NATIONAL INTEGRATED RURAL DEVELOPMENT AGENCY

BILL, 2011

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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL INTEGRATED RURAL DEVELOPMENT AGENCY AND OTHER MATTERS RELATED THERETO

Sponsored by Hon. Olukolu Ganiyu Tunji

[ ] Commencement

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

Establishment of the National Integrated Rural Development Agency

1.-(1) There is hereby established in the Federation a body to be know as National Integrated Rural Development Agency (in this Act referred to as the "Agency"

(a) shall be a body corporate with perpetual succession and a common seal, and

(b) may sue and be sued in its corporate name.

(2) The Agency shall have its principal office located in the Federal Capital Territory, Abuja and State Branch Operating Offices in each of the States of the Federation, including the Federal Capital territory.

Establishment and Membership of the Board

2.-(1) The management of the Agency established by section 1 of this Bill shall be vested in the Governing Board (in this Act referred to as "the Board") which shall consist of:

(a) Chairman;

(b) a representative each of the following Ministries/Agencies;

(i) Ministry of Agriculture and Water Resources;

(ii) Representative of the Secretary to the Federal Government;

(iii) Representative of Head of Service of the Federation;

(iv) a representative of the following:

(a) all Farmers Association of Nigeria;

(b) National Poverty Eradication programme;

(c) Raw Material Research and Development Council;

(d) National Directorate of Employment;

(e) Small and Medium Enterprises Development Agency of Nigeria;

(f) National Council for Women Societies;

(g) Nigerian chamber of Commerce, Industries, Mines and Agriculture;

(h) Bank of Industry;

(i) Federal mortgage finance;

(j) Nigerian Agricultural, Cooperative and Rural Development Bank;

(k) One representative from each of the six geopolitical zones of the Federation; and

(l) the Director-General to serve as Secretary.

(2) The chairman and other members shall be:

(a) appointed by the President of the Federal Republic of Nigeria on the recommendation of the Minister

(b) person of proven integrity, with not less than ten (10) years cognate experience on related fields.

(3) Without prejudice to the provisions of this Act, the Minister shall perform the functions of the Board where:

(a) the Board has not been constituted; or

(B) the Board has been Dissolved.

(4) The provisions of the schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters contained therein.

Tenure of Office of Members of the Board

3.-(1) The Chairman of the Board shall subject to the pleasure of the President, Commander In Chief of the Armed Forces, hold office for a period of four (4) years and shall be eligible for reappointment for a further period of four years and no more.

(2) Subject to the provisions of subsection (1) of this section, a member of the Board other than an ex-officio member shall, subject to the pleasure of the President, Commander-in-Chief of the Armed Forces, hold

office for a period of four years from the date of his appointment and shall be eligible for reappointment for a further term of four years and no more.

Removal from Office of Members of the Board

4.-(1) The Chairman or member may at any time be removed from office by the President for:

(a) Inability to discharge the functions of his office whether arising from Infirmity of the mind or body;

(b) he is convicted by a court of law of a felony. fraud or any serious act of misconduct;

(c) he becomes bankrupt;

(d) he without permission of the Board is absent for more than three consecutive meetings of the Board or without such permission is absent from the country for a period exceeding one year.

(2) The President, may, at any time, remove any member of the Board from office if the Minister is of the opinion that it is not in the interest of the Board for the member to continue in office and shall notify the member in writing to that effect.

(3) The Chairman or member may resign by notice addressed through the Secretary to the Government of the Federation to the President and the notice of resignation shall become effective from the date of acceptance of the resignation by the President.

Allowances

5. A member shall be paid such allowances as the Federal Government may from time to time direct.

Functions of the Board

6. The functions of the Board shall include the following:

(a) supervise, monitor and assist in the formulation of programmes and policies for implementation of the function of the Agency as provided herein and in line with the National Policy on Integrated Rural Development.

