

CHAPTER 270

NATIONAL POPULATION COMMISSION ACT

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CHAPTER 270

NATIONAL POPULATION COMMISSION ACT

An Act to establish the National Population Commission as an independent and autonomous body to conduct regular censuses and also to provide for the composition of the commission, tenure of office of members and for other related matters.

1989 No. 23.

[1st April, 1988]

Commence-
ment.

PART I.—ESTABLISHMENT AND COMPOSITION OF THE
NATIONAL POPULATION COMMISSION

1. There is hereby established for the Federal Republic of Nigeria, a commission to be known as the National Population Commission (hereafter in this Act referred to as “the Commission”) which, under that name, shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name, and whose members shall exercise the functions specified in this Act.

Establish-
ment of the
Commission.

2. The Commission shall consist of a Chairman, seven other members and a Director-General (who shall be an *ex-officio* member), to be appointed by the President, Commander-in-Chief of the Armed Forces.

Composition
of the
Commission.

3. (1) No person shall be qualified for appointment as a member of the Commission, if—

Qualification
for
membership.
Cap. 342.

- (a) he is a person affected by the provisions of the Participation in Politics and Elections (Prohibition) Act;
- (b) within the preceding ten years, he has been removed from service as the holder of any office on the ground of misconduct.

(2) Any person employed in the public service of the Federation shall not be disqualified for appointment as Chairman or member of the Commission:

Provided that where that person has been duly appointed he shall, on his appointment, be deemed to have resigned or where appropriate withdrawn or retired from his former office as from the date of the appointment.

Tenure of
office of
members.

4. Subject to the provisions of section 5 of this Act, a member of the Commission shall hold office for a period of five years from the date of his appointment as a member.

Removal of
member and
cessation of
membership.

5. (1) A member of the Commission may only be removed from that office by the President, 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 misconduct or for dereliction of duty.

(2) The Chairman and other members of the Commission shall cease to hold office if the Armed Forces Ruling Council declares a national census report to be unreliable and the report is rejected in accordance with the provisions of section 26 of this Act.

PART II.—FUNCTIONS AND POWERS OF THE COMMISSION

Functions
and powers
of the
Commission.

6. The Commission shall—

- (a) undertake the enumeration of the population of Nigeria periodically, through censuses, sample surveys or otherwise;
- (b) establish and maintain a machinery for continuous and universal registration of births and deaths throughout the Federation;
- (c) prepare and maintain a national frame work for the delineation exercise for censuses and sample surveys;
- (d) collect, collate and publish data on migration statistics;
- (e) research and monitor the national population policy and set up a national population information data bank;
- (f) arrange for the appointment and training of enumerators and all other categories of staff of the Commission;
- (g) provide information and data on population for purposes of facilitating national planning and economic development;

- (h) advise the Federal Government on any population and population-related programmes and problems;
- (i) disseminate information and educate the general public about the functions of the Commission under this Act;
- (j) do all such things as may be considered by the Commission to be necessary, desirable, expedient, supplementary or incidental to the performance of the functions or the exercise of the powers conferred on the Commission under this Act.

7. The Commission shall be an independent and autonomous body and shall not be subject to the direction or control of any other authority or persons in the performance of its functions under this Act and, in particular—

Autonomy and independence of the Commission in performing its statutory functions.

- (a) in appointing, training or arranging for the training of enumerators or other staff of the Commission to assist it in the conduct of any population census;
- (b) in deciding whether or not to accept or revise the return of any officer of the Commission concerning the population census in any area or any part of Nigeria;
- (c) in carrying out the operation of conducting the census; and
- (d) in compiling its report of a national census for publication.

8. The provisions of the First Schedule to this Act shall apply with respect to the proceedings of the Commission and the other matters provided therein.

Proceedings of the Commission.

PART III.—ORGANISATION AND STAFF

9. There shall be appointed by the President, Commander-in-Chief of the Armed Forces for the Commission a Secretary who shall carry out the duties specified in this Act and such other duties as may be directed by the Commission, and he shall—

Appointment and functions of the Secretary.

- (a) be responsible for the preparation of the minutes of meetings of the Commission;
- (b) keep and secure the records of the Commission;

- (c) issue notices of meetings of the Commission as directed by the Chairman or the Commission;
- (d) be responsible for the implementation of the Commission's decisions, subject to the directions of the Chairman or the Commission;
- (e) be the head of the Secretariat of the Commission and responsible for the general administration of the Secretariat and its staff;
- (f) perform such other functions as may be determined, from time to time, by the Chairman of the Commission or the Commission.

