any school buildings demolished as a result of the inspection ?

Answer—

The Minister of Natural Resources and Social Services :

I have no legal authority to order inspection of school buildings, but I have made arrangements to ensure that systematic inspections are carried out of all school buildings in the Federal territory of Lagos. The Education Department and the Town Council are co-operating in this undertaking. Government assistance will be given in any cases where demolition and re-building are necessary as a safety measure.

[Written Answers]

30th August, 1955

[Written Answers]

*Question—***W.365. Mr R. T. Alege :**

To ask the Minister of Land, Mines and Power :—

Whether he will consider a survey of the mineral resources of Kabba Division as a matter of urgency ?

*Answer—***The Minister of Land, Mines and Power :**

A detailed geological survey was made of the northern half of Kabba Division in 1944-46 in connexion with the search for tungsten. More recently work has been carried out in the eastern part of the Division during a search for iron-ore. Other parts of the Division will be investigated when staff are available.

*Question—***W.366. Mr R. T. Alege :**

To ask the Minister of Land, Mines and Power :—

What minerals have been and are currently extracted from Kabba Division ; what mining companies have been granted licences to extract those minerals and what was the duration of their licences ?

*Answer—***The Minister of Land, Mines and Power :**

Gold, columbite, tantalite, cassiterite and beryl (under Exclusive Prospecting Licence) have been extracted from Kabba Division. Minerals which are currently extracted from Kabba Division are columbite, tantalite, cassiterite and beryl (extracted under Exclusive Prospecting Licence).

Mining leases and not licences are granted to extract minerals. Five operators mine as individuals and hold leases for terms of from two to twenty-one years.

*Question—***W.368. Mr R. T. Alege :**

To ask the Minister of Land, Mines and Power :—

What is the total amount paid to landowners in Kabba Division by Prospectors for Minerals, as compensation for disturbance ?

*Answer—***The Minister of Land, Mines and Power :**

The Minerals Ordinance provides that compensation shall, except in a congested area which is not the case in Kabba Division, be determined by agreement between the parties. The Mines Department has therefore no record of sums paid to land owners by prospectors for disturbance.

*Question—***W.369. Mr R. T. Alege :**

To ask the Chief Secretary of the Federation :—

What is the total amount of funds which have accrued to the N.E.W.A. in the form of collections from the public, whether in Nigeria or the United Kingdom, and grants from the Governments of the United Kingdom and Nigeria, since the inauguration of the Association ; and what grants-in-aid have been made from those funds to trading or other companies and individual enterprises under the management of ex-servicemen in

- (i) each Region
- (ii) the Southern Cameroons
- (iii) the Federal Territory of Lagos ?

[Written Answers]

30th August, 1955

[Written Answers]

*Answer—***The Chief Secretary of the Federation :**

The total funds which have accrued to the Nigeria Ex-Servicemen's Welfare Association in the ways stated above amount to £125,811-13s-3d.

Grants from these funds for trading ventures, individual enterprises and training for professions amounted to:—

	£	s	d
1947-48 (Unclassified)	3,977	11	4
1949-54 Northern Region	1,154	6	1
1949-54 Eastern Region and the Southern Cameroons	1,618	16	3
1949-54 Western Region	902	10	11
1949-54 Lagos and Colony	152	11	10
	<u>£7,805</u>	<u>16</u>	<u>5</u>

Grants in the form of loans to develop individual enterprises amounted to:—

	£	s	d
Northern Region	1,500	0	0
Eastern Region and the Southern Cameroons	4,200	0	0
Western Region	2,000	0	0
Lagos and Colony	1,500	0	0
	<u>£9,200</u>	<u>0</u>	<u>0</u>

Until recently, the Southern Cameroons and the Federal Territory of Lagos were administered in the Eastern Regional Council and the Lagos and Colony Council respectively and separate figures for those are not available.

*Question—***W.370. Mr R. T. Alege :**

To ask the Minister of Communications and Aviation:—

Whether he will consider increasing the strength of the staff at Kabba Post Office to cope with the increasing volume of business transacted there ?

*Answer—***The Minister of Communications and Aviation :**

I regret that with the prevailing shortage of counter and other postal staff, it is not possible, at the moment, to increase the number of staff working in Kabba Post Office. However, the honourable Member will recall that in my Policy Paper on the Re-organisation of the Department of Posts and Telegraphs, I made a special provision for the rapid training of postal staff in the junior grades and when my proposals become fully operative, I am confident that the present difficult staff situation will be improved.

