

Supplement to Official Gazette Extraordinary No. 19, Vol. 74, 10th April,
1987—Part A

DIRECTORATE OF FOOD, ROADS AND RURAL INFRASTRUCTURES DECREE 1987



ARRANGEMENT OF SECTIONS

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Decree No. 4

[6th February 1986]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. There is hereby established a body to be known as the Directorate of Food, Roads and Rural Infrastructures (hereinafter in this Decree referred to as “the Directorate”) which shall have the functions specified in this Decree.

Establish-
ment of the
Directorate
of Food,
Roads and
Rural Infra-
structures.

2.—(1) The programme of the Directorate shall be formulated, guided and broadly supervised by a Board which shall comprise a Chairman and not less than four but not more than seven other members who shall be appointed by the President, Commander-in-Chief of the Armed Forces.

Board of the
Directorate.

(2) The Chairman appointed pursuant to subsection (1) of this section shall be the Chief Executive of the Directorate and shall be responsible for the day to day running of its affairs.

3. The Directorate shall liaise with Federal Government Ministries and Agencies, Integrated Rural Development Authorities, State Governments, Local Governments and local communities ; and also co-operate with all other private and public organisations, institutions, enterprises and individuals concerned with the development of the rural areas.

Liaison with
other bodies.

State formations of the Directorate.

4.—(1) There shall be established in the office of each Military Governor, a State equivalent of the Directorate to perform similar functions in the State.

(2) The Military Governor shall be the Chairman of the State Directorate.

(3) The Military Governor may appoint a Director or Co-ordinator who shall be responsible for the day to day administration of the State Directorate and the co-ordination of the implementation of programme.

(4) The membership of the State Directorate shall consist of not less than eight and not more than fifteen persons appointed by the Military Governor to represent public and private sector interests and active participation in programme implementation.

Functions of the Directorate.

5. Subject to this Decree, the Directorate shall be charged with the following functions, that is—

(a) to identify, involve and support viable local community organisations in the effective mobilisation of the rural population for sustained rural developmental activities, bearing in mind the need for promoting greater community participation and economic self reliance of the rural community;

(b) to identify areas of high production potential for the country's priority food and fibre requirement and to support production of such commodities along agro-ecological zones within the context of one national market with unimpeded inter-State trade in farm produce ;

(c) to formulate and support a national rural feeder road network programme involving construction, rehabilitation, improvement and maintenance especially in relation to the nation's food self-sufficiency programme as well as general rural development ;

(d) to formulate and support a national rural water supply programme together with a national on-farm storage programme with emphasis on full initial involvement of local communities and Local Government personnel to ensure sustained maintenance of built infrastructures ;

(e) to identify and promote other programmes that would enhance greater productive economic activities in the rural areas as well as help to improve the quality of life and standard of living of the rural people ;

(f) to encourage contribution of labour, time and materials by local communities to be complemented by a system of matching grants from the Directorate, Local and State Governments ;

(g) to support the development of an information gathering, maintenance and evaluation of culture in rural development programming, with emphasis on utilization of existing agencies with demonstrated competence in the area of management information systems in agriculture and rural development, rural infrastructures, agronomy, agricultural extension, including the continuous generation of basic data on rural infrastructures in each of the Local Government Areas in Nigeria ;

(h) to commission and support studies and research projects that will facilitate the execution of the functions of the Directorate ;

(i) to determine within each Local Government Area the community basis of rural productive organisation as a means of mobilising food and other products for more effective service delivery, infrastructural development and enhanced productivity ;

(j) to identify and involve local community leaders and organisations in the effective mobilisation of the rural population for sustained development activities, bearing in mind the need for promoting greater social participation and economic self-reliance in the community ;

(k) to liaise with Federal Government Ministries and Agencies in the design and implementation of programmes and projects in the field of food production and processing, rural water supply, road construction and maintenance and the provision of rural infrastructures, and any other rural development activities ;

(l) to define, encourage and support any activity calculated to enhance food production, road development, rural water supply, the provision of other infrastructures to rural areas, and any other rural development activities ;

(m) to encourage the implementation of physical development plans at the community level in order to increase rural productivity and improve rural accessibility ;

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

(o) to establish an efficient, expeditious and accurate system of financial disbursement to rural communities ;

(p) to supervise and monitor on a continuous or regular basis the entire range of rural development activities carried out or supported by the Directorate pursuant to this Decree ;

(q) to develop a system of statistical and non-statistical reporting relative to local communities in order to measure the achievements of the Directorate in the area of food production, rural water supply, road construction and repair, rural infrastructural development and other rural development activities ; and

(r) to do all such other things as will enable the Directorate more effectively perform its functions under this Decree.