(b) advise the Federal Government on the sourcing and management of funds for the implementation of rural development programmes on a sustainable basis;

(c) monitor and evaluate progress on programme implementation

by the Agency and cause to be published the reports generated there from'

(d) prepare and submit through the Secretary to the Government of the Federation to the President, once in every quarter a report on the activities of the Agency during the immediately preceding quarter.

(e) facilitate the efforts of the Agency in harnessing of activities of other stakeholders targeted at enhancing development in the rural communities;

(f) Perform such other related functions as may be required of the Board, from time to time subject to the approval of the Secretary to the Government of the Federation.

Power of the Board

7.-(1) The Board shall have power to:

(i) subject to the provisions of this Act, make, alter and revoke rules and regulations for carrying out the functions of the Agency

(ii) regulate its own procedures and may make standing orders not inconsistent with this Act for that purpose and, subject to such standing orders, may function notwithstanding any vacancy in its membership or the absence of a member.

(iii) establish such number of Committees as it deems necessary for the efficient performance of the Agency.

(iv) fix the terms and conditions of service including remuneration of the employees of the Agency

(v) make regulations with respect to the quorum, proceedings and meetings of the Board.

(vi) the execution of instruments and the mode of entering into contracts by or on behalf of the Board, and the proof of documents purporting to be executed, issued or assigned by the Board, or any officer or servant of the Agency.

(2) The Board shall meet for the due performance of its functions under this Act whenever the Chairman convenes a meeting of the Agency but not less than four (4) times in a year.

(3) Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt that person to be a member for as many meetings as may be necessary and that person while so co-opted shall have all the privileges of a member except that he shall not be entitled to vote.

(4) In the absence of a duly constituted Board for the Agency, the Director General of the Agency shall with the approval of the Secretary to the Government of the Federation carry out such functions of the Board as may be required.

Functions of the Agency

8.-(1) The overall goal of the Agency is to evolve and implement policies and programmes in the areas of self sufficiency in food and fibre, enhancement of rural productive activities, income generation, employment opportunities, reduction of rural-urban migration, poverty eradication and ultimately mainstreaming the rural dwellers into national development.

(2) Subject to this Act, the functions of the Agency shall be to;

(a) collaborate with Federal Government Ministries and Agencies, International Development Partners, State Governments, Local Governments and Local Communities, private and public sector organizations/institutions, enterprises, and individuals for the purpose of harnessing and coordinating resources for implementation of rural development programmes and projects ";

(b) mobilize and empower the rural population to create wealth through increased agricultural, industrial" and other productive activities;

(c) promote the expansion of the economy through the creation and enterprises; productive base of the rural expansion of non-agricultural

(d) provide rural support services needed to bring about increased production of goods and services and provide access to extension services, inputs, credit and marketing services, and to raise rural productivity in general;

(e) establish an integrated network of cottage and small scale

industries, and promote the acquisition of vocational and trade skills, arts and crafts;

(f) improve the human resource and technological capacity of rural communities through education, training, extension and technical support services that facilitate the adoption of relevant technology by rural producers;

(g) develop the rural areas and raise the quality of life in rural communities through the provision of rural feeder roads, potable water, sanitation, regular power supply, good health facilities and other socio-economic facilities;

(h) create a network of rural marketing and distribution infrastructure to enhance profitable exchange of products between markets;

(i) encourage activities aimed at conserving rural environment, with a view to enhancing the preservation of life forms and conservation of natural resources as the key to sustainable development.

(j) serve as the vehicle by which Government promotes its policies and programmes for implementation of the integrated rural development;

(k) harmonize activities of the various poverty alleviation institutions in the Country with a view to ensuring a more cost-effective and coordinated implementation of integrated rural development and poverty alleviation programmes of rural areas in areas in particular and the Country at large;

(l) initiate and execute programmes aimed at harnessing and integrating the capacities and potentials of special target groups (disabled, women, youth) into economic industry of the community;

(m) identify and involve local community leaders and organizations in the effective mobilization of the rural population for sustainable development activities bearing in mind the need for promotion of greater social participation and economic self-reliance in the community;

(n) liaise with Federal Government Ministries and Agencies in the design and implementation of programmes and projects in the fields of food production and processing, rural water supply, road construction,

rehabilitation and maintenance and the provision of rural infrastructures, and any other rural development activities;

(o) prescribe the criteria and determine the level of corresponding financial (matching) grant which will adequately stimulate the expansion of food production and processing, rural non- farm industries, rural water supply, road construction and maintenance of rural roads and the provision of other rural infrastructures;

(p) develop a system of statistical and non-statistical reporting relative to local communities in order to measure the achievements of the Agency in the areas of food production, rural water supply, rural feeder roads construction and rehabilitation, rural infrastructural development and the rural development activities.

