

A BILL

FOR

AN ACT TO AMEND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, CAP C 23 LAWS OF THE FEDERATION OF NIGERIA, 2004

Sponsored by Senator Solomon Olamilekan

[] Commencement

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

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

4 1. Section 34(2) of the Principal Act is hereby amended by Amendment of
Section 34(2)
5 inserting or adding a new sub paragraph (i) immediately after Section
6 34(1)(c) and retaining and making the existing subsection to now become
7 subsection (2) (ii), that is to say:

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

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

12 (b) striping persons arrested and in detention of their clothes and
13 other apparels;

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

16 2. The provisions of Section 44. of the Principal Act is hereby
17 amended by expunging or deleting subsection 3 thereof.

18 3. Section 162 (2) of the Principal Act is amended by substituting Amendment of
Section 162(2)
19 the word "thirteen" in the proviso thereto with the word "fifty" immediately
20 after the words "less than" and deleting the word "natural" immediately
21 before the word "resources" and adding the word "whatsoever" immediately

1 after the word "resources", that is to say:

2 (2) The President, upon receipt of advice from the Revenue
3 Mobilization Allocation and Fiscal Commission, shall table before the
4 National Assembly proposals for revenue allocation from the Federation
5 Account, and in determining the formula, the National Assembly shall take into
6 account, the allocation principles, especially those of population, equality of
7 States; internal revenue generation, land mass, terrain as well as population
8 density:

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

Amendment of
Section 162(3)

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

15 (3)(a) "The Federal Government shall set aside seven percent of the
16 revenue in the Federation Account for its own use whilst the percent shall be
17 kept in a distributive poll and distributed in line with subsection 2 of this
18 Section".

Amendment of
Section 162(4)

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

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

Citation

24 6. This Bill may be cited as the Constitution of the Federal Republic
25 of Nigeria, 1999 (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Constitution of the Federal Republic of Nigeria,
1999, Cap C 23 Laws of the Federation of Nigeria, 2004.