

Extraordinary



National Assembly Journal

No. 35

Abuja - 14th July, 2020

Vol. 17

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Printed and Published by the National Assembly Press, Abuja, Nigeria

NASSP 35/147/2020/900

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.

NATIONAL INSTITUTE FOR BORDER STUDIES, IMEKO (ESTABLISHMENT)

BILL, 2020

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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL INSTITUTE FOR BORDER STUDIES,
 IMEKO OGUN STATE TO PROVIDE FOR TEACHING, RESEARCH,
 INSTRUCTION AND TRAINING OF STUDENTS IN BORDER MANAGEMENT
 AND FOR OTHER RELATED MATTERS, 2020

Sponsored by Senator Tolulope Odebiyi

[] Commencement

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

1 PART I - ESTABLISHMENT, OBJECTIVES, POWERS AND THE GOVERNING 2 COUNCIL OF THE INSTITUTE

3 1.-(1) There is established in Imeko, Ogun State the National
 4 Institute for Border Studies (herein referred to as "the Institute").

Establishment
 of the National
 Institute for Border
 Studies, Imeko

5 (2) The Institute shall be-

6 (a) a body corporate with perpetual succession and a common seal
 7 and may sue and be sued in its corporate name;

8 (b) shall be capable of-

9 (i) acquiring, holding and disposing of the Institute's property; and

10 (ii) perform such other acts and things as a body corporate may by
 11 law and by the provision of this Act do or perform.

12 2.-(1) The objectives of the Institute shall be to-

The Objectives
 and the Powers
 of the Institute
 vested in the
 Governing Council

13 (a) teach, research, instruct and train students in both full-time and
 14 part-time courses in:

15 (i) Migration, Refugee, Trans-Border Management, Border
 16 Security including other areas of Governance, Social Sciences, Arts and
 17 Humanities;

18 (ii) in such other applied fields connected to the implementation of
 19 the objectives set out in this Bill;

1 (b) develop and conduct courses for training of students as well as
2 teachers in the teaching profession;

3 (c) expand the horizon for indigenous research and provide the basis
4 for cooperation, partnership and collaboration with relevant institutions,
5 researchers and stakeholders in Nigeria as well as the global arena; and

6 (d) organize workshops, seminars and conferences connected to the
7 development of approved courses and the educational sector in general.

8 (2) carry out the objectives set out in subsection (1) of this section, the
9 Institute shall have the power to-

10 (a) erect campuses, relevant teaching and research departments and
11 units as circumstances so dictates in accordance with the guidelines and
12 approval of the National Universities Commission;

13 (b) conduct examinations and grant Diplomas, Degrees, Higher
14 Degrees, Professional Certificates and other marks of distinctions to students
15 or persons who have passed and completed an approved course of study of the
16 Institute;

17 (c) institute and award fellowships, scholarship, bursaries, medals,
18 titles, prizes, distinctions and other relevant awards related thereto;

19 (d) provide for the welfare, discipline and promotion of members,
20 staff, and children of members or staff of the Institute;

21 (e) receive from students and other persons pursuing an approved
22 course of study in the Institute, fees and other charges subject to periodic
23 review as may, from time to time, be directed by the Governing Council;

24 (f) grant and award honorary fellowship or academic titles to
25 reputable individuals that have contributed to the growth and sustainability of
26 the Institute and humanity in general;

27 (g) build, equip and maintain lecture theatres, residential halls,
28 laboratories, refectories, sports and leisure facilities, printing and publishing
29 facilities and other facilities that are necessary or incidental to the growth,
30 development and sustainability of the Institute;

1 (h) invest disposable incomes on projects that are meaningful and
2 significant to the growth, development and financial freedom of the
3 Institute;

4 (i) borrow at interest, or on the security of the Institute's landed
5 property or funds, moneys needed for projects connected to the
6 development of the Institute but subject to the approval of two third-
7 majority of members of the governing council after due consultation with
8 economic and financial experts;

9 (j) encourage and make provision for research;

10 (l) consider and approve the annual estimates of the Institute;

11 (m) accept gifts and donations whose terms and conditions are
12 consistent with the objectives set out in this Act; and

13 (n) enter into contract and do all things necessary or incidental to
14 the implementation of the objectives of the Institute.

15 (3) The powers conferred on the Institute by the provision of
16 subsection (2) of this section shall be exercised by the Council on behalf of
17 the Institute or by other manner prescribed by the Council.

18 3.-(1) There is to be established for the Institute a governing body
19 herein referred to as "the Council" to give effect to the provisions of this Act.