(3) To achieve integrated and even development on a sustainable basis, the Agency will adopt the following strategies:

(a) community-driven participatory 'approach in project identification, design, implementation, monitoring and evaluation

(b) encourage public-private sector partnership for input delivery and marketing of agricultural and other rural products to promote economic growth in the rural sector.

(c) encourage the evolution of economic-size rural settlements that will reap the economics of scale in the provision of social services, physical infrastructure and agro-allied technologies

(d) initiate programmes aimed at providing gainful employment opportunities, especially for the youth and women, with a view to improve on the family income and general living standards in rural areas;

(e) identify involve and support viable Community Based Rural Development Organizations to participate in mobilization of the rural population for sustained rural development activities;

(f) commission and support studies and research projects that will facilitate the execution of the functions of the Agency.

Appointment of the Director General and Staff of the Agency

9.-(1) There shall be appointed for the Agency a Director-General who shall be the Chief Executive and Accounting Officer of the Agency.

(2) The Director General shall be appointed by the President, on the recommendation of the Secretary to Government of the Federation.

(3) The Director General shall be responsible for the execution of the policies of the Agency and its day-to-day administration.

(4) The Director-General shall hold office in the first instance for a period of five years and shall be eligible for reappointment for a further period of five years and no more.

(5) The Director General shall be a person qualified for appointment by reason of having requisite academic qualifications in the relevant disciplines experience in administration and management in similar capacity for not less than ten years.

(6) Subject to the provisions of this Act, the Director-General shall hold office on such terms and emolument as may be specified in his letter of appointment, and as may, from time to time, be approved by the President.

(7) If for any reason the Director-General is unable to perform his functions or there exist a vacancy in the office of the Director General, the Board may designate an employee of the Agency who is next in rank to the Director-General to act as the Director-General during the period of this inability or vacancy until a Director-General is appointed in accordance with the provisions of this Act and the employee shall while so acting have all the powers and perform all the functions of the Director-General.

(8) The Board may appoint such other employees to assist the Director General in the exercise of his functions under this Act.

(9) For the purpose of subsection (8) of this section, the Board may appoint any person from the Public Service of the Federation or of a State, either on secondment or posting with the prior consent or approval of the relevant Civil Service of the Federation or of a State.

(10). The Board may where it deems fit; enlist or recruit from outside

the Public Service of the Federation or of a state such other person(s) as may be required for the effective execution of its functions.

Conditions of Service in the Agency

10. (1) The appointment of the staff of the Agency shall be governed, mutatis mutandis, by the general terms and conditions of service as the Board may, after consultation with the Federal Civil Service Commission, determine.

(2) The Board may, subject to the provisions of this Act, make staff regulations relating generally to the Conditions of Service of the staff of the Agency and without prejudice to the generality of the foregoing, such regulations may provide for:

(i) the appointment, promotion, termination, dismissal and disciplinary control of the staff of the Agency, and

(ii) appeals by such staff against dismissal or other disciplinary measures, and until such regulations are made any instrument relating to the conditions of service of officers in the civil service of the of the Federal shall be applicable, with such modifications as may be necessary, to the staff of the Agency.

(3) The staff of the Agency shall be public officers as defined in the Constitution of the Federal Republic of Nigeria 1999, as amended.

(4) Staff regulations made under subsection (2) of this section shall not have effect until it has been approved by the Board and when so approved, the Board shall cause them to be brought to the notice of all affected persons.