Appointment
of other staff
of the
Commission.

10. (1) There shall be at the Secretariat of the Commission the following other principal officers to be appointed by the Commission—

- (a) a Director-General who shall not be subordinate to the Secretary; and
- (b) Directors in charge of Departments.

(2) The Director-General shall be the professional head of the staff of the Commission and shall be responsible, subject to the authority of the Chairman and the Commission and the overall authority of the Commission, for—

- (a) co-ordinating the professional and technical functions of the Commission at the Secretariat and in the field; and
- (b) performing such other professional and technical duties as may be assigned to him, from time to time, by the Chairman or the Commission.

Establish-
ment of
State offices
of the
Commission.

11. (1) There shall be established for each State and for the Federal Capital Territory, Abuja an office of the Commission to be headed by an Assistant Director.

(2) There shall also be established in each Local Government Area of every State a local office of the Commission to be headed by a Comptroller.

Special
provisions
as regards
personnel.

12. (1) The Federal Government or a State Government may, on an application made to it by the Commission in that behalf, second to the Commission officers in the public service

of the Federation or, as the case may be, of a State to assist the Commission in the discharge of its functions under this Act.

(2) The Commission may, if it deems it necessary to do so, and with the approval of the President, Commander-in-chief of the Armed Forces, appoint persons not in the public service of the Federation to perform such duties as the Commission may, from time to time, direct.

13. (1) Service in the Commission shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the Commission shall be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

Pensions.
Cap. 346.

(2) Nothing in this section shall prevent the appointment of a person on a temporary basis or to any office in the Commission on terms and conditions which preclude the grant of a pension or gratuity in respect of service in that office.

(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister 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 Commission and not by any other person or authority.

PART IV.—FINANCIAL PROVISIONS AND REPORTS

14. (1) The Commission shall establish and maintain a Fund consisting of such moneys as may in each year be appropriated by the Federal Government for the purpose of the Commission.

Establish-
ment of a
Fund by the
Commission.

(2) The Commission shall defray from the Fund established pursuant to subsection (1) of this section, all moneys payable under or in pursuance of this Act, being sums representing—

- (a) amounts payable to the Chairman and other members of the Commission (including allowances);
- (b) costs of employment of staff of the Commission;
- (c) amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this Act or any other enactment;

- (d) costs of acquisition and upkeep of premises belonging to the Commission and any other capital expenditure of the Commission; and
- (e) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other function of the Commission under or pursuant to this Act.

(3) The Chairman of the Commission shall be the accounting officer for the purpose of controlling and disbursing moneys from the Fund established pursuant to this section.

Accounts
and audit.

15. (1) The Chairman of the Commission shall before 30th September in each year cause to be prepared an estimate of recurrent and capital expenditure and, when approved by the Commission, the estimates shall be forwarded for approval by the Federal Government.

(2) The Director in charge of the Finance and Supply Department of the Commission shall keep proper accounts and proper records in relation thereto, under the direction and control of the Chairman.

(3) The accounts of the Commission shall be audited annually by an auditor appointed by the Commission from the list and in accordance with guidelines supplied by the Auditor-General of the Federation.

Annual
reports.

16. (1) In addition to any other report prescribed under this Act, the Commission shall prepare and submit to the President, Commander-in-Chief of the Armed Forces not later than 31st December in each year, a report on the activities of the Commission during the immediately preceding year, and shall include in that report a copy of the audited accounts of the Commission for that year and the auditor's report thereon.

(2) The Commission may with the approval of the Armed Forces Ruling Council, from time to time, publish general reports of its activities for sale to members of the public.

PART V.—OFFENCES AND PENALTIES

17. It shall not be lawful for any State Government to debate, discuss or deal with, or require the State office or any staff of the Commission to release to the State Government, population figures (or matters relating thereto) of the State in question without the authority in writing of the Commission; and any person who without such approval—

Prohibition of debate of census and other population figures without authority.

- (a) communicates or releases any information concerning population figures of a State to the State Government or members thereof; or
- (b) tables for discussion at a meeting of the State Government, the population figures of the State; or
- (c) treats, engages in or takes part in debating the population figures of the State at a meeting of the State Government,

shall be guilty of an offence under this section and shall be liable on conviction to imprisonment for not less than five years without the option of a fine.

