

A BILL

FOR

AN ACT TO ESTABLISH NIGERIA SOCIAL WELFARE COMMISSION (NSWC) IN THE FEDERAL REPUBLIC OF NIGERIA AND MATTERS CONNECTED THEREWITH

Sponsor by : SENATOR M. T. MBU (JR)

(Chairman, Senate Committee on Corporation and Integration in Africa)

PREAMBLE :

The Nigerian economy and entire social set up is a mixed economy. Government and private participation in the economy has often resulted to abandonment of welfare schemes to protect the less privileged in society. Unemployment rate is astronomically high with graduates picking menial jobs to keep body and soul together. Connection has killed merit in the employment sector and in its wake is the success of tribalism, nepotism, favouritism, bribery etc. The aged, handicapped and orphanages get publicity of self-aggrandizements when the rich or societies wish to make donations, which oftentimes are about once or twice or trice yearly. The present administration through the CHILD WELFARE SCHEME of Mrs Stella Obasanjo (wife of the President), and WOTCLET of Mrs Titi Abubakar (wife of the Vice-President) are steps only capable of handling a negligible number of the disadvantaged in our society. There ought to be a comprehensive scheme and serious Government participation in projects that shall alleviate the sufferings of unemployed graduates, school leavers, the uneducated and unemployed, the handicapped, the aged and the orphans of our society. The scourge of crimes in Nigeria is a hangover of government's disinterestedness in its youth. The Welfare Scheme shall act as soothing balm pending when jobs would come the way of qualified youths. The old and aged in civilized societies are normally catered for. The handicapped need necessarily be employed into the service rather than being looked at with pity. The orphanages have to, by policy of government, be financed by the government and not left to individuals with humane hearts with gift from other individuals in society.

THE BILL :

Seeks therefore an Act to establish Nigeria Social Welfare Commission under the Federal Ministry of Youths and Social Development as the supervising Ministry under its Minister. Upon being passed into law, the law shall be called, Nigeria Social Welfare Commission Act, 2002.

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FOR

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FEDERAL REPUBLIC OF NIGERIA AND MATTERS CONNECTED THEREWITH

[] Commence-
ment.
PART I—ESTABLISHMENT AND GOVERNING BOARD OF THE
NIGERIA SOCIAL WELFARE COMMISSION

- 1 BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria
2 as follows—
- 3 1.—(1) There is hereby established a body to be known as the Nigeria
4 Social Welfare Commission (in this Act referred to as "The Commission")
- 5 (2) The Commission—
- 6 (a) Shall be a body corporate with perpetual succession and a common
7 seal ; and
- 8 (b) May sue or be sued in it's corporate name.
- 9 (3) The Commission headquarters shall be in the Federal Capital Territory
10 (FCT) Abuja and it shall have offices in the six geo-political zones of the Federal
11 Republic of Nigeria.
- 12 2. There shall be established for the Commission a governing board
13 which shall be responsible for running the affairs of the Commission.
- 14 (1) The Commission shall consist of—
- 15 (a) Chairman
- 16 (b) Permanent Secretary, Federal Ministry of Youths and Social
17 Development.
- 18 (c) Permanent Secretary, Federal Ministry of Industry and business
19 development.
- 20 (d) Director, Special Education, Federal Ministry of Education.
- 21 (e) Director Finance, Federal Ministry of Finance.
- 22 (f) Director, Tourism, Federal Ministry of Culture and Tourism.
- 23 (g) Director, Federal Inland Revenue Services.

- 1 (h) Six distinguished Nigerians.
- 2 (i) One representatives each from—
- 3 (i) Private owners of orphanages and old peoples home.
- 4 (ii) Handicapped Associations.
- 5 (iii) N.G.O's (with bias in humanitarian activities).
- 6 (iv) Christian Community.
- 7 (v) Muslim Community.
- 8 (vi) A Managing Director of the Commission.
- 9 (2) The Chairman and members of the Commission shall be appointed by
- 10 the President on the recommendation of the Minister for Youths and Social
- 11 Development (hereafter to be called "The Minister") and shall be the supervising
- 12 Minister of the Commission.
- 13 3. (a) The Chairman and members shall hold for a term of three (3) years.
- 14 Their condition of service shall be as in their various letters of appointment.
- 15 (b) They may be re-appointed for another term of three (3) years and no more.
- 16 4.—(1) There shall be appointed for the Commission a Managing Director
- 17 who shall be Chief Executive and accounting officer and shall be responsible for
- 18 the day-to-day administration of the Commission.
- 19 (2) The terms and condition of employment shall be as in the letter of
- 20 appointment. He shall be appointed by the President on the recommendation of
- 21 the Minister.
- 22 (3) There shall be appointed by the Board of the Commission other staff
- 23 and employees to assist the Managing Director in the administration of the
- 24 Commission in the headquarters and zonal offices.
- 25 (4) The President shall upon recommendation of the Minister send on
- 26 secondment to the Commission zonal offices, officers of status not less than
- 27 Director who shall head the zonal offices and be the accounting officers.
- 28 5.—(1) A member may be removed from offices by the President of the
- 29 Federal Republic of Nigeria for inability to discharge the functions and duties of
- 30 the office (whether arising from infirmity of mind of body of any other cause) or
- 31 for misconduct.

