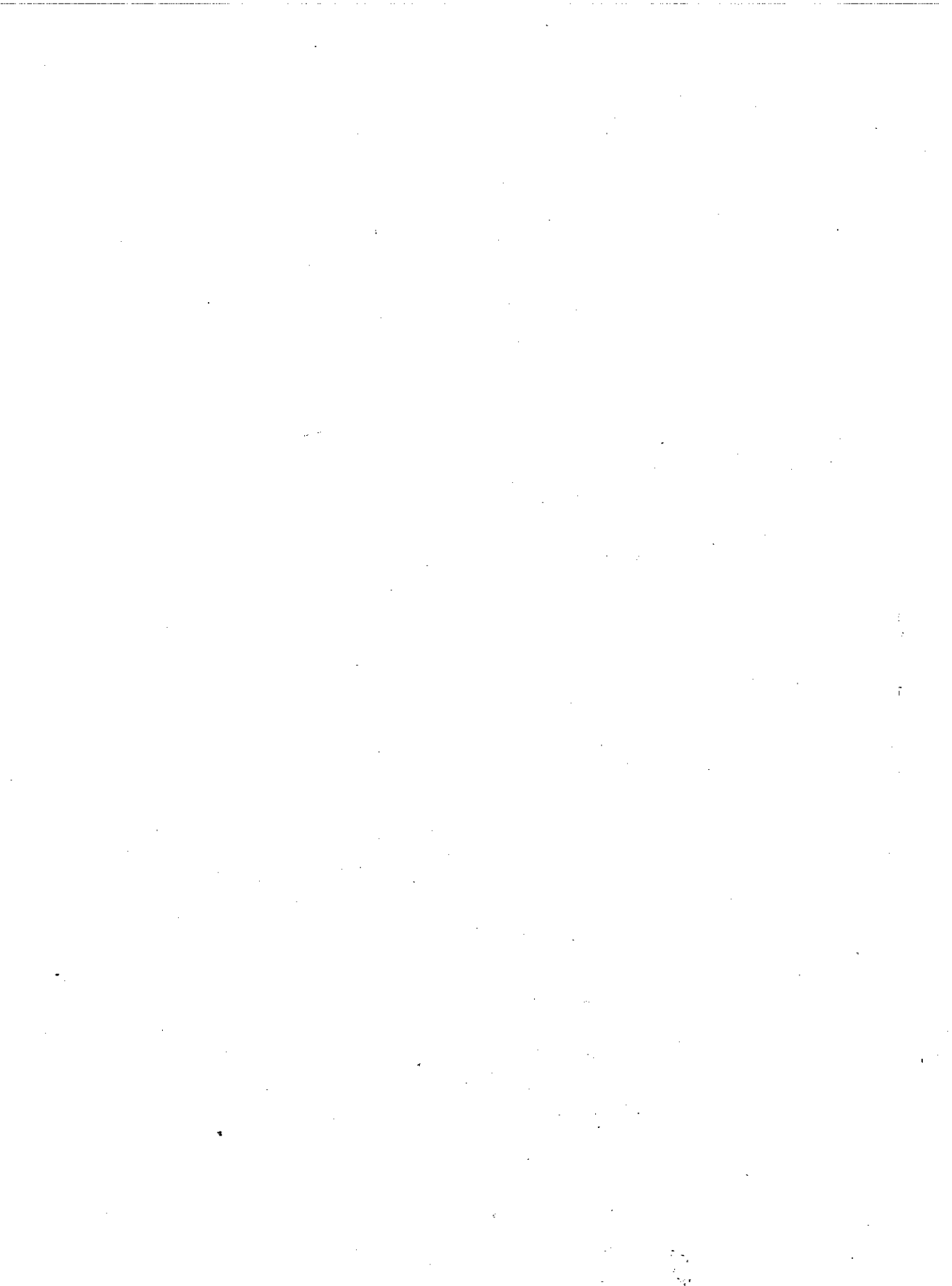


NATIONAL INDEPENDENT EXAMINATION APPEAL COMMISSION,

BILL 2018

ARRANGEMENT OF SECTIONS

1. Establishment of the Commission
2. The Governing Council
3. The Composition of Governing Council
4. Tenure of the Governing Council
5. Functions of the Commission
6. Powers of the Commission
7. The Executive Secretary and other Staff of the Commission
8. Other Principal Staff of the Commission
9. Resignation of Principal Staff of the Commission
10. Other Employees of the Commission
11. Pension
12. Funds for the Commission
13. Power to accept Gifts
14. Account and Audit
15. Annual Report
16. Interpretation
17. Citation