*Question—***W.376. Mr R. T. Alege :**

To ask the Minister of Communications and Aviation:—

Whether he is aware that since the opening of the Postal Agency at Ponyan in Kabba Division, in 1948, the people have been responsible for the salaries of the mail runners; and he will now consider employing Rural Postman to serve that postal agency ?

[Written Answers]

30th August, 1955

[Written Answers]

New generating plant has recently been installed in Aba, which is allowing rapid expansion of services to consumers in the township, and further plant is in course of installation at Port Harcourt to meet future demands for electricity there.

A long term project is under preliminary investigation ; that of building a new major power station at Aba to feed both Aba and, *via* a transmission line, Port Harcourt. Alternatively to building a new power station at Aba, a transmission line from Oji River station may be considered.

The demand for electricity in Ikot-Ekpene is likely to be far too small to make the establishment of an Electricity Undertaking there economical. No firm plans have, therefore, been made in this direction.

Question—

W.395. Mr J. M. Udochi :

To ask the Minister of Communications and Aviation:—

Whether he is aware of the need of the people of Akoko-Edo and Ivbiosakon districts of Kukuruku Division for postal and telegraphic facilities at Igarra and Afujo respectively and has he any plans to satisfy this need in the immediate or remote future ?

Answer—

The Minister of Communications and Aviation :

Postal facilities are already provided at Igarra and Afujo by Postal Agencies. It is not considered, at this stage that the volume of business transacted at these Agencies warrants their conversion to full Departmental status.

With regard to the provision of telegraphic facilities, it is regretted that it is not possible in view of the present shortage of development staff for these Agencies to be linked to the telegraph network.

Question—

W.397. Mr D. A. Ogbadu :

To ask the Minister of Land, Mines and Power:—

What steps Government proposes to take for the supply of electric light to Idah in order to enable them to enjoy Radio Rediffusion Services ?

Answer—

The Minister of Land, Mines and Power :

The Corporation has no plans at present for the extension of electricity supply to Idah. Radio Rediffusion Services usually supply their own small generating sets.

Question—

W.400. Mr D. A. Ogbadu :

To ask the Minister of Communications and Aviation:—

Whether he will consider providing all the Divisional Headquarters with Mobile Post Offices to carry all mails to the Districts and *vice versa* ?

Answer—

The Minister of Communications and Aviation :

There are, at present, only five Mobile Post Offices in the whole of Nigeria whilst there are no less than 94 Divisional Headquarters. I agree that it will be desirable to provide each Division with its own Mobile Post Office but I regret that this must be a relatively long-term policy.

Question—

W.401. Mr D. A. Ogbadu :

To ask the Minister of Land, Mines and Power:—

Whether any oil has been found in Igala Division, Northern Nigeria, and when is it likely to be available in commercial quantities ?

[Written Answers]

30th August, 1955

[Written Answers]

Answer—

The Minister of Land, Mines and Power :

Borehole investigations have been made in Igalá Division but no oil has been found. The borehole was drilled to a depth of over 3,000 feet at Gwolawo, 15 miles north east of Idah.

Question—

W.402. Mr D. A. Ogbadu :

To ask the Chief Secretary of the Federation :—

The number of women police constables in Nigeria who are Nigerians, and, of those who are of Northern origin ?

Answer—

The Chief Secretary of the Federation :

The honourable Member is referred to the last paragraph of the answer to question W.40 asked by Chief S. L. Akintola which was published on 29th March, 1955, and in which it was stated that no women police constables had yet been enlisted because of lack of housing accommodation. Accommodation has now been provided and uniforms are being made. It is hoped to begin interviewing candidates for appointment in the near future.

The approved establishment of women police constables is 40.

Question—

W.406. Mr H. O. Akpan-Udo :

To ask the Chief Secretary of the Federation :—

Whether there are any proposals to run a Boys' Company in each Region of the Federation ?

Answer—

The Chief Secretary of the Federation :

No, Sir.

The Boys Company of the Nigeria Regiment is part of the Nigeria Regimental Training Centre, which is situated at Zaria. No other military station has the facilities for instruction that exist at Zaria.

The Company is intended to serve the needs of the whole country and the boys are not drawn from any one Region. The aim is to maintain an equable balance between the different ethnic groups of Nigeria and to achieve this recruiting teams visit centres throughout Nigeria to select suitable boys.