Establishment
and Composition
of the Governing
Council

20 (2) Subject to the provisions of subsection (1) of this section the
21 Council shall compose of the following members-

22 (a) the Chairman and other members who shall be persons with
23 both the requisite knowledge and practical experience to be appointed by the
24 president;

25 (b) the Institute's Officer in charge of policy, planning and strategy;

26 (c) the Provost of the Institute;

27 (d) the Registrar of the Institute who shall be the Secretary of the
28 Council;

29 (e) one representative of the National Universities Commission;

30 and

	1	(f) one representative of the Federal Ministry of Education.
	2	(2) The members of the Council shall receive remuneration and
	3	allowances as may be determined by the President from time to time.
	4	(3) The proceedings of the Council shall be in a manner set out in the
	5	schedule to this Bill.
Tenure of Office of the Members of the Council	6	4.-(1) The Chairman and other members of the Council shall hold
	7	office for a period of four years and may only be reappointed for another term
	8	of four years.
	9	(2) When a member of the Council appointed by the president wishes
	10	to resign from his membership of the Council, he or she shall do so by a hand-
	11	written notice addressed to the President and copied to the Minister and the
	12	Council.
	13	(3) The member stated in subsection (2) above shall cease to be a
	14	member of the Council upon the President's acknowledgement of his or her
	15	letter of resignation.
	16	(4) When there is a vacancy in the membership of the Council, the
	17	person representing the same interest as the one whose exit created the vacancy
	18	shall be nominated or appointed as circumstances so dictates to fill such
	19	position.
Cessation of Membership	20	5. A member of the committee shall cease to hold office if-
	21	(a) he or she becomes permanently incapacitated or insane;
	22	(b) he or she is convicted of any offence by a competent court of
	23	superior record that he is dishonest; and
	24	(c) he is found guilty of serious misconduct with regards to his duties.
	25	PART II - ORGANIZATION OF ACADEMIC AND ADMINISTRATIVE
	26	TASKS OF THE INSTITUTE
Establishment, Composition and Functions of the Academic Board	27	6.-(1) Subject to the powers and general oversight of the Council, the
	28	Institute shall have an Academic Board to-
	29	(a) set guidelines, organize and monitor lectures of approved
	30	academic courses, examinations and research projects;

1 (b) determine passes or failure in all approved academic courses in
2 line with criteria spelt out in the academic policy or any other directives
3 given by the National Universities Commission; and

4 (c) perform such other functions as may be assigned or delegated to
5 it by the Council or the Provost.

6 (2) The Academic Board shall compose of the following members-

7 (a) the Provost who shall be the Chairman;

8 (b) Deans of Faculties;

9 (c) Heads of Academic Departments;

10 (d) the Registrar who shall be the Secretary;

11 (e) the Institute Librarian; and

12 (f) resource persons that may be appointed by the chairman from
13 within or outside the Institute as consultants.

14 7.-(1) Subject to the general oversight of the governing council,
15 there shall be a selection committee for the Institute which shall composed
16 of the following members-

Establishment
and Composition
of the Selection
Committee for
other Principal
Officers

17 (a) the chairman and four other members of the Council;

18 (b) the Provost of the Institute; and

19 (b) two members of the academic Board none of which shall be the
20 Provost or a member of the Council.

21 (2) The functions, procedure and other related activities of the
22 selection committee constituted in subsection (1) of this section shall be in
23 accordance with the standards set out by the Council.

24 8.-(1) Subject to the provisions of section 13 of this Act, an
25 interview panel shall be constituted to conduct interviews of candidates
26 seeking to occupy non-principal offices of the Institute and it shall consist
27 of-

Establishment
and Composition
of the Institute's
Interview Panel

28 (a) the Provost;

29 (b) two representatives of the faculties in which the vacancy is
30 declared;

Appointment
of the Provost

1 (c) the head of departments concerned; and

2 (d) the Registrar who shall be the secretary of the Panel.

3 (2) The functions, procedure, and other matters of the Panel shall be
4 determined from time to time by the Council.