Pensions

11. - (1) Service in the Agency shall be approved service for the purpose of the Pensions Act and, accordingly, officers and other persons employed in the Agency shall be entitled to pensions, gratuities and other benefits as are prescribed hereunder.

(2) Notwithstanding subsection (1) of this section, the Agency may appoint a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

(3) For the purpose of the application of the provisions of the Pensions Act, any power exercisable there-under by a Secretary to the Government of the Federation or .other authority of the Government of the Federation, other than the power to make regulations under section (23) thereof is hereby vested in and shall be exercisable by the Agency and not by any other person or authority.

Establishment of State Directorates

12. -(1) There shall be established in such State if the Federation and the Federal Capital Territory, Abuja, a State and Federal Capital Territory Directorate of the Agency (in this Act referred to as *the State Directorate*).

(2) Each State Directorate shall be headed. by a Coordinator who shall be responsible for implementing the Agency's programme in its area of jurisdiction.

Establishment of the State Rural Development and Consultative Committees

13.-(1) There shall be established to assist the Agency in each State of the Federation and the Federal Capital Territory, Abuja, a State Rural Development and Consultative Committee (in this Act referred to as the "State Consultative Committee").

(2) Each State Consultative Committee shall consist of the Commissioner for Rural Development or such other Agency performing its functions as Chairman' .and one representative each drawn from the following:

(i) Ministry of Agriculture and Water Resources;

(ii) Ministry of Finance;

(iii) Ministry of Commerce;

(iv) Ministry of Transportation;

(v) Ministry of Environment;

(vi) Ministry of Transport;

(vii) Ministry of Women Affairs;

(viii) Ministry/Department for Local Government Affairs;

(ix) Planning Commission;

(x) Population Commission;

(xi) International Development Partners Working in Agricultural and Rural Sector;

(xii) Community Based Rural Development Organizations (CBRDO'S) INGO's;

(xiii) Agricultural Development Projects;

(xiv) Representative of Women Groups;

(xv) Representative of Farmers;

(xvi) Rural Water Supply Agencies;

(xvii) National Programme for Poverty Eradication;

(xviii) National Directorate of Employment;

(xix) State Agricultural Development Projects;

(xx) The Nigeria Association for Commerce, Industry, Mines and Agriculture;

(xxi) The Farmers Association, and

(xxii) The State Coordinator of the Agency who shall be the Secretary.

(3) The State Consultative Committee shall be charged with the following:

(a) Constitute rural development programmes/projects for the states;

(b) Produce periodic reports on implementation of development programmes in rural communities;

(c) Initiate strategic development plans and budgets for programmes/projects implementation within the State and its Local Government Areas;

(d) Facilitate integration of implementation, monitoring and review of the National Policy on Integrated Rural Development;

(e) Advise on strategy for the implementation of the National Policy on Integrated Rural Development (NPIRD) within its jurisdiction;

(f) Convey and ensure implementation of programme/projects under (NPIRD);

(g) To harness and ensure effective utilization of fun-

appropriated for rural development by all stakeholders;

(h) Evolve measures to build capacities at the operational (community) levels to facilitate implementation of rural development projects in collaboration with implementing agencies.

Establishment and Membership of the Local Government Project Implementation Committees

14.-(1) There is hereby established for each Local Government Area of a State and the Area Councils of the Federal Capital Territory, Abuja, a Local Government Rural Development Projects Implementation Committee (in this Act referred to as 'the Committee') which shall be subject to the control of the Agency.

(2) The functions of the Committee shall be to monitor and ensure an effective implementation of the programmes of the Agency within its area of jurisdiction.

(3) Each implementation Committee! shall consist of the Chairman of the Local Government as Chairman and the following other members:

(a) the Councilor for rural development or the relevant department;

(b) Local Government Community Development Department;

(c) a representative each of:

(i) The Traditional Council

(ii) Women Organizations in the area

(iii) Local Government Community Youth Leader

(iv) Community Based Rural Development Organization/Non-Governmental Organization, and

(v) One member from each of the wards nominated by the Chairman, and

(vi) Project Co-coordinator who shall act as the Secretary to the Implementation Committee.