18. Any person employed for any of the purposes of this Act who—

Penalty for falsifying returns.

- (a) makes or signs or causes to be made or signed any return or document of whatever nature required for the purposes of this Act which he knows to be false or untrue in any material particular; or
- (b) enters in any return or document any information or statement which he knows to be false or untrue in any material particular; or
- (c) counterfeits any seal or stamp of the Commission or signature or initial or other mark of any other person authorised by the Commission to certify any return or document,

shall be guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or imprisonment for three years or to both such fine and imprisonment.

Unlawful disclosure and failure to furnish information lawfully requested.

19. (1) Any person, being a person employed for any of the purposes of this Act, who without lawful authority, publishes or communicates, to any person, otherwise than in the ordinary course of his duties, any information acquired by him in the course of his duties, shall be guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or imprisonment for three years or to both such fine and imprisonment.

(2) Any person, being in possession of any information which to his knowledge has been disclosed in contravention of this Act, who publishes or communicates such information to any person shall be guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or imprisonment for three years or to both such fine and imprisonment.

(3) Any person who, in the execution of any other purpose or duty under this Act, fails to comply with or contravenes any other term or condition of his oath shall be guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or imprisonment for three years or to both such fine and imprisonment.

Penalties for failure to furnish information.

20. (1) Any person who is required to furnish information, estimates, returns or particulars under this Act and who fails to do so, shall be guilty of an offence under this section and liable on conviction to a fine of five hundred naira or imprisonment for six months, or to both such fine and imprisonment, but it shall be a defence for any person charged with failure to furnish information, estimates, returns or particulars under this Act to prove that he did not know and had no reasonable means of knowing that he was required to furnish that information or those estimates, returns or particulars or that he had other reasonable excuse for such failure.

(2) Any person who, after conviction in respect of an offence under subsection (1) of this section, continues to fail to comply with the provisions of the subsection, shall be guilty of a further offence and shall on conviction thereof be punished for the offence.

(3) Any person who, in purported compliance with a requirement to furnish information, estimates, returns or

particulars under this Act, knowingly or recklessly makes any statement in such information, estimates, returns or particulars which is false in any material particular, shall be guilty of an offence under this subsection and liable on conviction to a fine of one thousand naira or imprisonment for twelve months or to both such fine and imprisonment.

21. (1) Any person who during the compilation of any national census or during any enumeration exercise carried on by the Commission under this Act—

(a) knowingly presents himself to any person employed for the purpose of this Act for counting more than once or misleads any such person employed as aforesaid into counting him more than once; or

(b) aids, abets, counsels or procures any person to do any act referred to in paragraph (a) of this subsection, shall be guilty of an offence under this subsection and liable on conviction to a fine of ten thousand naira or imprisonment for three years or to both such fine and imprisonment.

(2) Any person who during the compilation of any national census or during any enumeration exercise carried on by the Commission under this Act—

(a) knowingly refuses to present himself for counting before a person employed for that purpose under this Act or refuses to get his thumb dubbed with indelible ink after such counting; or

(b) obliterates or removes or attempts to obliterate or remove any indelible ink dubbed on his thumb during the enumeration period, shall be guilty of an offence under this subsection and liable on conviction to a fine of five hundred naira or imprisonment for six months or to both such fine and imprisonment.

(3) Any person who at any time before or during the compilation of any national census or during any enumeration exercise carried on by the Commission under this Act—

(a) causes or procures any other person to leave the place at which such other person ordinarily resides for another place with intent that such other person may be counted at the place to which he thereby moves; or

Penalties in respect of information or unlawful obstruction during census.

(b) organises or takes part in organising or otherwise brings about the movement of any group of persons from such place or places at which such persons ordinarily reside for another place with intent that such persons may be counted at the place to which they thereby move, shall be guilty of an offence under this subsection and liable on conviction to a fine of one thousand naira or imprisonment for twelve months or to both such fine and imprisonment.

Penalty for
destruction
of document.