Removal
from Office.

1 (2) A member may resign his appointment by giving notice to the Resignation.
 2 President through the Minister. He shall cease to hold office upon delivery
 3 and receipt of notice.

4 6. The allowance, emoluments and benefits of members shall be as Emolument.
 5 approved by the President of the Federal Republic of Nigeria.

6 7.—(1) Any member shall, if he/she has an interest in an issue pending or
 7 about to be discussed at the meeting of the Board, disclose such interest. He
 8 shall cease thereof to sit on the Board for the purpose of deliberation on the issue
 9 and shall not for the purpose be counted as part of the forum

10 (2) The nature of the interest of such member shall be disclosed and
 11 declared at the meeting of the board and not thereafter.

12 (3) The disclosed interest shall be recorded in the minutes of the Boards
 13 meeting.

14 PART II—OBJECTIVES, FUNCTIONS AND POWERS OF THE COMMISSION

15 8. The Commission's object shall be to formulate policies for Government's Objects of
 16 approval and implementation, establishment of welfare schemes and management the Council.
 17 of Commission's activities to ensure take of a welfare scheme in the Federal
 18 Republic of Nigeria to take care of the aged, handicapped, orphans, prostitutes
 19 and the unemployed.

20 9. The functions of the Commission shall include— Functions.

21 (i) Establishment and running of homes for the aged, orphanages for
 22 orphans, destitutes and handicapped children.

23 (ii) Establishment of special schools for handicapped, destitutes and
 24 special children.

25 (iii) Establish and run programmes for unemployed graduates and the fit
 26 but not educated and not employed.

27 (iv) Establishment of small-scale agro-allied industries to engage the
 28 massive unemployed.

29 (v) To engage in training and educating of orphans and abandoned babies
 30 and getting them ready to work in agro-allied factories and other small scale
 31 industries.

1 (vi) Introduce welfare packages and presenting same to the Federal
2 Government of Nigeria for approval of the National Assembly and for
3 implementation for the unemployed, aged, etc.

4 (vii) Creation of financial grants schemes and other steps to encourage
5 self employed of most unemployed.

6 (viii) Introduction of skill and talent acquisition centers and workshops
7 for short-term training for unemployed on-skills acquisition.

8 (ix) Purchase and distribution to graduate unemployed from programmes
9 of (viii) above of machines and equipment for their various areas of
10 specialization to assist self employment.

11 (x) Do all that shall be necessary for the achievement of the objects above.

Powers of
the
Commission.

12 **10.** The Commission shall have the powers to :

13 (i) Receive grants and monies from Federal Government, State
14 Governments, bodies corporate, NGOs and individuals, Government
15 organisations, Agencies and Parastatals. The funds shall be put and operated
16 in the Commission's funds called, "Nigeria Social Welfare Endowment Fund".
17 It shall be hereafter be called "The Fund".

18 (ii) The Commission shall disburse the fund for the purposes contained in
19 this Act.

20 (iii) The Commission shall retain the balance in the Fund and ensure
21 prudent management, accountability and proper utilization of the said funds.

22 (iv) The Commission shall have the powers to demand from the Federal
23 Inland Revenue Service Office 1percent charge called "Social Welfare Tax"
24 extracted and saved for the Commission from all individual companies,
25 contractors seeking tax clearance for whatever purpose.

26 (v) The Commission shall have a right to approach the Federal Housing
27 Authority (FHA), Federal Capital Development Authority (FCDA), Federal
28 Ministry of Works (FMW) and other bodies charged with the private,
29 corporate and company buildings in the Federal Capital Territory and demand
30 1percent social welfare tax surcharged as part of approval cost for such
31 erection to take off.