Functions of the Agency

15.-(1) The Board shall establish and maintain a fund from which shall be defrayed all expenditures incurred by the Agency.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of the section.

(a) such moneys as may, from time to time, be lent or granted to the Agency by the government of the Federation, a State or a Local Government;

(b) a participatory take-off grant for the implementation of each programme/project to be contributed by the Federal, State and Local Government using the formula applied for sharing of the nations Consolidated revenue;

(c) Intervention funds from multinational corporate organizations, individuals and international development partners

(d) 10 per cent of the Ecological Disasters Fund tagged as contribution to rural development fund;

(e) all moneys raised for the purposes of the Agency by way of gift, loan, grant-in-aid, testamentary disposition or otherwise;

(f) all subscriptions, fees and charges for services rendered by the Agency; and

(g) all other assets that may, from time to time, accrue to the Agency.

(3) The fund established by subsection (1) of this section shall be managed in accordance with rules made by the Board, and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions:

(a) specifying the manner in which the assets of the fund of the Authority are to be held and regulating the making of payments into and out of the fund; and

(b) requiring the keeping of proper accounts and records for the purposed of the fund in such form as may be specified in the rules.

(c) for securing that the accounts are audited periodically by auditor appointed from a list and in accordance with guidelines supplied by the Auditor-General of the Federation;

(d) requiring copies of the audited accounts and of the auditor's

report thereon to be furnished to the Minister.

Expenditure of the Agency

16. The Board may, from time to time, apply the proceeds of the fund established pursuant to section (7) of this Act to:

(a) the cost of programme implementation and administration of the Agency.

(b) the payments of the salaries, fees and other remuneration, allowances, pensions and gratuities payable to employees of the Agency.

Power to Borrow and Invest.

17.-(1) The Board may, with the consent of the President, borrow, on such terms and conditions as the Board may determine, such sums of money as the Board may require in the exercise of the functions conferred on it under this Act.

(2) The Board may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in accordance with the general guidelines approved by the Federal Government.

(3) Subject to section 7 of this Act, the Board may invest such surplus funds in any security as it may determine from time to time.

Annual Estimates and Income

18.-(1) The Board shall, not later than 31st October in each year, submit to the President through the Minister, an estimate of its expenditure and income during the next succeeding year.

(2) The Board shall keep proper accounts of the Agency in respect of each year and proper records in relation thereto and shall cause its accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with guidelines supplied by the Auditor-General of the Federation.

Power to give Directives

19.-The President, may, give the Board directives of a general nature with respect to any of the functions. of the Agency and it shall be the duty of the Board to comply with such directives or cause them to be complied with.

Interpretation

20. In this Act, unless the context otherwise requires-

"Agency" means the National Integrated Rural Development Agency

established by section 1 of this Decree;

"Board" means the Governing Board of the Agency established by section 2 of this Decrees;

"Member" means a member of the Agency and includes the Chairman;

"Functions" include Duties and Powers;

"Minister" means the Minister charged with the responsibility for Rural Development and other matters.

SCHEDULES

SCHEDULE 1

PROCEEDINGS OF THE BOARD

1. Subject to the provisions of section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority} of its members and for the person presiding to have a casting vote) the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

2. At any meeting of the Board the Chairman shall preside but if the Chairman is absent, the members present shall appoint one of their numbers to preside at the meeting.

3. Where the Board desires to obtain the advice of any person on a particular matters, the Board may co-opt that person as a member for such period as the Board may deem fit; but a person who is a member of the Board by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

4. The quorum for meetings of the Board shall be two-third of total number of member on the Board and the quorum of any meeting of a committee of the Board shall be determined by the Agency.

5. The Board shall meet not less than two times in each year and on such other occasions as the Board may consider necessary.

6. Any member of the Board or any committee thereof having a personal interest in any contract or arrangement entered into or proposed to

be entered into by the Board or any committee thereof shall forthwith declare his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

7. The Board may also establish other Standing, or Ad-hoc Committees to carry out on behalf of the Board such of its functions as the Board may determine.