# A BILL

## FOR

AN ACT TO ESTABLISH THE NATIONAL INDEPENDENT EXAMINATION APPEAL COMMISSION, RESPONSIBLE FOR REMARKING OF EXAMINATION SCRIPTS OF STUDENTS WHO ARE VICTIMS OF UNFAIR TREATMENT AND OTHER UNWHOLESOME ACTS IN THE MARKING OF EXAMINATION SCRIPTS AT ALL LEVELS OF STUDY; AND FOR RELATED MATTERS

*Sponsored by Hon. D.C. Hosea*

[ ] Commencement

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

1           1.-(1) There is established a Commission to be known as the  
2 National Independent Examination Appeal Commission charged with the  
3 responsibility of remarking examination scripts of students who are victims  
4 of unfair treatment and other unwholesome acts in the marking of  
5 examination scripts at all levels of study in Nigeria (in this Bill referred to as  
6 "the Commission").

Establishment  
of the Commission

7           (2) The Commission:

8           (a) Shall be a body corporate with perpetual succession, Capable of  
9 suing and being sued in its corporate name;

10           (b) Shall have a seal which shall be kept in such manner as the  
11 Governing Council may direct; and

12           (c) May acquire, hold, develop and dispose of moveable or  
13 immovable property.

14           (3)The provisions of the first schedule shall have effect with  
15 respect to it supplementary provisions.

16           2.-(1) There shall be for the Commission a Governing Council (in  
17 this Act referred to as "the Council") that shall be appointed by the President  
18 subject to confirmation by the National Assembly.

The Governing  
Council

1 (2) The Council of the Commission shall also be responsible for  
2 planning and approvals of the Commission's activities.

The Membership  
of the Council

3 3. The Council of the Commission shall have the following members  
4 to be appointed by the President:

5 (1) The Executive Secretary who shall be the head of the  
6 Commission/Council and must be a lawyer with back ground in Education.

7 (2) A representative of the following:

8 (a) Ministry of Education;

9 (b) National University Commission;

10 (c) Board of Colleges of Education;

11 (d) Board of Polytechnics of Nigeria;

12 (e) Joint Admission and Matriculation Board;

13 (f) West African Examination Council;

14 (g) National Examination Council;

15 (h) Security Agencies;

16 (i) Nigerian Professional Bodies;

17 (j) Economic and Financial Crime Commission.

Tenure of the  
Council Members

18 4.-(1) The tenure of the Council members shall be for the period of  
19 four (4) years and may be eligible for re-appointment for another four(4) years  
20 and no more.

21 (2) The office of a member appointed under section 3 of this Bill shall  
22 become vacant if:

23 (a) The Member resigns from office by notice of writing under his  
24 hand and addressed to the Council; or

25 (b) The Council is satisfied that it is not in the interest of the  
26 commission for the person appointed to continue in office and notifies the  
27 person in writing to that effect.

Functions of the  
Commission

28 5.-(1) Receive all complaints and petitions from all students of  
29 learning Institutions/schools who felt they are victims of unfair treatment or  
30 that their examination scripts are unfairly marked.

1 (2) Demand from the institution/school the student's/candidate's  
2 scripts for investigation.

3 (3) Remark the Examination scripts and send the result to the  
4 affected student's school/institution for implementation.

5 (4) Recommend disciplinary actions against the erring Teacher or  
6 Lecturer.

7 6. The Commission shall have power to:

Powers of the  
Commission

8 (a) Order for the examination scripts of the affected students to be  
9 made available for investigation;

10 (b) Remark the examination scripts without further delay; and

11 (c) Order the affected students Institution to implement the  
12 corrected results from the remarked examination scripts.

13 7. Aside the Executive Secretary, there shall be some supportive  
14 staff for the Commission:

The Executive  
Secretary and  
other Staff of  
the Commission

15 (1) The Executive secretary shall be appointed by the President of  
16 the Federal Republic of Nigeria.

17 (2) The Executive Secretary shall keep the records and conduct the  
18 correspondence of the Commission.

19 (3) The Executive Secretary may perform any duty as may be  
20 assigned to him by the President.

21 (4) The Executive Secretary shall hold office for a period of four  
22 (4) years.