1 (vi) The Commission shall have a right to approve all banks for the sum
2 equal to 1percent of the interest one on each account (current, savings and
3 deposits) of all communities, individuals and corporate bodies on monthly
4 basis to be turned in to the Commission.

5 (vii) Surcharge against any bank fines equal to Two Hundred and Fifty
6 Thousand Naira (₦250,000.00) for default of any bank to deduct the 1per cent
7 Social Welfare Tax against any account.

8 (viii) Demand from all banks of 1percent of their profits each year before
9 declaration of dividends as Social Welfare Tax payable to the Commission. In
10 event of default by any such bank, it shall be liable to a fine equal to Five
11 Million Naira (₦5,000,000.00) only.

12 (ix) The Commission shall demand and be paid by all Government
13 corporations example, the Nigeria National Petroleum Corporation-NNPC (and
14 'it subsidiaries example, NGC NPDC, NAPIMS, etc.) Coal Corporation, Railway
15 Corporation, Tin Mining Corporation, Gem Stone Factory, Immigration,
16 Customs, NIPOST, NEPA, FAAN, NPA, NITEL, Water Corporation and other
17 Government corporate bodies, 1per cent of their yearly profits as their Social
18 Welfare Contributions to the Commission.

19 (x) The Customs department shall demand 1percent of importation cost as
20 Social Welfare Tax on all luxury items, goods and articles imported by
21 individuals, companies and corporations into Nigeria. Luxury goods shall be
22 as defined in the definition section hereafter.

23 (xi) The FCDA, FHA, FMW and all organisations selling land within the
24 FCT shall pay 1per cent of the purchase sums to the Commission's fund.

25 (xii) All further assignments of such interest by original purchasers to
26 subsequent Assignees shall attract 1percent of the purchase price as Social
27 Welfare Tax payable to the Commission. The FCDA, FHA and FMW shall
28 demand and be paid such 1percent before approving Powers of Attorney
29 thereof to subsequent Assignees. Such tax shall be paid by Assignees, Vendors
30 and Lessors who shall grant such powers of Attorney. The Commission shall
31 demand and be paid such funds by the various bodies accordingly.

1 (xiii) All owners of private developed land with approved building plans
2 in Abuja shall pay the sum equal to 1 percent of the prevailing accrued rents
3 in their premises to fund. The Commission shall investigate and prosecute
4 defaulters. If found guilty, they shall pay a fine of equal to one Hundred
5 Thousand Naira (₦100,000.00) only and pay thereafter assessed 1 per cent
6 Social Welfare Tax to the Commission.

7 (xiv) To carry out such other activities as appear to it necessary or expedient
8 for the full and efficient discharge of its functions under this Act.

9 11.—(1) The Commission shall establish and maintain a fund to be called
10 "Nigeria Social Welfare Fund" (hereafter referred to as "The Fund").

11 (2) The fund shall consist of :

12 (a) All monies as may be granted or received from the Federal, State, Local
13 Governments, Agencies, Parastatals or any other body whatsoever.

14 (b) Monies from surcharges or fines for violations of the 1 percent Social
15 Welfare Tax by individuals, corporations, companies as contained in this Act.

16 (c) 1 per cent Social Welfare Tax on all banks yearly profits and individual
17 savings in banks, 1 percent Welfare Tax on purchased landed property in the
18 FCT, 1 per cent tax on luxury goods, building tax etc.

19 (d) Such monies as may be given to the Commission from time to time by
20 the organised private sector and international or private donor organisations
21 example, UNICEF, WHO, etc and non-governmental organisations.

22 (3) The Commission shall from time to time apply the fund to the running
23 of the programmes of the Commissions throughout Nigeria.

24 PART III—STAFF OF THE COMMISSION

25 12.—(1) The Managing Director, appointed by the President on the
26 recommendation of the Minister pursuant to Section 4 (1) of this Act shall have
27 a term of office of four (4) years and may be appointed for another term of four (4)
28 years and no more.

29 (2) The Board shall appoint for the Commission such other staff, officers
30 and employees as may from time to time be deemed necessary for the purpose of
31 the Commission to assist the Managing Director in the day-to-day administration

1 of the Commission.

2 (3) Furtherance therefore, six (6) Zonal Directors shall be seconded from
3 their Ministries to head the six (6) geo-political zones offices of the Commission
4 under whom shall be staff, appointed for carrying out to fruition, the objects and
5 functions of the Commission.

6 (4) (a) The terms and conditions of the officers and employees shall be
7 contained in their letters of appointment.

8 (b) The offices of the officers and employees shall be pensionable and
9 they shall therefore entitle to pensions, gratuity and retirement benefits. Their
10 services therefore shall be approved services for the purpose of the pension
11 Act.