22. Any person who wilfully and without lawful authority destroys, defaces or mutilates any form, notice or other document containing information obtained in pursuance of the provisions of this Act or destroys, obliterates, alters or damages any sticker containing the number of the house pasted on the premises for the purposes of the census or other surveys shall be guilty of an offence under this section and liable on conviction to a fine of ten thousand naira or imprisonment for three years or to both such fine and imprisonment.

Offences by
body
corporate or
firm.

23. (1) Where an offence under the provisions of this Act is committed by—

- (a) a body corporate, every director and officer of that body shall be liable on conviction to a fine of five hundred naira each or imprisonment not exceeding six months or to both such fine and imprisonment;
- (b) a firm, every partner shall be deemed jointly and severally liable on conviction to a fine of two thousand naira each or to imprisonment not exceeding eighteen months or to both such fine and imprisonment.

(2) A person shall not be guilty of an offence under this section if he can prove that the offence was committed without his knowledge, consent or connivance, and that having regard to all circumstances, he exercised all due care and diligence to prevent the commission of the offence.

Jurisdiction.

24. Any offence under this Act shall be triable by the Federal High Court.

PART VI.—POWER OF THE COMMISSION TO ENTER PREMISES

25. (1) Any person authorised by the Commission in writing, upon production if required of his authorisation, may, for any purpose connected with the taking of a census or any enumeration of persons, enter within the hours specified by the Commission or any other reasonable time any premises where persons are employed, or, subject to the provisions of subsection (2) of this section, any dwelling-house, and may there make such inquiries as may be deemed necessary for the performance of his duties under this Act.

Power of the Commission to enter premises.

(2) Every person occupying any land, house, enclosure, vessel or other place shall allow any person duly authorised by the Commission to have access in accordance with this section.

(3) Any person who hinders or obstructs any person duly authorised by the Commission in the execution of the power conferred by this section or who does not comply with this section shall be guilty of an offence under this section and liable on conviction to a fine of five hundred naira or imprisonment for six months or to both such fine and imprisonment.

PART VII.—REPORT OF CENSUS BY THE COMMISSION

26. (1) Any report of the Commission containing the population census after every census shall be delivered to the President, Commander-in-Chief of the Armed Forces by the Chairman of the Commission.

Report of census by the Commission.

(2) The President, Commander-in-Chief of the Armed Forces shall, within a period of thirty days after receipt of the report, lay copies of the report before the Armed Forces Ruling Council which shall consider the report and advise the President, Commander-in-Chief of the Armed Forces whether to accept or reject the report.

(3) Where the Armed Forces Ruling Council advises the President, Commander-in-Chief of the Armed Forces to accept the report, the President, Commander-in-Chief of the Armed Forces shall accept the same and shall then cause the report to be published in the Federal *Gazette* for public information.

(4) When the Armed Forces Ruling Council advises the President, Commander-in-Chief of the Armed Forces to reject the report upon the ground that—

(a) the population census contained in the report is inaccurate; or

(b) the report is perverse,

the President, Commander-in-Chief of the Armed Forces shall reject the report and accordingly no reliance shall be placed upon any such report by any authority or person or for any purpose whatsoever.

PART VIII.—TRANSFER OF ASSETS, LIABILITIES AND STAFF
OF THE NATIONAL POPULATION BUREAU

Transfer of
assets,
liabilities and
staff of the
Bureau.

27. (1) The organisation known officially as the National Population Bureau (hereafter in this Act referred to as "the Bureau") is hereby dissolved.

(2) By virtue of this Act and without further assurance, there shall be vested in the Commission all assets, funds, resources and other movable and immovable property which immediately before the commencement of this Act were vested in or were in the possession or under the control of the Bureau.

(3) The rights, interests, obligations and liabilities of the Bureau existing before the commencement of this Act under any contract or instrument, or in law or in equity apart from any contract or instrument, shall by virtue of this Act be assigned to and vested in the Commission established by this Act.

(4) Any such contract or instrument as is mentioned in subsection (2) of this section shall be of the same force and effect against or in favour of the Commission established by this Act and shall be enforceable as fully and effectively as if instead of the Bureau the Commission established by this Act has been named therein or had been a party thereto.

(5) The Commission shall be subject to all the obligations and liabilities to which the Bureau was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the

Commission as they had against the Bureau immediately before the commencement of this Act.

(6) Any proceedings or cause of action pending or existing immediately before the commencement of this Act by or against the Bureau in respect of any right, interest, obligation or liability of the Bureau may be continued or, as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Commission to the same extent that such proceedings, cause of action or determination might have been continued, commenced or enforced by or against the Bureau as if this Act had not been made.

