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CHAPTER 43

DIRECTORATE OF FOOD, ROADS AND RURAL INFRASTRUCTURE

AN EDICT TO ESTABLISH A STATE DIRECTORATE OF FOOD, ROADS AND RURAL
INFRASTRUCTURE TO ENFORCE RURAL DEVELOPMENT IN THE STATE

[20 March 1987]

PART I—PRELIMINARY

1. This Edict may be cited as the State Directorate of Food, Roads and Rural Infrastructure Edict.

2. In this Edict, unless the context otherwise requires:—

"Council" means the State Rural Development Council established under section 7;

"Directorate" means the State Directorate of Food, Roads and Rural Infrastructure established under section 3;

"executing agencies" includes:—

(a) the Agricultural Development Programme;

(b) Federal agencies for rural development; and

(c) the following State Ministries:—

(i) Agriculture;

(ii) Works and Transport;

(iii) Health;

(iv) Education;

(v) Information and Social Affairs; and

(vi) Local Government and Community Development;

"financial year" means a period of twelve calendar months commencing from 1st January;

"Government" means the Government of the State;

"Governor" means the Governor of the State;

"Management" includes the Director, the Programme Managers and such other officers as may be prescribed under regulations made by the Council;

"Ministry" means the Ministry responsible for Local Government and Community Development;

"R.D.P." means the Rural Development Programme;
'State" means Gongola State of Nigeria.

PART II—ESTABLISHMENT OF GONGOLA STATE DIRECTORATE OF FOOD, ROADS AND RURAL INFRASTRUCTURE

3.—(1) There is established at the State level in the Office of the Governor a body to be known as the State Directorate of Food, Roads and Rural Infrastructure for the purpose of executing and

co-ordinating the R.D.P. in the State.

(2) The Directorate shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Directorate shall have power for the discharge of any of its functions under this Edict to acquire and hold any movable or immovable property and to dispose of such property and to enter into any contract or other transaction.

Part III—OBJECT AND FUNCTIONS OF THE DIRECTORATE

4.—(1) The object of the Directorate is to enhance rural development in the State with a view to:

- (a) improving and developing the quality of life in the rural areas;
- (b) minimising the movement of the rural population to the urban areas
- (c) reducing the problem of unemployment; and
- (d) speeding up the process of Rural Development.

(2) In this section, "urban area" means the areas specified in the Schedule to the State Urban Areas (Designation) Order 1985.

5. For the attainment of its object and without prejudice to the general effect of section 4, the functions of the Directorate shall be:—

- (a) to implement all Federal programmes with respect to food, roads and rural infrastructure;
- (b) to co-ordinate the activities of the executing agencies;
- (c) to liaise with the Federal Directorate; and
- (d) to do all other acts as are incidental or conducive to the attainment of the purpose of this Edict.

6. Without prejudice to the general effect of section 33, the Directorate may, with the prior

approval of the Council and subject to such conditions as it may think fit, by writing under its common seal delegate any of its functions under this Part to any person and may at any time in like manner revoke such delegation.

PART IV—THE COUNCIL

7. There shall be at the State level in the Office of the Governor a governing body to be known as the Gongola State Rural Development Council.

8. —(1) The Council shall consist of the following members:—

- (a) the Governor as the Chairman;
- (b) the State Commissioner for Agriculture;
- (c) the State Commissioner for Works and Transport;
- (d) the State Commissioner for Health;
- (e) the State Commissioner for Education;
- {f} the State Commissioner for Information and Social Affairs;
- (g) the State Commissioner for Local Government and Community Development;
- (h) the Programme Manager of Gongola Agricultural Development Programme;
- (i) the General Manager of Upper Benue River Basin Development Authority; and
- (j) the Director referred to in section 29.

(2) The members referred to in paragraphs (b) to (d) of subsection (1) shall be appointed to the Council by the Governor.

9. Subject to this Edict, the Council shall advise and guide the Directorate with respect to the performance of its functions under this Edict.

10.—(1) The Council shall ordinarily meet for the dispatch of business at such times and at such places as the Council may determine but shall meet at least once in every three months.

(2) A special meeting of the Council shall be called upon a request by the Chairman of the Council or by a written request of a majority of the members of the Council addressed to the Secretary of the Directorate.

(3) At every meeting of the Council at which he is present, the Chairman of the Council shall preside and in his absence a member of the Council elected by the members present among themselves shall preside.

