

**POLITICS OF EXECUTIVE BILLS AND INDEPEDENCE OF  
NATIONAL ASSEMBLY;  
A CASE STUDY OF 8TH NATIONAL ASSEMBLY**

**BY**

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## **DECLARATION**

I hereby declared that this thesis "Politics Of Executive Bills And Independence Of National Assembly; A Case Study Of 8th Assembly" has been written by me and it is the report of my research work. It has not been presented in any institution as a thesis proposal, all the quotations are indicated and sources of information specially acknowledge by means of references.

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## CERTIFICATION

This proposal entitled "Politics Of Executive Bills And Independence Of National Assembly; A Case Study Of 8th Assembly" meets the regulations governing the award of Postgraduate Diploma in Elections and Political Party Management, of the school of postgraduate Studies of the University of Benin/National Institute of Legislative and Democratic Studies, Abuja, and is approved for its contribution to knowledge and literary presentation.

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## **DEDICATION**

This work is heartily dedicated to the glory of the Almighty God, my parents of blessed memory and my beloved family.

## **ABSTRACT**

*The issue of law making in Nigeria is as important as the government. This obligation is known to be vested on the neck of the National Assembly comprising legislative and executive arms of government. The present study explored the politics of executive bill and independence of the National Assembly.*

*Secondary data was sourced through relevant text materials and historical documents including texts, journals, online articles, Magazines, Archives and the likes. Data was analyzed using content analysis. Purposive sampling technique was adopted and the sample size includes the political representatives in Nigerian National Assembly who served under the 8<sup>th</sup> National Assembly.*

*The result indicated that 8<sup>th</sup> National Assembly statistically significantly made enough bills without fear or favor that guarantees Nigeria development. The result indicated also that the 8<sup>th</sup> National Assembly did not significantly sign enough bills to law. The result however show that politics played on 8<sup>th</sup> National Assembly did not statistically significantly guaranteed the independence of any arm of National Assembly in Nigeria. There is no statistically significant relationship between the legislative and executive arms of government on the 8<sup>th</sup> National Assembly.*

*In conclusion, the study indicates that there were collaboration between the Executive and Legislature on the passage of the Executive bills. Indeed almost all Executive bills presented to the National Assembly were passed. The areas of conflicts were however on the assent to private members bills where less than 1% of the private members bills were assented to. This trend call for better working relations between the Executive and the legislature, to ensure greater accountability and good governance. The Legislature represents various constituencies in Nigeria, and their inputs to law making is important.*

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## CHAPTER ONE

### INTRODUCTION

#### 1:1 Background of the Study

The issue of law making in Nigeria is as important as the government. This obligation is known to be vested on the neck of the National Assembly comprising legislative and executive arms of government. These sets of people were elected to represent the interest of Nigerian citizens from different zones. But the present question is whether these politicians can justify the purpose of which they were elected in making policies or laws that will serve the interest of the people for better democratic leadership. It is no longer news that Nigerian politics is a game of number whereby the successful players are not the elites nor the technocrats, but any buoyant individual who could buy presidential ticket, convince Nigerian citizens and is ready to dance to the tune of political godfathers and that of the party (Ezea, 2018). This in essence implies that the means of getting to a political office in Nigeria have changed the targets of the elected politicians.

A study conducted during the 2015 election campaign in Nigeria found that parliamentary candidates spent an average of 40 percent of their budget on the distribution of material benefits to voters before the day of election. This is a case of vote buying. The consequences of this are the death of democratic process in Nigeria government and cancelation of all the promises made by politicians when they were doing campaign. This has totally reduced Nigerian politics to buying and selling business. Another instance is the price to buy form for top political position has become very exorbitant that a lay man cannot purchase. For instance, All Progressives Congress (APC) presidential nomination forms cost 45 million naira, while that of

People's Democratic Party (PDP) was 12 million naira. APC governorship form goes for 22.5 million naira, and that of PDP costs 6 million naira all in 2019 election (Ezea, 2018). More recently in the upcoming 2023 election, APC sold their nomination form at 100 million naira for the presidential aspirants (Adenekan, 2022). This in essence will make politicians seek for financial aid from the affluence who will in return place a binding request on them which they must fulfill when they win election. Also in agreement based on request placed by the political godfathers, these politicians buy the support of godfathers that will back them up in election processes either by cash or kind. At the end, the elected leaders will make policies that will only help them repay their debt which they acquired during election and also try to make profit from it.