12 (5) The Commission has a right to appoint or employ such other staff on
13 terms not pensionable and nothing in this Act shall prelude the Board's from
14 exercising this right.

15 (6) The remuneration, allowances, benefits and pensions for the officers
16 and employees in Section 12 (2). (3), 4(b) and (5) above shall be determined by
17 the Board and approved by the Minister and paid from the fund of the
18 Commission.

19 (7) The Minister or other authority of the Federal Republic of Nigeria shall,
20 pursuant to the powers conferred to make regulations under Section 23 of the
21 pensions Act vest the Commission accordingly with such power, for the
22 purpose of application of the pension Act.

23 PART IV—FINANCIAL PROVISIONS

24 13.—(1) The funds of the Commission shall be paid into fund and shall in
25 addition to monies as in Section 10 and 11(1)-2(a) to (d) also include :

26 (a) Take-off grant from Federal Government.

27 (b) Subvention from the Federal Government.

28 (c) Loans, grants-in-aid for National, bilateral and multilateral Agencies.

29 (2) Gifts from individuals, groups of persons, State, Local Government
30 Areas, NGO's etc.

31 (3) All other sums accruing to the Commission from time to time.

1 14.—(1) The Commission shall from time to time apply the proceeds of the
2 fund pursuant to achieving the object of the Commission as contained in Section
3 9 above.

4 (2) For payment of remunerations, allowances, pensions, gratuities and
5 other retirement benefits of staff and employees as in Section 11(3), 12(4) (b) and
6 (6) of this Act.

7 (3) Payment of allowances and benefits of the Board members, the
8 Managing Director (MD), and Directors.

9 (4) No of payment of any kind shall, pursuant to this Act (except expressly
10 authorised by the Board), be made to any person who is in receipt of emoluments
11 from the Federal Government, State or Local Government.

12 (5) For the acquisition of land and development and maintenance of any
13 property vested in or owned by the Commission.

14 (6) And for any act connected with all or any of its functions under this
15 Act.

Annual
Estimate.

16 15.—(1) The Commission shall, not later than 30th September, in each
17 year, submit to the Minister an estimate of its expenditure and income (including
18 payments to the casual) for the next succeeding year.

19 (2) The Commission shall keep proper accounts in respect of each year
20 and proper records in those accounts and shall cause its accounts to be audited
21 within six (6) months after the end of each year by auditors appointed with
22 guidelines supplies by the Auditor-General of the Federation.

Annual
Report.

23 16.—(1) The Commission shall prepare and submit to the Federal Executive
24 Council, through the Minister, not later than six (6) months after the end of each
25 year, the report in such form as he may direct on the activities of the Commission
26 during the immediate preceding year, and shall include in such report a copy of
27 the audited account of the Council for that year and the Auditor's Report on the
28 accounts.

Power to
Accept gift.

29 17.—(1) The Commission shall have the power to accept gifts of lands,
30 money or other property from individuals, communities, body corporate etc.

31 (2) The Commission shall not accept any gift if the terms and conditions of

1 the gift are inconsistent with the objects and functions of the Commission.

2 18.—(1) The Commission shall have the power to accept gifts of lands, Power to
Borrow.
3 money or other property from individuals, communities, body corporate etc.

4 (2) All such borrowings shall be on approval of the Minister. The
5 Commission shall state the amount and reason for such overdraft in its application
6 to the Minister.

7 (3) The Minister shall upon application approve the sum requested or
8 place a ceiling limit for the Council's borrowings. The sum to be borrowed may
9 be in foreign currency.

10 19. The Commission may invest in any property or in any securities Investment.
11 prescribed by the Trustees Investment Act or in such other securities as may,
12 from time to time be approved by the Minister.

13 20.—(1) The Commission shall be exempted from payment of income tax Exemption
from Tax.
14 or any income accruing from investment made by the Board for the Council or
15 otherwise however.

16 (2) The Council or the Board shall not be subject to any enactment relating
17 to taxation of companies or trust funds.

18 PART V—LEGAL PROCEEDINGS

19 21.—(1) The provision of The Public Officers Protection Act, shall be Limitation of
Act.
20 applicable in relation to suits commenced against an officer or employee of the
21 Commission.