Question—

W.407. Chief S. L. Akintola :

To ask the Attorney-General of the Federation :—

Which of the Nigerian Newspapers and newspaper Editors have been prosecuted for sedition within the last five years, and what were the specific charges, verdict and sentence in each case ?

Answer—

The Attorney-General of the Federation :

The Schedule annexed to this answer gives the particulars on record of prosecutions during the past five years for sedition in respect of publishers of newspapers and persons associated therewith. These were prosecutions in Lagos only, since prosecutions for this offence in other parts of the Federation are not a matter for the Federal Attorney-General.

[Written Answers]

30th August, 1955

[Written Answers]

*Question—***W.410. Chief S. L. Akintola :**

To ask the Minister of Communications and Aviation:—

Whether the dinner given by the Minister of Communications and Aviation at the Dorchester Hotel during his last visit to England was at Government expense and what was the cost ?

*Answer—***The Minister of Communications and Aviation :**

Yes. £235-18s-0d.

*Question—***W.411. Chief S. L. Akintola :**

To ask the Chief Secretary of the Federation:—

How many retired expatriate officers formerly employed in Nigeria have returned to the country within the last three years to work under private firms public companies and public corporations and on what grounds were they allowed to re-enter the country ?

*Answer—***The Chief Secretary of the Federation :**

Of the expatriate officers of the Nigerian Public Service who have retired in the past three years nine have taken up employment in Nigeria. Two of these are self-employed, one as a member of a firm of Solicitors and one as a manufacturer's agent ; four are employed by limited companies (one of which is a company in which the capital comes from Government funds) ; two are employed by Public Corporations ; and one is employed by a public marketing board. Each application for permission to reside and work in Nigeria is examined on its merits, the criterion being the economic or social benefit of the country and there is no relaxation of this rule in the case of officers retiring from the Government service.

*Question—***W.415. Chief S. L. Akintola :**

To ask the Minister of Natural Resources and Social Services:—

What were the respective Regional Governments' contributions towards the University Extra-Mural Department for each of the last three successive years ?

*Answer—***The Minister of Natural Resources and Social Services :**

The Regional Governments' contributions were:—

							£
1952-53	..	..	..	..	West	=	6,000
					North	=	8,000
					East	=	3,250
1953-54	..	..	..	..	West	=	6,000
					North	=	8,000
					East	=	4,000
1954-55	..	..	..	..	West	=	9,000
					North	=	11,000
					East	=	4,000

*Question—***W.416. Chief S. L. Akintola :**

To ask the Minister of Works:—

Of the total mileage of Trunk "A" Roads in Nigeria, how many miles were tarred up to 31st March, 1955, and how many miles more are proposed to be tarred from 1st April, 1955, to 31st March, 1956 ?

[Written Answers]

30th August, 1955

[Written Answers]

Answer—

The Minister of Works :

1,657 miles of Trunk Roads A were tarred by the 31st of March, 1955. It is proposed to tar a further 224 miles by the 31st of March, 1956.

Question—

W.420. Chief S. L. Akintola :

To ask the Minister of Trade and Industry:—

What was the total value of beer manufactured in Nigeria during each of the last five years and what was the value of the beer imported to Nigeria during each of those years?

Answer—

The Minister of Trade and Industry :

I am unable to give details of the total value of beer manufactured in Nigeria during each of the last five years but the following figures indicate the quantity of beer manufactured:—

Year	Quantity (Gallons)
1950	520,480
1951	718,544
1952	833,072
1953	1,414,313
1954	1,471,962

Beer imports into Nigeria during the same period were valued at:—

Year	Quantity (Gallons)	Value (£)
1950	2,580,128	904,921
1951	4,289,479	1,767,764
1952	3,661,586	1,747,383
1953	5,090,253	2,390,025
1954	4,766,841	2,264,710

Question—

W.421. Chief S. L. Akintola :

To ask the Minister of Natural Resources and Social Services:—

What was the actual expenditure incurred by the Government of Nigeria on the Department of Fisheries—

- (a) 1952-53 ;
 (b) 1953-54 ; and
 (c) 1954-55 ;

and what were the revenues of the Department for these years ?

Answer—

The Minister of Natural Resources and Social Services :

Expenditure was:—

	£
1952-53	24,987
1953-54	30,473
1954-55	32,655

Revenue for the same periods was:—

	£
1952-53	512
1953-54	1,393
1954-55	620

Written Answers]

30th August, 1955

*[Written Answers]**Question—***W.442. Chief S. L. Akintola :**

To ask the Minister of Trade and Industry:—

Whether the Department of Commerce and Industries has plans to encourage the manufacture of sugar in Nigeria on commercial basis and what they are ?