(4) Questions proposed at a meeting of the Council shall be determined by a simple majority of members of the Council present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote.

(5) The quorum at any meeting of the Council shall be six.

(6) The Council may at any time co-opt any person or persons to act as an adviser or advisers at any of its meetings, but no person so co-opted shall be entitled to vote at any such meeting on any matter for decision by the Council.

(7) A member of the Council who has an interest in any:-

(a) company or undertaking with which the Council proposes to make a contract; or

(b) contract which the Council proposes to make,

shall disclose in writing to the Council the nature of his interest and shall, unless the Council otherwise directs, be disqualified from participating in any deliberations of the Council on the contract and shall in any case be disqualified from voting in any decision of the Council on such contract.

(8) A member of the Council who infringes subsection (7) shall be liable to be removed from the Council and shall also be liable to any disciplinary action the Council shall consider necessary.

(9) The validity of any proceedings of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

(10) Except as otherwise expressly provided under this section, the Council shall prescribe the procedure for its meetings.

11. —(1) There shall be paid to a member of the Council, other than the Director and an ex-officio member, such subsistence, travelling and other allowances as the Government may approve and co-opted in relation to him.

(2) There shall also be paid to a person co-opted to the Council under subsection (6) of section 10 such subsistence, travelling and other allowances as the Council may determine.

PART V—ESTABLISHMENT OF RURAL DEVELOPMENT COMMITTEES

12. —(1) There shall be at Local Government level a Rural Development Committee in each of the 17 Local Governments for the purposes of rural development in the State.

(2) The Local Governments shall, for administrative convenience be divided into six Zones as specified in the Schedule.

13. A Rural Development Committee in each of the six Zones shall consist of the following members all of whom shall be appointed by the Government:—

- (a) the Chairman of the Local Governments concerned, one of whom shall be the Chairman;
- (b) the community development officers of the Zone; and
- (c) such other persons as the Chairmen of the Local Governments concerned may recommend.

14. —(1) A Rural Development Committee shall identify every available project for execution.

(2) Without prejudice to the general effect of subsection (1) or any other law, a Rural Development Committee shall:—

- (a) provide and maintain sanitation;
- (b) construct and maintain:—
 - (i) rural roads;
 - (ii) rural water supply;
 - (iii) electrification; and
 - (iv) such other infrastructure necessary for rural development.

15. A Rural Development Committee shall regulate its own procedure.

16. A member of a Rural Development Committee, other than an ex-officio member, may be paid such remuneration as the Council may determine.

17. A Rural Development Committee in each of the six Zones may appoint a Zonal Executive Committee comprising the Chairman of the Zonal Task Force as the Chairman and members of the Rural Development Committee or non-members as the Rural Development Committee may think fit and may assign to the Zonal Executive Committee such functions of the Rural Development Committee as the Rural Development Committee may determine.

PART VI—ESTABLISHMENT OF DEVELOPMENT AREA

18. There shall be at Development Area level in each of the Development Areas a Development Area Committee for the purpose of rural development in the State.

19. A Development Area Committee shall consist of a Chairman and such other persons as the Ministry may appoint.

20. A Development Area Committee shall.—

- (a) oversee the implementation of the R.D.P.; and
- (b) make recommendations to the Council.

21. A Development Area Committee shall regulate its own Procedure.

22. A member of a Development Area Committee, other than an ex-officio member, may be paid such remuneration as the Council may determine.

PART VII—ESTABLISHMENT OF VILLAGE DEVELOPMENT ASSOCIATIONS

23. There shall be at village level in each of the villages in the State a Village Development Association, in this Edict referred to as "an Association" for the purpose of the R.D.P.

24. An Association shall consist of a Chairman and such other persons as the Ministry may appoint.

25. —(1) An Association shall decide and direct development efforts in the Community.

(2) Without prejudice to the general effect of subsection (1), an Association shall.—

- (a) mobilize the people for self-help projects; and
- (b) prepare farmland and make available such farmland to persons who are interested in farming.

26. An Association may regulate its own procedure.

27. A member of an Association, other than an ex-officio member, may be paid such remuneration as may be determined by of the Council.

PART VIII—MANAGEMENT AND STAFF

28. Subject to this Edict, the Council shall be charged with the management of the property, business and finances of the Directorate and the affairs on matters of policy.