Nigerians themselves are in part to blame for electing National Assembly of who were ignorant of the real significance of their mandate. Many of the people we sent to represent us in parliament seemed to be mentally, morally, and intellectually unprepared for the task of law-making, and most have never understood the place, or significance of an elected parliament in the workings of a democratic state. The Nigerian electorate seems had also never understood the importance of seeking out and electing its finest into the National Assemblies. Former president, Olusegun Obasanjo in reference to personal assessment of the 8<sup>th</sup> National Assembly succinctly stated that you cannot give what you don't have (Obasanajo 2019). This implies that the government failed because they do not know governance.

The Nigerian 8<sup>th</sup> National Assembly seems to have played enough politics in terms of formulation, passage and implementation of policy. There was lots of political drama on the issue of executive bills of the 8th National Assembly. The two political players were the Legislature and Executive who were at the center of policy formulation and implementation.

It is quite unfortunate that the importance of the National Assembly in Nigeria makes it an indispensable institution in the country's democratic project. But, there is wide condemnation of the institution especially in the public space, where the institution is known as enemy of democracy and development (Nnamdi, 2017). This contradictory trajectory portrays the institution as an arm of government 'too weighty to discard and much problematic to retain'. The intensity of the condemnation of the institution in many quarters makes it necessary to review some of the issues that are generating concerns in order to know how to chart a way forward for the institution's reform. The legislature in the form of the National Assembly is empowered to make laws (S. 58 and S.100). It also has the power of the purse, meaning it must approve the government budget (S. 59 and S. 120). This is only logical when seen in terms of its legitimation. Government budgets spend the tax revenues accruing to the government. While Nigeria citizens indirectly through their elected representatives control how the tax money is spent. It follows that the legislature also has the power to appropriate funds for the executive (S. 81 sub-section 1, Section 83 sub-section (1), and S. 121). It has the power to prescribe salaries and allowances of the chief executive (S. 84 and S. 124). The legislature's other powers include the authority to investigate any issue on which it has the power to make laws (S. 88 and S. 128) or any person or agency that executes duties concerning issues on which NASS has made laws or anybody or agency handling money on which the legislature has made laws. It also has the power to summon evidence (S. 89 and S. 129) and the power to remove from office a chief executive who has committed grave infractions (S. 143 for National Assembly and S. 188 for State House of Assembly). It also has the prerogative to approve appointees of the executive (S. 147 sub-section 2 and S. 192 sub-Section 2) this is the basis of the 'screening' process. Moreover, since it is the source of all law, only the legislature can amend the constitution and both the National and State

Houses of Assembly have to co-operate to make this happen (Section 9, subsections 1 – 4 of the constitution). This is why we say the collective Houses ‘constitute’ the basis of democratic rule. No legislature – no democracy. That is why the US Congress is described as “the citadel of democracy”. The same tag is appropriate for legislature in Nigeria.

It goes without saying that given the reach of these powers, the legislature will now and again, possibly invariably, come into conflict with the activities of the executive. This conceptual conflict in the doctrine of separation of powers is designed to use the different arms of government to check one another. So, it can be said that the constitution and system of government are built in such conflict. This is why those who occupy leadership positions in both the executive and legislative arms of government must possess the necessary maturity, wisdom, and diplomacy to successfully navigate the system which has been set up to pitch one against the other.

The executive executes or implements laws. The executive formulates the policies and programmes through which the country or state is governed or administered. It makes budget proposals on how it intends to utilise the nation’s funds accruing to the federation or state. Its appointees, who are not elected, head the Ministries, Departments, and Agencies of Government. Some of the powers shared by the three arms of government may appear contradictory in terms. These are essentially powers designed to curtail the excesses of the expression of the original powers granted. So, while the constitution grants the legislative powers to the National Assembly part of that power is withheld by way of veto and allotted to the executive to moderate an autocratic exercise of the legislative power. In the same vein, the power of the executive to declare policy direction and executive policy is by the same token, abridged by the legislative power to approve and determine the budget.

