

TRANSITION IMPLEMENTATION COMMITTEE
(ESTABLISHMENT, ETC.) DECREE 1996



Decree No. 16

[4th June 1996]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:-

PART I - ESTABLISHMENT AND FUNCTIONS, ETC. OF
THE TRANSITION IMPLEMENTATION COMMITTEE

1.-(1) There is hereby established a body to be known as the Transition Implementation Committee (in this Decree referred to as "the Committee").

Establishment of the Transition Implementation Committee, etc.

(2) The Committee -

(a) shall be a body corporate with perpetual succession; and

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

2.-(1) The Committee shall consist of a Chairman who shall be the Chief Executive and accounting officer of the Committee and twelve other members.

Membership of the Committee.

(2) The Chairman and members of the Committee shall

(a) appointed by the Head of State, Commander-in-Chief of the Armed Forces; and

(b) persons of proven integrity and should not have been actively involved in partisan politics.

3.-(1) The Chairman and members of the Committee shall hold office for the duration of the transition to civil rule and on such terms and conditions as may be specified in their letters of appointment.

(2) A member may at any time be removed from office by the Head of State, Commander-in-Chief of the Armed Forces for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour but shall not be removed from office except in accordance with the provisions of this subsection.

(3) A member may resign his membership by notice in writing addressed to the Head of State, Commander-in-Chief of the Armed Forces and that member shall, on the date of the receipt of the notice by the Head of State, Commander-in-Chief of the Armed Forces, cease to be a member.

(4) There shall be paid to every member of the Committee such allowances as the Federal Government may, from time to time, direct.

(5) A member shall not while holding office hold any other office of emolument whether in the Federal or State public service.

4.-(1) The functions of the Committee shall be to -

(a) pursue and monitor the implementation of the transition programme;

(b) provide liaison between various agencies and political parties in their implementation drive;

(c) compile statistics and other relevant data relating to the transition programme;

(d) identify and report lapses in the implementation of the transition programme and advise on measures to correct such lapses;

(e) inquire into the activities of anybody charged with the implementation of the transition to civil rule; and

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(1) carry out such other functions as the Head of State, Commander-in-Chief of the Armed Forces or the Provisional Ruling Council, shall, from time to time, assign to it.

(2) The Committee shall have power to request for any information pertaining to the transition to civil rule programme in any Ministry, Extra-Ministerial Department, Political Party, institution or person which may be relevant to the transition to civil rule.

(3) For the purposes of this section the Committee shall have the powers of inquiry as if it were a tribunal of inquiry established under the Tribunals of Inquiry Act.

5.-(1) The Head of State, Commander-in-Chief of the Armed Forces or the Provisional Ruling Council, may give to the Committee such directives as appear to him or it to be just and proper for the effective discharge of the functions of the Committee under this Decree.

(2) It shall be the duty of the Committee to comply with the directions given pursuant to subsection (1) of this section.

(3) Any decision reached by the Head of State, Commander-in-Chief of the Armed Forces in accordance with this section shall be final and binding and notwithstanding the provisions of the Constitution of the Federal Republic of Nigeria as amended, no suit or legal action in any court of law or otherwise shall lie against any person for any act done or intended to be done in pursuance of any decision of the Head of State, Commander-in-Chief of the Armed Forces or the Provisional Ruling Council.

6. Notwithstanding anything to the contrary in any law, a person who holds office as a member of the Committee under this section shall not be qualified for any elective office or for election to any office or as a member of any legislative body for the duration of the term of office.

Cap 44
L.N

Directives by
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Cap 62
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7.-(1) The Committee shall meet for the conduct of its business at such times, places and on such days as the Chairman may appoint.

(2) The Chairman shall preside at all meetings of the Committee but if he is absent from any meeting of the Committee the members present shall elect one of their number to preside at that meeting.

(3) During the Chairman's absence on leave or if the Chairman is otherwise not available or is unable to perform his functions, the Head of State, Commander-in-Chief of the Armed Forces may appoint any member of the Committee to act as Chairman for any specified period.

(4) The quorum for meetings of the Committee shall be five.

(5) Questions put before the Committee at a meeting shall be decided by consensus and, where this is not possible, by a majority of the votes of the members present and voting.

(6) The Chairman shall in the case of an equality of votes have a casting vote in addition to his deliberative vote.

(7) Subject to this section, the Committee shall have power to regulate its proceedings and may make standing orders with respect to the holding of meetings, the notice to be given, the procedure thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

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

Sub committees of the Committee.

8.-(1) The Committee may appoint one or more sub-committees to carry out on behalf of the Committee any of the Committee's functions under this Decree.

(2) A sub-committee, appointed by the Committee under this section, shall consist of such number of persons as may be determined by the Committee.

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PART II - STAFF OF THE COMMITTEE

9.-(1) There shall be a Secretary to the Committee who

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staff.

(a) have such qualifications and experience as are appropriate for a person required to perform the functions of his office under this Decree; and

(b) be appointed by the Head of State, Commander-in-Chief of the Armed Forces.

(2) Subject to the general direction of the Committee, the Secretary shall -

(a) be responsible for keeping proper records of the proceedings of the Committee; and

(b) be the head of the Committee's secretariat and be responsible for the administration thereof and the direction and control of all other employees of the Committee with the approval of the Committee.

(3) The Committee shall have power to appoint either directly or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Committee, be required to assist the Committee in the discharge of any of its functions under this Decree and shall have power to pay persons so employed such remuneration (including allowances) as the Committee may, after consultation with the Federal Civil Service Commission, determine.

(4) Nothing in subsection (3) of this section, shall preclude the Committee from appointing persons from outside the public service of the Federation or of the State whenever it deems it necessary so to do.

(5) All employees of the Committee appointed pursuant to subsections (3) and (4) of this section, excluding such as are appointed on a temporary basis for an honorarium, shall have the same rights and obligations as the members of the public service governed by section 24 of the Pensions Act.

PART III - MISCELLANEOUS

Interpretation

10. In this Decree, unless the context otherwise requires

"Chairman" means the Chairman of the Committee;

"Committee" means the Transition Implementation Committee established by section 1 of this Decree;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1979, as amended;

"Functions" includes powers and duties;

"member" means a member of the Committee and includes the Chairman;

"Secretary" means the Secretary of the Committee appointed pursuant to section 9 of the Decree.

12. This Decree may be cited as the Transition Implementation Committee (Establishment, Etc.) Decree 1996.

MADE at Abuja this 4th day of June 1996.

GENERAL SANI ABACHA,
Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.