22 (2) No suit shall therefore commenced against a member of the Board, the Against the
Commission
Cap. 39 LFN.
23 Managing Director or any other officer or employee of the Commission for any
24 act done pursuant to the execution of his duty as prescribed in this act or any
25 law or enactment, or for alleged neglect or default in execution of this Act or any
26 other enactment or law, duty or authority, shall not lie or be instituted in any
27 court unless it shall have been commenced—

28 (a) Within three (3) months next after the act, neglect, default or omission
29 complained against.

30 (b) In case of continuation of the damage or injury, within six (6) months
31 after the ceasing of such act thereof,

1 (3) No action shall be commence against the Commission, save and except
 2 after a pre-action written notice shall have been served on the Council of the
 3 intention to commence the suit by such intending plaintiff or his agent.

4 (4) The notice contained in Subsection (3) above shall clearly state the
 5 cause of action, particulars of the claims, the name and place of abode or the
 6 intending plaintiff and the relief's he seeks and claims.

Summons of
Document.

7 **22.** A notice, summons or other documents required or authorised to be
 8 served on the Council shall be deemed to have been served on the Managing
 9 Director or to the Directors in the zonal offices in whose jurisdiction whereupon
 10 the Act alleged was committed or omission occurred. Service shall suffice if
 11 such documents are sent by registered post to the principal office of the
 12 Commission addressed to the Managing Director or Director.

Restriction
on
Execution
Against
property of
the
Commission.

13 **23.—(1)** In all actions and suits against the Council, no execution shall be
 14 levied against the Commission,s property save and except upon prior service of
 15 a notice of intention to levy execution on the Commission.

16 (2) Such notice shall be for not less than three (3) months upon obtaining
 17 judgment against the Commission.

18 (3) All judgments shall be discharged from the Funds of the Commission
 19 save and except where appeal has been lodged against such judgments given
 20 by a court.

Indemnity to
Officer.

21 **24.—(1)** Any member of the Board, the Managing Director, Director, staff
 22 or employee of the Commission shall be indemnified out of the funds of the
 23 Commission against any liability incurred in defending any action against the
 24 Council whether civil or criminal.

25 (2) Such action or suit shall have been commenced against such member
 26 of the Board, Managing Director, Director, staff or employee in his capacity as a
 27 member, Managing Director, Director, staff or employee of the commission.

Secrecy.

28 **25.—(1)** A member of the Board, Managing Director, Director, staff or
 29 other employee shall take Oath of Secrecy upon employment or appointment to
 30 keep secret whatever information which by virtue of his employment comes to
 31 his knowledge.

1 (2) A member of the Board, Managing Director, Director, staff or other
2 employee shall—

3 (a) Not use for his personal gain any information, which comes to his
4 knowledge in exercise of his powers or in the ordinary course of his duty.

5 (b) Not disclose any information required to under Paragraph (c) hereunder
6 of his subsection except same is required by the court or in such other
7 circumstances as may be prescribed by the Board, from time to time.

8 (c) Treat as confidential any information which has come to his knowledge
9 in the exercise of his powers or is obtained by him in the performance of his
10 duties under this Act.

11 (3) (a) any violation of the provision of Subsection (2) of this section shall
12 amount to an offence and such member, Managing Director, Director, officer
13 or other staff of the Commission shall upon being found guilty be liable upon
14 conviction to a fine of not less than ₦20,000.00 or to imprisonment for a term
15 not exceeding two (2) years or to both fine and term of imprisonment.

16 (b) Such member, Managing Director, Director, officer or other employee
17 of the Commission shall upon being found guilty sentenced and/or fined
18 shall be relieved of his duty.

19 26. The Minister shall give directives to the Commission or Managing
20 Director or a general nature relating to matters of policy with regard to exercising
21 of the Commission's or his functions as he may consider necessary and it shall
22 be the duty of the Council or Managing Director to comply with the directives or
23 cause them to be complied with.

Directives by
the Minister.

24 27. The Commission may with approval of the Minister make regulations
25 necessary and expedient for giving full effects to provisions of this Act and for
26 the due administration of its provision.

Regulations.

27 28. In this Act, except the context otherwise requires—

Interpretation.

28 "Board" means Governing Board for the Nigeria Social Welfare
29 Commission.

30 "Commission" means Nigeria Social Welfare Commission.

31 "Director" means an officer in any Ministry of the said rank.

- 1 **"Fund" means Nigeria Social Welfare Endowment Fund.**
- 2 **"Luxury Goods" means imported brand new exotic and excise as luxury**
- 3 **goods, all imported by individuals etc. for their private comfort.**
- 4 **"Minister" means Minister for Youths and Social Development.**

Short Title.

- 5 **29. This Act may be cited as Nigeria Social Welfare Act, 2002.**