

SB. 276

A BILL

FOR

AN ACT TO AMEND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 CAP C 23 FOR THE FEDERATION OF NIGERIA, 2004 AND FOR RELATED MATTERS

Sponsored By Senator Adeola, Solomon Olamilekan

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BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

The Constitution of the Federal Republic of Nigeria 1999, cap C23, Laws of the Federation of Nigeria, 2004 hereinafter referred to as "the Principal Act") is hereby amended as set out in this section.

Amendment of Section 34(2)

1. Section 34(2) of the Principal Act is hereby amended by inserting or adding a new sub paragraph (i) immediately after Section 34(1) (c) and retaining and making the existing subsection to now become subsection (2) (ii). That is to say:

(2) (i) "For purposes of subsection (1) (a) of this section "torture or inhuman or degrading treatment" includes:

(a) parading of persons arrested as suspects in the public or openly "by the police or any other law enforcement agency:

(b) striping persons arrested and in detention of their clothes and other apparels:

(c) using sticks, whip, batons, guns or any other form of torture on persons arrested in order to extract evidence from them"

Amendment of Section 162(2)

2. Section 162 (2) of the Principal Act is amended by substituting the word "thirteen" in the proviso thereto with the word "fifty" immediately after the words "less than" and deleting the word "natural" immediately before the word "resources" and adding the word "whatsoever" immediately after the word "resources" that is to say:

(2) "The President, upon receipt of advice from the Revenue Mobilization Allocation and Fiscal Commission, shall table before the National Assembly proposals for revenue allocation from the Federation Account and in determining the formular, the National Assembly shall take into account, the allocation principals, especially those population, equality of States; internal revenue generation, land mass, therein as well as population density:

Provided that the principle of derivation shall be constantly reflected in any approved formula as being not less than "fifty" of the revenue accruing to the Federation Account directly from nay resources "whatsoever"

Amendment of Section 162(4)

3. Section 162 (4) of the Principal Act is also amended by inserting or adding a new sub section 3 to be numbered as 3 {a) immediately after the subsisting Section 162 (3) of the Principal Act, that is to say:

(3) (a) "The Federal Government shall set aside percent of the revenue in the Federation Account for its own use while the rest shall be kept in a distributive poll and distributed in line with subsection 2 of this Section"

Amendment of Section 162(4)

4. Section 162 (4) of the Principal Act is also amended by inserting or adding a new subsection 4 to be numbered as 4(a) immediately after the subsisting Section 162 (4) for the Principal Act, that is to say:

(4) (a) "For the purposes of derivation provisions in this Section, the continental shelf of a State shall be deemed to be part of that State"

Citation

5. This Bill may be cited as the Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2020.

EXPLANATORY NOTES

This Bill seeks to constitutionally end degrading, treatment of suspects arrested and in detention. The Bill also intends to promote equity in distribution of Revenue derivable from sources within a locality by ensuring more funds to areas of derivation.