8. The validity of any proceeding of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of a member of the Board or by reason that any person not entitled to do so took part in the proceedings of the Board.

9. The Board may, if it thinks fit, transact any of its business by the circulation of papers, and resolution in writing, approved in writing, by a majority of the members thereof shall be as valid as if it had been passed at a meeting of the Board by the votes of the members so approving the Resolution.

SCHEDULE 2

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. Anybody by whatsoever name that performed the functions or exercised the powers herein, by this Act now vested in the Agency is hereby dissolved.

2. All properties, which immediately before the commencement of this Act was vested in or belonged to the old body is hereby vested in the Agency without conveyance, transfer or assignment and, subject to the provisions of this Act, shall be held by the Agency for the same purposes as it was held immediately before the commencement of this Act.

3. Subject to the provisions of this Act, all rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the old body shall be deemed to be the rights, obligations and liabilities of the Agency and the Agency shall have all powers necessary to take possession of, recover and deal with such assets and discharge such liabilities.

4. Upon the coming into operation of this Act the old body shall deliver

to the Agency or as the Agency may order, all books, papers, documents, minutes, receipts and ledgers appertaining to the body and to its operations as vested in the old body immediately prior thereto.

5. Subject to the provisions of subsection (7), every agreement, whether in writing or not, to which the old body was a party immediately prior to the coming into operation of this Act, and whether or not of such nature that the rights and liabilities there-under could be assigned shall have effect as from the coming into operation of this Act as if:

(a) the Agency had been a party to such agreement, and

(b) all references to the old body in any Act, regulation, order, or other enactment or in any agreement, deed, instrument, application, notice, or other document whatsoever shall, unless the context otherwise requires, be read as references to the Agency.

6. The appointment of any officer or servant of the old body immediately before the coming into operation of this Act shall, if such officer or servant so agrees be deemed to be made by the Agency under the provisions of this Act, and for the purposes of determining the rights to remuneration or superannuation, the service of such officer or servant shall be regarded as continuous from the time he was appointed by the old body.

7. Any proceedings pending on the coming into operation of this Act to which the old body was a party shall be continued as if the Agency was a party thereto in lieu of the old body.

8. Where anything has commenced by or under the authority of the old body prior to the coming into operation of this Act and such a thing is within the powers of the Agency or was done in relation to any of the matters transferred by this section: to the Agency, such things may be carried on and completed by, or under the authority of the Agency.

9. The Minister may by order provide for any matters which appears to him necessary or expedient to provide for the better carrying out of the provisions of this section, and without prejudice to the generality of the

foregoing, may appoint any person to do any act or sign any document for and on behalf of the old body whereby the assets of the old body may be transferred to the Agency.

SCHEDULE 3

MISCELLANEOUS

1. The fixing of the seal of the Agency shall be authenticated by the signature of the Director General and of any other member of the Agency authorized in that behalf by the Agency.

2. Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal may be made or executed on behalf of the Agency by the Director General or any person generally or specially authorized by the Agency to act for that purpose.

3. Any document purporting to be a document executed under the seal of the Agency and authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

EXPLANATORY MEMORANDUM

(This note does not form part of the above Bill but is intended to explain its purport)

(1) The Act establishes the National Integrated Rural Development Agency as a National Unit to implement and coordinate the activities/efforts of various other Ministries/Departments/ Agencies engaged in the mobilization of rural communities and the development of the rural areas in Nigeria. It charges the Agency with diverse functions aimed at the improvement and development of the quality of life in the rural areas. These functions include the provision of roads, basic infrastructures and increased food and industrial raw material output, the stimulation of agricultural and non- farm activities, human resource development and any other activities that will facilitate an improved quality of life in the rural areas of the country.

(2) To ensure that the work of the Agency has programmatic consent, the officers and other staff of the Agency shall comprise a core of professionals in the various fields, of activities that would facilitate an improved quality of life in the rural areas of the country.