23 8.-(1) There shall be for the Commission in addition to the  
24 Executive Secretary:

Other Principal  
Staff of the  
Commission

25 (a) The financial controller or Director of finances; and

26 (b) The Commission librarian who shall be appointed by the  
27 governing Council of the Commission.

28 (2) The Financial controller or Director of finance shall be the chief  
29 financial officer of the Commission and be responsible to the Executive  
30 Secretary for the day to day administration and control of the financial

1       affairs of the Commission.

2               (3) The Commission shall keep library which the librarian shall be in  
3       charge.

Resignation of  
appointment of  
Principal Staff  
of the Commission

4               9. A principal officer of the Commission may resign his/her  
5       appointment:

6               (a) In case of the executive secretary by notices to the visitor; and

7               (b) In any other case by advice to the Commission.

Other employees  
of the Commission

8               10.-(1) The Commission may appoint other person to be employees of  
9       the Commission as it may deem to assist the Executive Secretary and other  
10      principal officers in the performance of their functions.

11              (2) The remuneration tenure of office and condition of service of the  
12      employee of the commission shall be determined by the Commission-  
13      consultation with the Federal Civil service commission.

Pension

14              11. Service in the Commission shall be approved service for the  
15      purpose of the pension reform and accordingly, officers and other persons  
16      employed in the Commission shall be entitled to pension, gratitude and other  
17      retirement benefit as may be prescribed in their respective letters of  
18      appointment.

Funds for the  
Commission

19              12.-(1) The Commission shall establish and maintain a fund which  
20      shall apply towards the achievement of the objective of this Bill.

21              (2) There shall be paid and credited to the fund established under  
22      subsection (1) of this section:

23              (a) Such sums as may from time to time be granted by the Federal  
24      Government through the Federal Ministry of Education;

25              (b) All monies raised by the Commission by way of gifts, grants, and  
26      or test monetary disposition; and

27              (c) All charges for services rendered by the Commission and all other  
28      sums that may accrue to the Commission from any source.

29              (3) The Commission shall submit to the Minister not later than three  
30      months before the end of each financial year or at such other time as he may

1 direct an estimate of its revenue and expenditure for the next succeeding  
2 financial year.

3 13.-(1) The Commission may accept gifts of loan, money or of  
4 other property upon such terms and condition of any as may be specified by  
5 person making the gift.

Power to accept  
gifts

6 (2) The Commission shall not accept any gift if the condition  
7 attached to the gifts are inconsistent with the functions of the Commission.

8 (3) The Commission shall accept donations from donor agencies.

9 14. The Commission shall keep proper account of its receipts  
10 payments, assets and liabilities and shall in respect of each year cease the  
11 account to be audited.

Account and  
Audit

12 15. The Commission shall as soon as may be, after the expiration  
13 of each financial year, prepare and submit to the Minister of Education a  
14 report of its activities during the immediate proceeding financial year and  
15 include in the report a copy of the audited accounts of the Commission for  
16 the year and of the auditors report of the accounts.

Annual Reports

17 16. In this Bill:

Interpretation

18 "The Commission" - means the National Independent Examination Appeal  
19 Commission established by clause 1 of this Bill;

20 "The Council" - means the governing council established for the  
21 Commission in clause 2(1) of this Bill;

22 "Executive Secretary" - means the Secretary of the council in clause 2(2);

23 "The president" - the President of the Federal Republic of Nigeria;

24 The minister - means the Minister charged with the responsibility of  
25 Education;

26 "Student" - means all Nigerian students studying in Nigerian schools and  
27 institutions on voluntary basis;

28 "Teacher" - means any person or thing that teaches in Nigeria schools;

29 "Lecturer" - means any person or them that teach in Nigerian higher  
30 institutions;

1 “Examination” - means a test to show a person's progress, knowledge or  
2 ability;

3 “All levels of study” - means primary school, secondary school, higher  
4 institutions, professional institutes and any place of learning where a student or  
5 person's knowledge or ability is put to test.

Citation

6           17. This Bill may be cited as National Independent Examination  
7 Appeal Commission Bill, 2018.

#### EXPLANATORY MEMORANDUM

This Bill seeks to solve the problem of failing brilliant students in examinations because of non-compliance of sexual demands, demand for gratifications, non-payment for hand notes and religious sentiments by teachers and lecturers at all levels of study and to prescribe befitting punishment for the culprits.