5 PART III - PRINCIPAL OFFICERS AND OTHER EMPLOYEES OF

6 THE INSTITUTE

7 9.-(1) There shall be a Provost for the Institute who shall be appointed
8 by the President on the recommendation of the Minister of Education;

9 (2) The provost shall be a professor with cognate experience of not
10 less than 10 years in his academic field of competence;

11 (3) The Provost shall be a person with the requisite qualifications and
12 practical teaching and research experience;

13 (4) Where there is a vacancy for the post of the Provost, the Council
14 shall specify-

15 (a) the advertise the vacancy in reputable and widely read national
16 newspapers;

17 (b) the requirements from persons seeking to occupy the post;

18 (c) the terms and conditions of service attached to the post and
19 thereafter short list the names of suitable candidates for the consideration of the
20 minister;

21 (5) Subject to the provisions of subsection (3) of this section, the
22 president shall appoint one of the candidates recommended by the minister for
23 the post of the Provost;

24 (6) Subject to the general oversight of the Council, the Provost shall
25 be the chief executive of the Institute vest with the responsibility of running all
26 academic and general administration activities of the institute and shall
27 perform such other functions as assigned to him by the Governing Council;

28 (7) The Provost shall hold office for a single unrenovable term of five
29 years in accordance with the conditions of service stipulated in his or her
30 appointment letter.

- 1 **10.**-(1) The Council shall appoint for the Institute a Deputy Provost
2 (Academic) and a Deputy Provost (Administration) from a list of five
3 Professors in order of preference submitted by the Provost to assist him in
4 the discharge of his duties.
- 5 (2) The Council shall appoint the Deputy Provost after due
6 consideration of the recommendation of the selection Committee
7 inaugurated for the purpose in section 7 of this Act.
- 8 (3) The functions of the Deputy Provost (Academic) shall be to-
- 9 (a) assist the Provost in the handling of academic matters of the
10 Institute;
- 11 (b) act as the acting Provost in the absence of the Provost or when,
12 for some reasons, the post of the Provost is vacant;
- 13 (c) perform such other duties as may be assigned to him by the
14 Provost or the Council.
- 15 (4) The functions of the Provost (Administration) shall be to-
- 16 (a) assist the Provost in the discharge of administrative duties of the
17 Institute; and
- 18 (b) perform such other duties assigned to him by the Provost or the
19 Council.
- 20 **11.**-(1) There shall be a Registrar appointed by the Council to serve
21 as the secretary of-
- 22 (a) the Council;
- 23 (b) the Academic Board; and
- 24 (c) such other subcommittee(s) constituted by the Council.
- 25 (2) The registrar shall also handle the records and correspondences
26 of the Institute and perform such other functions as may be assigned to him
27 by the Provost or the Council.
- 28 **12.**-(1) The Council shall appoint for the Institute-
- 29 (a) a Bursar; and
- 30 (b) a Librarian.

Appointment of
Deputy Provosts

Appointment of
Registrar

Appointment and
Functions of other
Principal Officers
of the Institute

1 (2) The Bursar shall be responsible to the Provost for the
2 administration and general control of financial affairs of the Institute;

3 (3) The Librarian shall be responsible to the Provost in administering
4 and coordinating the activities of the central, faculty, departmental and other
5 libraries of the Institute;

6 (4) The Bursar and the Librarian of the Institute shall both hold office
7 for a single term of five years only.

Other Employees
of the Institute

8 **13.**-(1) The Governing Council may also appoint other persons into
9 the academic and non academic staff of the Institute to assist the Provost and
10 other principal officers in carrying out academic and administrative functions
11 of the Institute;

12 (2) The remuneration, allowances, pensions and other conditions of
13 service of the employees of the Institute shall be determined by the Council in
14 consultation with the Federal Civil Service Commission.

Procedure for
Resignation

15 **14.**-(1) Where the Provost wish to resign, he or she shall do so through
16 a letter addressed to the president and copied to the minister and the Council;

17 (b) Other principal officers and employees who wish to resign shall
18 do so in a manner prescribed by the Council.

19 PART IV - FINANCIAL PROVISIONS

Funding of the
Institute

20 **15.**-(1) There is established for the Institute a fund into which shall be
21 paid-

22 (a) all monies appropriated through the National Assembly;

23 (b) all monies that may be granted by the Federal Government
24 through the National University Commission;

25 (c) all monies received through donations gifts and grants-in-aid;

26 (d) all subscriptions, fees and charges for services rendered by the
27 Institute; and

28 (e) returns on investments and other monies or assets that may accrue
29 to the Council or the Institute;

30 (2) The Institute's Council shall submit to the minister responsible for

1 education, through the National Universities Commission, an estimate of its
2 revenue and expenditure for the succeeding year.

3 (3) The estimate stated in subsection (2) above shall be submitted
4 not later than three months before the end of each financial year or at such
5 other times as the minister or the Commission may direct.