6.—(1) The Government of a State and each Local Government Council in every State shall participate in the functions of the Directorate in such manner as the President, Commander-in-Chief of the Armed Forces may determine.

Participation
by States
and Local
Government
Councils.

(2) Accordingly, and without prejudice to the establishment of State equivalents of the Directorate under section 4 of this Decree, all Local Government Councils shall be constituted into committees for the development of rural areas as envisaged in this Decree.

(3) The Chairman of each Local Government Council shall be the Chairman of the Committee constituted under subsection (2) of this section.

7.—(1) The Directorate shall gear all its efforts towards the development of the entire rural areas of Nigeria in order to improve the quality of life of the rural dwellers.

Special
functions of
the Direc-
torate.

(2) For the purpose of achieving the objective in subsection (1) of this section, the Directorate shall use its best endeavours to—

(a) encourage and organise increased agricultural and any other activities towards an increased earning power of the rural dwellers ;

(b) encourage increased agricultural and any other activities in the rural areas to provide agricultural and industrial raw materials ;

(c) undertake the construction and repair of roads to facilitate communication and distribution of agricultural products ;

(d) liaise with the appropriate Federal, State and Local Government Councils for the provision of water, health facilities, electricity, means of communication and such other things as the Directorate may determine within the rural areas ;

(e) enlighten the rural communities in order to give them a sense of belonging to the country.

(3) The Directorate shall also encourage communities to form their own village, community or town improvement or development unions or association under their own democratically elected leaders to serve as the apex organisation for mobilising their communities for the successful participatory implementation of all rural development programme as initiated by the Directorate, each tier of Government or by the communities themselves.

Officers of
the Directorate.

8.—(1) In the execution of its functions under this Decree, the Board of the Directorate may appoint such persons to be officers and staff of the Directorate for the day-to-day supervision and monitoring of programme execution, bearing in mind the need for a small core of professionals in rural road and water supply engineering, agriculture, storage and processing, rural agro-industrialization, finance and such other sectors as home economics, handicraft and small scale industries.

(2) For the purposes of subsection (1) of this section, the Board may appoint any person from the public 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.

(3) The Board may where it deems fit, enlist or recruit from outside the public service of the Federation or of a State such other persons as may be required for the effective execution of its functions.

(4) When a member of any of the public service of the Federation or of a State is seconded or posted under subsection (2) of this section, he shall be notified of the terms and conditions of the secondment or posting ; and the secondment or posting shall be without prejudice to any pension rights, which, but for the secondment or posting, may accrue to him.

Directives
by the President.

9. The President, Commander-in-Chief of the Armed Forces may from time to time give to the Board directives of a general nature as to the manner in which the Directorate is to exercise its functions under this Decree and it shall be the duty of the Board to give effect to such directives.

Funds of the
Directorate.

10.—(1) The funds of the Directorate shall consist of such sums as the Federal Military Government may from time to time provide.

(2) The Directorate shall keep proper accounts in respect of each financial year and proper records in relation to those accounts and shall submit same annually for auditing by the Auditor-General of the Federation.

Quarterly
reports.

11. The Board shall prepare and submit to the President, Commander-in-Chief of the Armed Forces once in every quarter a report on the activities of the Directorate during the immediately preceding quarter,

12.—(1) The Board shall have power to regulate its own procedures and may make standing orders not inconsistent with this Decree for that purpose and, subject to such standing orders, may function notwithstanding any vacancy in its membership or the absence of a member.

Procedures
of the
Directorate.

(2) The Board shall meet for the due performance of its functions under this Decree whenever the Chairman convenes a meeting of the Directorate.

(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.

13. In this Decree, unless the context otherwise requires—

Interpreta-
tion.

“Directorate” means the Directorate of Food, Roads and Rural Infrastructures established by section 1 of this Decree ;

“functions” include duties and powers ;

“State formation” means State equivalent of the Directorate, the Local Government Rural Development Committees and the communities improvement or development unions or associations.