29.—(1) The Governor shall appoint an indigene of the State to the Directorate to be designated the "Director" who shall be the Chief Executive.

(2) The Director shall hold office for four years upon such terms and conditions as may be specified in his instrument of appointment.

30.—(1) The Director shall, subject to the general control of the Council on matters of policy and subject in particular to such regulations or bye-laws or administrative instructions as the Council may make or give in that behalf under section 41 or section 42, be charged with the direction of the day-to-day business of the Directorate and of its administration and the control of all the employees of the Directorate.

(2) The Director shall be assisted in the performance of his duties under this Edict by Programme Managers appointed under section 32.

31.—(1) The Federal Directorate shall also appoint and post to the Directorate an officer to be designated "Federal Monitoring and Evaluation Officer"

(2) The Federal Monitoring and Evaluation Officer shall:—

- (a) monitor and evaluate the R.D.P. executed by the Directorate;
- (b) prepare and submit quarterly reports to the Federal Directorate; and
- (c) liaise and co-ordinate his activities with the Directorate.

32.—(1) The Directorate may from time to time engage such employees as may be necessary for the proper and efficient conduct of the business and functions of the Directorate under this Edict.

(2) The Directorate may also engage the services of such consultants and advisers as the Directorate may, upon the recommendation of the Management, determine.

(3) The Council shall be responsible for the appointment of Programme Managers.

(4) Notwithstanding any other Law to the contrary but subject to this Edict, the Council shall have power to appoint persons as heads of the Units of the Directorate.

(5) The Council shall, on the recommendation of the Management, be responsible for the discipline, dismissal or removal of any person referred to in subsections (3) and (4).

(6) The Units to which subsection (4) relates are:—

- (a) Agriculture;
- (b) Engineering;
- (c) Water and Sanitation;
- (d) Administration;
- (e) Monitoring and Evaluation; (J) Maintenance; and

(g) Finance.

(7) The Directorate may, on the advice of the Management, create or abolish any Unit referred to in subsection (6).

(8) The Council shall, on the recommendation of the Management, be responsible for the appointment, promotion, discipline, dismissal or removal of a person in respect of any other office in the Directorate.

(9) The Council may delegate any of its functions under subsection (8) to the Management or any member of the Management or to any employee of the Directorate who may act with or without such recommendation as is referred to in subsection (8) as the Council may direct.

(10) Subject to this Edict, the employees and advisers of the Directorate shall be engaged upon such terms and conditions as the Council may, on the recommendation of the Management, determine.

(11) Public officers may be transferred or seconded to the Directorate or may otherwise give assistance to the Directorate.

33.—(1) The use of the common seal of the Directorate shall be authenticated by two signatures, namely:—

(a) the signature of the Director or some other member of the Directorate authorised by the Council to authenticate the application of the seal; and

(b) the signature of the Secretary or some other officer of the Directorate authorised by the Council to act in the Secretary's place for that purpose.

(2) The Directorate may by instrument in writing under its common seal empower any person either generally or in respect of any specified matter as its attorney to execute deeds on its behalf in any place not situated in the State; and every deed signed by such attorney on behalf of the Directorate and under his seal, shall be binding on the Directorate and have the same effect as if it were under the common seal of the Directorate.

(3) Any instrument or contract which, if executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of the Directorate by a member of the Management or any member of the Directorate if such person has previously been authorised by a resolution of the Council to execute or enter into that particular instrument or contract.

(4) The Directorate, if it thinks fit, may by writing under its common seal appoint any person outside the State as agent to execute an instrument or enter into a contract and the instrument or contract if executed or entered into on behalf of the Directorate shall have effect as if it had

been duly executed or entered into as prescribed for the purpose of this subsection.

(5) Every document purporting to be an instrument executed or issued by or on behalf of the Directorate and purporting to be:—

(a) sealed with the common seal of the Directorate authenticated in the manner provided by subsection (1); or

(b) signed by and under the seal of a person appointed as attorney under subsection (2); or

(c) signed by a member of the Management or by a member of the Directorate or other person authorised in accordance with subsection (3) to act for that purpose,

shall be deemed to be so executed or issued until the contrary is shown.

34. —(1) The Directorate shall have an officer to be designated the "Secretary of the Directorate".

(2) The Secretary shall:—

(a) act as the Secretary to the Council and shall, as far as practicable, attend all meetings of the Council; and

(b) in consultation with the Chairman of the Council arrange the business of and cause to be recorded and keep minutes of meetings of the Council.