6 16.-(1) The Council shall keep proper accounts of its receipts, Account and
Audit
7 payments, assets and liabilities with regards to each financial year as well as
8 proper records connected therewith;

9 (2) When the accounts subject to the provisions of subsection (1)
10 above is certified by the Council, the account shall be audited by a firm
11 approved by the Council from the list and in accordance with the guidelines
12 supplied by the office of the Auditor General of the Federation;

13 (3) The auditor appointed for the purpose of this section shall not
14 be a member of the Council;

15 (4) Subject to the provisions of this section the audited accounts
16 shall be published within three months from the end of the financial year to
17 which the accounts relate.

18 17. The Council shall notwithstanding the provision of section 16 Annual Reports
19 of this Act, submit to the Minister an annual report of its activities and
20 administration of the Institute's fund pursuant to objectives set out in this
21 Bill.

22 PART V - DISCIPLINE

23 18.-(1) Subject to the provisions of this clause, where it appears to Discipline of
students
24 the Provost that any student of the Institute has been guilty of misconduct,
25 the Provost may, without prejudice to any other disciplinary powers
26 conferred on him by this Bill or regulations made hereunder direct-

27 (a) that the student shall not during such period as may be specified
28 in the direction, participate in such activities of the Institute, or make use of
29 such facilities of the Institute, as he may specify;

30 (b) that the activities of the student shall, during such period as may

1 be specified in the directions, be restricted in such manner as may be so
2 specified;

3 (c) that the student be suspended for such period as may be specified
4 in the directions; or

5 (d) that the student be expelled from the Institute.

6 (2) Where there is temporarily no Provost or where the Provost refuse
7 to apply any disciplinary measures, the council, either directly or through some
8 other staff, may apply such disciplinary actions as specified in sub-section (1)
9 to any student of the Institute who is guilty of misconduct.

10 (3) Where a direction is given under subsection (1) (c) or (d) of this
11 clause in respect of any student may, within a period of 21 days from the date of
12 the letter communicating the decision to him, appeal from the direction to the
13 council; and where such an appeal is brought, the council shall, after causing
14 such inquiry to be made in any manner the council deems just, either confirm or
15 set aside the direction or modify it in such manner as the council may think fit.

16 (4) The fact that an appeal from a direction is brought in pursuance of
17 sub (3) of this section shall not affect the operation of the direction while appeal
18 is pending;

19 (5) The Provost may delegate his power under this clause to a
20 disciplinary committee consisting of such members of the Institute as he may
21 nominate;

22 (6) Nothing in this clause shall be construed as preventing the
23 restriction or termination of a student's activities in the Institute otherwise than
24 on the ground of misconduct;

25 (7) The directions as contained in Sub 1(a) and (b) may be combined.

26 (8) In all cases under this clause, the decision of the council shall be
27 final.

Discipline of
Staff

28 **19.**-(1) If any staff is accused and found guilty of any misconduct or
29 inefficiency, the Provost may suspend him for a period not less than three (3)
30 months and direct the Staff Appointment, Promotions and Disciplinary

- 1 Committee- (a) to consider the matter justly; and
2 (b) make recommendations as to the appropriate actions to be
3 taken by the Provost;
4 (2) In all cases under this clause, the officer shall be informed of the
5 charge against him and shall be given a fair hearing;
6 (3) The Provost may, after considering the recommendations made
7 pursuant to Sub (1) of this section, dismiss, terminate, retire or downgrade
8 the officer concerned;
9 (4) Any person aggrieved by the Provost's decision under Sub
10 section (3) may within a period of 21 days from the receipt of the letter
11 conveying the decision to him, appeal through a petition to the council.
12 (5) The decision of the council on that particular matter is final

13 PART VI - MISCELLANEOUS PROVISIONS

14 **20.**-(1) The minister shall have the power to give to the Council,
15 such directives which are not inconsistent with the provision of this Bill and
16 it shall be the duty of the Council to comply with such directives;

Power of the
Minister for
Directives and
Visitation

17 (2) The minister responsible for education shall be the visitor of the
18 Institute;

19 (3) The visitor shall, not less than one in every five years, conduct a
20 visitation to the Institute or appoint a visitation panel consisting of not less
21 than five experts to conduct the visitation.

22 (4) The purpose of the visitation shall be to-

23 (a) assess the academic and administrative performance of the
24 Institute; and

25 (b) for such other purposes the visitors may deem fit.