14. This Decree may be cited as the Directorate of Food, Roads and Rural Infrastructures Decree 1987 and shall be deemed to have come into operation on 6th February 1986.

Citation and
commence-
ment.

MADE at Lagos this 1st day of April 1987.

MAJOR-GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

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

The Decree establishes the Directorate of Food, Roads and Rural Infrastructures for the mobilisation of rural communities and the development of the rural areas in Nigeria. It charges it with diverse functions directed towards 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 activity and any other activities that will facilitate an improved quality of life in the rural areas of the country.

To ensure that the work of the Directorate has programmatic consent, the officers and other staff of the Directorate 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.

**NATIONAL COUNCIL FOR ARTS AND CULTURE
(AMENDMENT) DECREE 1987**



Decree No. 5

[1st April 1987]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The National Council for Arts and Culture Act 1975 (hereafter in this Decree referred to as "the principal Act") is hereby amended in accordance with the following provisions of this Decree.

Amendment
of 1975 No. 3

2. Section 1 of the principal Act is hereby amended by repealing subsection (2) thereof and, accordingly, the Executive Committee of the National Council for Arts and Culture established thereunder is hereby dissolved and all references to the Committee in any provision of the Act shall be deleted.

Amendment
of section 1.

3. For sections 2, 3 and 4 of the principal Act, there shall be substituted the following new sections, that is—

Amendment
of sections 2,
3 and 4.

"Constitu-
tion of the
Council.

2.—(1) The Council shall consist of the following members, that is—

(a) a Chairman and four other persons, at least one of whom shall be a woman, to be appointed by the President, Commander-in-Chief of the Armed Forces ;

(b) the chairman of the Arts Council of each State of the Federation ;

(c) five persons to represent the universities in Nigeria being persons qualified or having special interest in Nigerian arts and culture to be appointed by the President, Commander-in-Chief of the Armed Forces ;

(d) one representative of the Federal Radio Corporation of Nigeria ;

(e) one representative of the Federal Ministry charged with the responsibility for matters relating to education ;

(f) one representative of the Federal Ministry charged with the responsibility for matters relating to the Council ;

(g) two persons to be appointed by the President, Commander-in-Chief of the Armed Forces to represent traditional institutions in Nigeria ; and

(h) the Director of the Council.

(2) The provisions of the Schedule to this Act shall have effect with respect to the matters therein mentioned.

Functions
of the
Council.

Cap. 21

Powers of
the Council.

Amendment
of section 6.

3.—(1) The functions of the Council shall be—

(a) to promote and foster the appreciation, revival and development of Nigerian arts and culture ;

(b) to plan and co-ordinate cultural activities in Nigeria and foster the development of literary, visual and the performing arts in Nigeria ;

(c) to assist the Antiquities Commission established under section 3 of the Antiquities Act in the creation, acquisition and preservation of artistic works, cultural monuments and depositories ;

(d) to organise and promote exhibition in visual, performing and literary arts as may be determined from time to time by the Minister ;

(e) to co-ordinate inter-State cultural exchange activities ;

(f) to render assistance to the States in the field of arts and culture ; and

(g) to promote the development of music, traditional dancing, drama, opera, cinema, films, photography, folklore, oral tradition, literature, poetry, painting, sculpture, architecture, town planning and general arts, woodwork, embroidery, weaving and similar crafts.

4. The Council shall have power—

(a) to establish with the approval of the Minister ; cultural centres, theatres, art galleries and craft centres for the promotion of arts and culture ;

(b) to establish, for the purposes of carrying out its functions under this Act, a national endowment fund for art ;

(c) to acquire, hold and manage movable or immovable property with the approval of the Minister ;

(d) to sell, let, lease or otherwise dispose of any property vested in the Council ;

(e) to invest its funds in such manner and to such extent as it thinks fit; and

(f) to do anything which in its opinion is calculated to facilitate the carrying out of its functions under this Act.”.

4. For section 6 of the principal Act, there shall be substituted the following new section, that is—

“Appoint-
ment, etc.
of Director
and other
staff of the
Council.

6.—(1) There shall be a Director of the Council who shall be appointed by the Minister with the approval of the National Council of Ministers.

(2) The Director shall be the chief executive of the Council and shall be responsible for the execution of the policy of the Council and of its day to day business.

(3) There shall be a Secretary to the Council who shall be appointed by the Council.

(4) The Secretary shall perform such duties as the Council or Director may from time to time assign to him.