*Answer—***The Minister of Trade and Industry :**

The Federal Department of Commerce and Industries has no plans to encourage the manufacture of sugar in Nigeria on a commercial basis. In sugar producing countries production is based on large scale plantations and until the growing of sugar cane is established as a plantation rather than a peasant occupation no industry could be planned on a viable basis.

I would also point out to the honourable Member that world supplies of sugar are more than adequate and attempts have been made throughout the last thirty years to rationalise the industry on an international basis.

*Question—***W.446. Chief S. L. Akintola :**

To ask the Minister of Trade and Industry:—

What precise protection does the Department of Commerce and Industries offer to Nigerian businessmen against unscrupulous manufacturers' agents or exporters abroad ?

*Answer—***The Minister of Trade and Industry :**

The Nigerian businessmen are repeatedly advised, both by the Department of Commerce and Industries and by the Trade Commissioner to the United Kingdom, to take up references and to obtain status reports before entering into contracts with overseas firms. This status report service of the Department is always at the disposal of Nigerian businessmen either through the headquarters of the Department or any of its Regional branch offices, and if the overseas suppliers are known to be unreliable the Nigerian firm is advised not to deal with them.

The Department of Commerce and Industries also investigates complaints received from Nigerian and other local traders against their business contracts abroad, (including unscrupulous manufacturer's agents) and from businessmen overseas against Nigerian merchants, in an endeavour to effect a satisfactory settlement between the parties involved.

*Question—***W.447. Chief S. L. Akintola :**

To ask the Minister of Natural Resources and Social Services:—

Why are external students or outsiders or private students not allowed to take West African School Leaving Certificate Examination ?

*Answer—***The Minister of Natural Resources and Social Services :**

The West African School Certificate is devised as a School Leaving Examination.

The needs of those outside the recognized Schools are catered for by the General Certificate of Education Examination.

*Question—***W.448. Chief S. L. Akintola :**

To ask the Minister of Trade and Industry:—

What is the composition of the Lagos Trade and Industrial Advisory Committee and what are its functions ?

[Written Answers]

30th August, 1955

[Written Answers]

Answer—

The Minister of Trade and Industry :

The present composition of the Lagos Trade and Industrial Advisory Committee is as follows:—

Chairman—

The Director of Commerce and Industries.

*Members—*Three representatives each from—

The Nigerian Association of African Importers and Exporters ;

The Association of African Merchants and Industrialists ;

The Industrial Planning Committee ;

The Lagos Chamber of Commerce ;

Two representatives of the General Exports Merchants Association ;

The United Kingdom Trade Commissioner,

M. Bank Anthony, Esq.,

R. C. Irving, Esq.

Secretary—

A member of the Department of Commerce and Industries.

The functions of the Committee are to advise the Director of the Department of Commerce and Industries on means whereby Nigerians might be encouraged and assisted to play a larger and more efficient part in trade and industrial enterprise. Its functions are advisory only and it has no executive powers.

Question—

W.450. Chief S. L. Akintola :

To ask the Minister of Trade and Industry:—

What are the proposals submitted by the Lagos Trade and Industrial Advisory Committee to him for the establishment of a Nigeria Trade and Industrial Finance Corporation and what actions does he propose to take on those proposals ?

Answer—

The Minister of Trade and Industry :

The following proposals have been received from the Lagos Trade and Commercial Advisory Committee for the establishment of a Nigeria Trade and Industrial Finance Corporation:—

“1. *Objects.*—To provide short term credit for small Nigerian firms engaged in the export and import trade and in such industries as would benefit from short term (one month—one year) loans.

2. *Finance.*—It is suggested that an initial capital of £500,000 should be provided by Government from:—

(a) Development (Loans) Board funds.

(b) Federal Reserve fund.

(c) Post Office saving deposits.

3. *Management.*—It is suggested that the Corporation be run by a Board of Directors among whom should be:—

(1) The Financial Secretary

(2) The Director of Commerce and Industries

(3) Two Members of the Lagos Trade and Industrial Advisory Committee.

(4) Eight representatives of the various incorporated associations of African trading concerns.

[Written Answers]

30th August, 1955

[Written Answers]

The section of this road from Tegina-Kusheriki was financed by the Nigerian Government. The section from Tegina-Mando was built during the war by the Royal West Africa Frontier Force.