(7) Notwithstanding the dissolution of the Bureau by subsection (1) of this section, if the Commission thinks it is expedient that any vacancy in the Commission should be filled by a person holding office immediately before the commencement of this Act in the Bureau it may employ such person by way of transfer to the Commission and the previous service in the Bureau by such person shall count as service for the purpose of any pension subsequently payable by the Commission.

PART IX.—MISCELLANEOUS AND SUPPLEMENTAL

28. (1) A person appointed a member of the Commission shall not enter upon the duties of his office unless he has taken and subscribed to the Oath of Allegiance prescribed in the Sixth Schedule to the Constitution of the Federal Republic of Nigeria, as amended, and the Oath of Secrecy set out in the Second Schedule to this Act.

Oath of Secrecy.

Cap. 62.

(2) Every member of the staff of the Commission employed in the execution of any power or duty under this Act shall, before entering upon his duties, make and subscribe an oath before a magistrate in the form set out in the Second Schedule to this Act.

29. Notwithstanding anything contained in the Constitution of the Federal Republic of Nigeria, as amended, or in any other enactment or law, the validity of any decision, direction, notice, or order made or given, as the case may be, or any

Exclusion of proceedings.
Cap. 62.

other thing whatsoever done under this Act shall not be inquired into in any court of law.

Power to
make
regulations.

30. The Commission, with the approval of the President, Commander-in-Chief of the Armed Forces, may make regulations generally for the purposes of carrying out or giving full effect to the provisions of this Act and prescribe the fees to be paid for any service rendered by the Commission or for any document issued by the Commission in relation to the performance of its functions under this Act.

Interpret-
ation.

31. In this Act, unless the context otherwise requires—
“Bureau” means the organisation officially known as the National Population Bureau established administratively by the Federal Government;

“Chairman” means the Chairman of the Commission appointed under section 2 of this Act;

“Commission” means the Commission established under section 1 of this Act;

“functions” includes powers and duties;

“member” used in relation to the Commission includes the Chairman;

“public service of the Federation” and “public service of a State” have the meanings assigned to them respectively in subsection (1) of section 277 of the Constitution of the Federal Republic of Nigeria, as amended;

“Secretary” means the Secretary of the Commission appointed under section 9 of this Act.

Cap. 62.

Short title.

32. This Act may be cited as the National Population Commission Act.

FIRST SCHEDULE

Section 8

PROCEEDINGS OF THE COMMISSION

1. The Commission may make standing orders regulating the proceedings of the Commission or of any committee thereof.
2. The quorum of the Commission shall be five and the quorum of any committee of the Commission shall be determined by the Commission.
3. At any time while the office of the Chairman is vacant or the Chairman is in the opinion of the Commission temporarily or permanently unable to perform the functions of his office, the President, Commander-in-chief of the Armed Forces shall appoint a member of the Commission to perform those functions and references in this Schedule to the Chairman shall be construed accordingly.
4. (1) Subject to the provisions of any applicable standing orders, the Commission shall meet whenever summoned by the Chairman; and if the Chairman is required so to do by notice given to him by not less than three other members, he shall summon a meeting of the Commission to be held within twenty-one days from the date on which the notice is given.
(2) At any meeting of the Commission, the Chairman or, in his absence, any member duly appointed by the Commission, shall preside at that meeting.
(3) Where the Commission wishes to obtain the advice of any person on a particular matter, the Commission may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.
5. (1) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such of its functions as the Commission may determine.
(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Commission and not more than one-third of those persons may be persons who are not members of the Commission; and a person other than a member of the Commission shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
(3) A decision of a committee of the Commission shall be of no effect until it is confirmed by the Commission.
6. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman or of some other member authorised generally or specially by the Commission to act for that purpose by the Commission.

SECOND SCHEDULE

Section 28(1)

FORM OF OATH

I.....do swear that I will faithfully and honestly fulfil my duties as.....in conformity with the requirements of the National Population Commission Act and that save as provided in that Act, I will not disclose or make known any matter or thing which comes to my knowledge by reason of my employment by the Commission.

NATIONAL POPULATION COMMISSION ACT

CHAPTER 270

SUBSIDIARY LEGISLATION

No Subsidiary Legislation