(3) The Secretary shall, in addition to the functions conferred upon him by this Edict, be charged with the general oversight, on behalf of the Council, of the implementation of the Council's policy decisions between Council meetings.

(4) The Secretary shall also perform such functions as the Council may by writing direct or as the Director may by writing delegate to him and shall be assisted in his functions by such of the employees of the Directorate as the Director may direct.

35. —(1) The Directorate shall have an Internal Auditor.

(2) Subject to this Edict, the Internal Auditor shall be responsible to the Director for the performance of his functions.

(3) As part of his functions under this Edict, the Internal Auditor shall, at intervals of three months, prepare a report on the internal audit work carried out by him during the period of three months immediately preceding the preparation of the report, and submit the report to the Director who shall convene a meeting of the Management within one month from the date of the receipt of the report to discuss the Internal Auditor's report.

(4) The Internal Auditor's report shall cover the financial transaction of all the bodies under this Edict.

(5) Without prejudice to the general effect of subsection (3), the Internal Auditor shall make in each report such observations as appear to him necessary as to the conduct of the financial affairs of the Directorate during the period to which the report relates.

(6) The Internal Auditor shall send a copy of each report prepared by him under this section to:—

- (a) the Chairman of the Council; and
- (b) the State Director of Audit.

36.—(1) No member of the Council shall personally sponsor or recommend any application for employment of any person under this Edict.

(2) Any member of the Council who infringes subsection (1) shall be liable to be removed from the Council and shall also be liable to any disciplinary action the Council shall consider necessary

PART IX—FINANCIAL PROVISIONS

37. The funds of the Directorate shall consist of:—

- (a) matching grants from the Federal Government;
- (b) funds granted by the Government;
- (c) donations accruing to the Directorate from any source for rural development.

38. The Directorate may have bank accounts in such banks as the Council may approve.

39.—(1) The Directorate shall keep proper books of account and proper records in relation to the books of account and the account books and records of the Directorate shall be in such form as the State Director of Audit may approve.

(2) The books and accounts of the Directorate shall within three months after the end of each financial year be audited by an Auditor authorised by the State Director of Audit who shall make a report thereon.

(3) The Directorate shall pay in respect of such audit such fee (if any) as the State Director of Audit and the Council may agree.

(4) The Council shall, within one month upon receiving the report of the State Director of Audit under this section, forward a copy of such report to the Federal Directorate.

PART X—GENERAL PROVISIONS

40.—(1) The Council shall, within six months after the end of each financial year, cause to be

submitted to the Federal Directorate an annual report of the Directorate dealing generally with the activities and operations of the Directorate within that year which shall, without prejudice to the general effect of such report, include:—

(a) a copy of the audited accounts of the Directorate together with the State Director of Audit's report thereon; and

(b) each report submitted by the Internal Auditor under section 35.

(2) The Council shall also submit to the Federal Directorate such other reports on the Directorate's financial affairs as the Federal Directorate may by writing reasonably request from time to time.

41.—(1) The Council may make such regulations as it may think fit for the purpose of giving effect to this Edict.

(2) Without prejudice to the general effect of subsection (1), the Council may amend the Schedule.

42. The Council may from time to time issue bye-laws or administrative instructions in writing for regulating the internal operations of the Directorate including, but without prejudice to the general effect of such regulation, the regulation of the conditions of service of the employees of the Directorate.

SCHEDULE

Six ZONES

1. The six Zones are as follows:—

*(a) Mubi;

*(b) Song;

*(c) Numan;

†(d) Jalingo;

†(e) Wukari; and

†(f) Bali.

2. The Zones referred to in paragraph 1 of this Schedule shall consist of the following Local Government Areas and Zonal Capitals:—

<i>Zones</i>	<i>Local Government Areas within the Zones</i>	<i>Location of Zonal capitals</i>
*Mubi	Mubi, Michika, Gombi	Mubi
*Song	song, Fofore, Yola	song
*Numan	Numan, Guyuk, Mayo-Belwa, Karim-Lamido Jalingo, Ganye, Zing	Numan jalingo wukari serti
	Wukari, Takum Bali, Sarduana	

* After 1991 deemed to be within the jurisdiction of Adamawa State,

*After 1991 deemed to be within the jurisdiction of Taraba State.