(5) The Council may appoint such other staff and agents as it may deem necessary for the efficient performance of the Council's duties under this Act."

5. There shall be inserted immediately after section 6 of the principal Act, as amended by this Decree, the following new section, that is—

Insertion of section 6A.

"Pension.
1979. No.
102.

6A.—(1) It is hereby declared that service in the Council shall be approved service for the purposes of the Pensions Act 1979 and, accordingly, officers and other persons employed in the Council shall in respect of their service in the Council be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Act 1979, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Council and not by any other person or authority."

6. The Schedule to the principal Act is hereby amended—

Amendment of Schedule.

(a) in paragraph 2 thereof by substituting for sub-paragraph (1), the following new sub-paragraph, that is—

"(1) Members of the Council other than *ex-officio* members shall be paid such remuneration and allowances as may from time to time be approved by the National Council of Ministers."; and

(b) in paragraph 6 thereof by substituting for sub-paragraph (2), the following new sub-paragraph, that is—

"(2) The quorum at any meeting of the Council shall be twelve, at least three of whom shall be chairmen of the Arts Councils of the States."

7. This Decree may be cited as the National Council for Arts and Culture (Amendment) Decree 1987.

Citation.

MADE at Lagos this 1st day of April 1987.

MAJOR-GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

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

The Decree amends the National Council for Arts and Culture Act 1975, amongst other things, to reconstitute the Council and provide for the appointments of the Director of and Secretary to the Council.

NEWSWATCH (PROSCRIPTION AND PROHIBITION FROM CIRCULATION) DECREE 1987



Decree No. 6

[6th April 1987]

Commence-
ment.

WHEREAS section 36 (1) of the Constitution of the Federal Republic of Nigeria 1979 provides that every person shall be entitled to freedom of expression, including freedom to hold opinion and to receive and impart ideas and information without interference ;

AND WHEREAS section 36 (3) of the said Constitution provides that nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society for the purpose of preventing the disclosure of information received in confidence ;

AND WHEREAS it is also provided in section 41 of the said Constitution that nothing in sections 34, 35, 36, 37 and 38 of the Constitution shall invalidate any law that is reasonably justifiable in a democratic society in the interest of defence, public safety, public order, public morality ;

AND WHEREAS the Newswatch magazine has published classified and confidential matters in its Volume 5, No. 15 Issue of April 13, 1987 ;

AND WHEREAS it is necessary to take appropriate measures to prevent further disclosure of classified and confidential matters in the interest of public safety and public order :

NOW THEREFORE, THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Notwithstanding anything contained in the Constitution of the Federal Republic of Nigeria 1979 or in any other enactment or law, the Weekly Newsmagazine known as "Newswatch" and published by the Newswatch Communications Limited is hereby proscribed from being published and prohibited from circulation in Nigeria or in any part thereof.

Proscription,
etc. of
Newswatch.

2. The premises where the Weekly Newsmagazine referred to in section 1 of this Decree is published shall be sealed up by the Inspector-General of Police or any officer of the Nigeria Police Force authorised in that behalf during the duration of this Decree.

Sealing up
of
premises.

3. Any person who on the direction of the appropriate authority had at any time before the commencement of this Decree, dealt with or acted in compliance with this Decree or any order made thereunder or hereafter deals with any copies of the Weekly Newsmagazine proscribed or

Indemnity

prohibited from circulation pursuant to this Decree, shall stand indemnified in respect thereof and no suit or other proceeding whatsoever shall lie at the instance of any person aggrieved in respect of any act, matter or thing done or purported to be done in respect of such direction or compliance ; and where any such suit or other proceedings has been or is instituted in any court, it shall abate and be of no effect whatsoever.

Duration.

4. This Decree shall remain in force for a period of six months from the commencement thereof unless further extended by the appropriate authority by an Order published in the *Gazette*.

Interpretation and citation.

5.—(1) In this Decree “appropriate authority” means the President, Commander-in-Chief of the Armed Forces.

(2) This Decree may be cited as the *Newswatch (Proscription and Prohibition From Circulation) Decree 1987*.

MADE at Lagos this 6th day of April 1987.

MAJOR-GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

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

The Decree proscribes and prohibits from circulation in Nigeria or any part thereof the Weekly Newsmagazine known as *Newswatch* for the purpose of preventing it from publishing classified information which has not been lawfully released.