26 **19.** In this Bill, unless the context otherwise requires-

Interpretation

27 "Institute" means the National Institute for Border Studies, Imeko, Ogun
28 state;

29 "Council" means the Governing Council of the Institute established in
30 section 3 of this Act;

1 "President" means the President of the Federal Republic of Nigeria;
2 "Minister" means the Minister responsible for Education;
3 "Board" means the Academic Board established in section 6 of this Act to
4 organize and monitor academic tasks of the Institute;
5 "Committee" means the selection committee established in section 7 of this Act
6 to screen and write recommendations about candidates seeking to occupy
7 principal offices of the Institute;
8 "Panel" means the interview Panel established in section 8 of this Act to screen
9 non-principal officers of the Institute;
10 "Provost" means the chief executive officer vested with the responsibility of
11 managing the day to day academic and administrative activities of the Institute
12 appointed by the president in section 9 of this Act.
13 "Registrar" means the Chief Registrar of the Institute appointed in section 11 of
14 this Act to keep records, handle correspondence, and serve as the Secretary of
15 the Council, Academic Board and other important committees or
16 subcommittees of the Institute;
17 "Bursar" means an officer appointed in section 12 of this Act who is
18 responsible to the provost and handle the financial affairs of the Institute; and
19 "Librarian" means one of the principal officers appointed in section 12 of this
20 Act to organize, coordinate and administer the activities of all the libraries in
21 the Institute.

Short title

22 **20.** This Bill is cited as the National Institute for Border Studies,
23 Imeko (Establishment) Bill, 2020.

24 SCHEDULE

25 (Section 3(3))

26 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING COUNCIL

27 *Proceedings*

28 1.-(1) The Council may subject to the provisions of this Bill, make
29 standing orders to regulate its proceedings or those of any of its Boards,
30 Committee or subcommittee(s) for the purpose of giving effect to the

1 objectives set out in this Act.

2 (2) The quorum of the Council shall be the chairman or the
3 secretary and four other members of the Council.

4 2.-(1) The Council shall meet quarterly and whenever
5 circumstances so dictate, it may organize such other number of meetings
6 provided it is summoned by the chairman or by notice given to him by not
7 less than four other members of the Council.

8 (2) Where the chairman received such notice he shall summon a
9 meeting of the Council to be held not later than seven (7) days from the date
10 on which the notice is served.

11 3. The chairman shall preside at all meetings of the Council but if
12 he is absent, other members present at the meeting shall elect one of the
13 members amongst them to preside at such meetings.

14 4.-(1) Whenever the Council requires the advice of any person or
15 institution on any matter related to the objectives set out in this Act, the
16 Council shall co-opt the said person for a period of time it considers
17 necessary.

18 (2) A person co-opted for the purpose stated above shall not be
19 entitled to vote at any of the meetings of the Council and shall also not be
20 counted for the purpose of forming a quorum.

21 *Committees*

22 3.-(1) For the purpose of implementing the objectives set out in this
23 Bill, the Council may appoint such number of subcommittees it considers
24 necessary or expedient to execute on behalf of the Council such other
25 functions as the Council may from time to time delegate;

26 (2) The numbers of persons so appointed in the sub-committee(s)
27 may not necessarily be members of the Council;

28 (3) A person other than a member of the Council shall hold office in
29 the Council, the Academic Board, Committee and such other
30 subcommittee(s) in accordance with the terms of his or her appointment as

1 the Council may from time to time determine;

2 (4) Where the subcommittee(s) make a decision, such decision shall
3 become effective only when it is approved by the Council.

4 *Miscellaneous*

5 4.-(1) The seal of the Council shall be authenticated by the signature
6 of the Chairman or any other person(s) authorized by the Council to act for that
7 purpose;

8 (2) Any contract, instrument or transaction which if executed by a
9 person who is not a corporate body would not be required to be under the seal of
10 the Council may be carried out or executed on behalf of the Council by the
11 Chairman or a person so authorized generally or specifically as circumstances
12 so dictates to act for that purpose;

13 (3) Any document claiming to be a document bearing a task duly
14 executed under the seal of the Council of the Institute shall be recorded as such
15 and unless the contrary is proved, shall be presumed to be so executed.

16 5. The validity of proceedings of the Council, Board or Committee of
17 the college shall not be questioned on account of any vacancy in their
18 membership or by any defect in the appointment of their members or by reason
19 that a person not entitled to do so took part in their proceedings.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Institute for Border Studies, Imeko in Ogun State to provide full and part time courses in Migration, Refugees, Border Management and other fields of studies and to make provisions for the General Administration of the Institute.