The estimated cost of replacing the bridges between Tegina and Mando is £65,700 and a contract for this work is about to be put out to tender.

Question—

W.473. Chief S. L. Akintola :

To ask the Attorney-General of the Federation:—

How many Nigerian members of the staff of the Administrator-General's Department are qualified as Barristers or Solicitors ; what are their names and present grades ?

Answer—

The Attorney-General of the Federation :

The Federal Administrator-General's staff has two Nigerians who are barristers, but none who are solicitors. The names and grades of the two barristers are:—

Mr M. N. Q. Sagoe, Assistant Federal Administrator-General.

Mr J. A. Ogun, Assistant Chief Clerk.

Question—

W.484. Chief S. L. Akintola :

To ask the Minister of Trade and Industry:—

How many modern Shoe Factories have so far been established in the Northern Region by the Department of Commerce and Industries by itself or in partnership with other individuals or firms ; what is the financial interest of the Department in each of them, and what technical assistance does the Department offer each of them ?

Answer—

The Minister of Trade and Industry :

No modern shoe factory has been established in the Northern Region by the Federal Department of Commerce and Industries since the 1st October, 1954, or by the Department before that, by itself or in partnership with other firms or individuals.

Question—

W.488. Mr J. G. Adeniran :

To ask the Minister of Natural Resources and Social Services:—

Whether the Government has undertaken a research into maize rust (*Puccinia polysora*) ; and when the results of the research will be made available to farmers ?

Answer—

The Minister of Natural Resources and Social Services :

Yes, Sir. The results of this research, reported in Agricultural Departments' Annual Reports are continually being made available to farmers through Regional Departments of Agriculture. Wireless broadcasts have also been given from Ibadan on this subject.

Question—

W.497. Mr B. O. Ikeh :

To ask the Chief Secretary of the Federation:—

Whether consideration will be given to the creation of the post of Senior Warder, Grade III corresponding to the post of Lance Corporal in the Police Force ?

Answer—

The Chief Secretary of the Federation :

The post of Senior Warder Grade II in the Prisons Department carries a salary in the same scale as the post of Lance Corporal in the Police. If the honourable Member intends his question to be whether each of the Warder grades above that of first class warder will be

[Written Answers]

30th August, 1955

[Written Answers]

advanced to the next higher segment of the H Scale and a new grade of Senior Warder Grade III created, the answer is that a proposal to this effect was considered by the Salaries Commissioner (Mr L. H. Gorsuch) but was not accepted by him.

Question—

W.498. Mr B. O. Ikeh :

To ask the Chief Secretary of the Federation :—

Whether consideration will be given to their promotion to the Senior Service, of Nigerian Electrical Engineering Assistants considered fit to manage Stations ?

Answer—

The Chief Secretary of the Federation :

Electrical Engineering Assistants are employed by the Electricity Corporation of Nigeria. The Corporation is responsible for the efficient management of its electrical generating stations, and decisions as to the persons who should take charge of these stations rest with the Corporation and not with the Government.

Question—

W.501. Mr F. U. Mbakogu :

To ask the Chief Secretary of the Federation :—

What proposals he has for establishing a Radio distribution centre at Awka ?

Answer—

The Chief Secretary of the Federation :

I have no proposals at present for providing a wired radio distribution centre at Awka because the Government's resources in technicians, equipment and funds are already fully committed. However, cheap radio sets are now generally available in Nigeria and I am informed that they should give excellent results in Awka.

Question—

W.508. Mr F. U. Mbakogu :

To ask the Minister of Natural Resources and Social Services :—

How many men and how many women from Awka Division applied for Government Scholarships in each of the years 1944-1954 ; how many received awards and in what subjects ?

Answer—

The Minister of Natural Resources and Social Services :

No record is kept on a divisional basis of Central or Federal Government scholarship awards.

Question—

W.510. Mr L. J. Dosunmu :

To ask the Chief Secretary of the Federation :—

How many Nigerian Moslems were permitted to leave Nigeria on Holy Pilgrimage to Mecca in the year 1955, from the Western Region, the Northern Region and the Federal territory of Lagos, respectively ?

Answer—

The Chief Secretary of the Federation :

Only a small proportion of Nigerian pilgrims avail themselves of the Pilgrim Passport or Pilgrim Air Passport for the purpose of their journey to Saudi Arabia. The great majority set out without proper documentation and without notifying the authorities and may spend

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