Another interesting power that is shared remarkably by both the executive and the legislature would be the power of appointment of certain executive branch members. Here, the president is empowered to appoint (nominate) certain public officers subject to the confirmation (consent) of the senate. This is one contentious area that need not be contentious. The question is, does the language of the provision empowering the president alone to select the person to be nominated? Many presidents have regarded this power as exclusive to them only to learn that it was politically necessary to share that task with others. Senators perform a prominent role in the appointment of heads of Federal courts and Supreme Court justices. It would then seem to appear that the realm of the rift between the legislature and the executive can then be located in this zone; implied powers and inherent powers. This is a deliberate thing the constitution has employed to assure the vital safeguard of checks and balances. The idea of the constitution is that no one individual has been found immune from the allure of power as to be so self-restrained that freedom is then secured. All have been found wanting and have fallen to the corrupting influence of power that except there be restraint by way of checks and balances, liberty will be imperiled.

Another sore point in the relationship between the executive and the legislature is the belief by some members of the executive that any appointee forwarded to the legislature for screening must be passed. It is an assumption that flies in the face of the very reason why the legislature is there to oversee. For instance, Ibrahim Magu case in which a critical agency of the executive disqualified the appointee and the Senate was blamed for not passing a man the Department of State Security, (DSS), an agency under the control of the executive, found unfit. Recent events have now shown that the man lacks the capacity and competence for the job. You also witnessed the mischievous interpretation that some very top officials of the administration

gave to the provision of the law when they claimed that the appointment of Magu ought not to have come before the Senate. That was a mere attempt to bend the law to suit personal whims. However, what could be done to alleviate such conflict would be to make certain that the interaction is on a level playing field. By this, legislature, as have seen, lacks the same level of experience, expertise, and continuity as that of the executive. This needs to be changed as it creates an uneven balance in the separation of powers. Indeed, given that the legislature has little institutional memory, as each session of the legislature has new players, there is need for more flanking institutions to support it in this regard.

The above conflicts have also manifested in the constant impeachment of Senate Presidents and Speakers at the Federal and State legislature. In the first eight years of the return of democracy, the Senate had no less than five Senate Presidents and the House had three speakers. In this regard, the executive personified the oft-quoted 'banana peels', on which Senate Presidents and Speakers invariably slipped. Till today, speakers in state assemblies are still being frequently removed from office at the behest of the executive, which rests on a misunderstanding of their role. For instance, Bukola Saraki's experience in the Senate and how several attempts were aimed at his displacement as the president of the 8th Senate. The numerous court battles based on patently false and untenable allegations were designed to weaken Bukola Saraki and bring a manifestly robust Senate to its knees. When the legal route failed, strong-arm tactics were adopted. First, they forcefully seized the symbol of the Senate's authority, the mace. Then, the National Assembly was invaded by heavily armed DSS operatives.

According to Bukola Saraki (March 24<sup>th</sup> 2021), many of progressive bills by 8<sup>th</sup> senate were deliberately denied presidential assent. Those who hunger for power around the presidency set this country back by ensuring that the bills that could have helped the socio-economic

development of the country were not attended to, out of a misunderstanding, of the rationale for the separation of powers. The various branches of government are separated precisely to promulgate common purpose as a nation.

The 8th National Assembly comprises the Senate and the House of Representatives (Premium Time, 10<sup>th</sup> June, 2015). The National Assembly comprises 469 members elected across the 6 geopolitical zones of Nigeria (The Punch News 10<sup>th</sup> June, 2015). The House of Representative consists of 360 members and the Senate, a total of 109 members from which 59 were elected on the platform of the APC and 49 were elected on the platform of People's Democratic Party following the sudden death of Senator Ahmed Zanna elected on the platform of PDP to represent Borno Central (Daily Post, 10<sup>th</sup> June, 2015; Channels Television 10<sup>th</sup> June, 2015).

Six of the senators were women and they were Stella Oduah and Uche Ekwunife who both represent Anambra, Monsurat Sunmonu from Oyo state, Fatimat Raji Rasaki, Grace Okoji Oku, Oluremi Tinubu and Binta Garba (Naij.com, 15 February 2016) . The Parliamentary elections were conducted at the National Assembly Complex, Abuja, the federal capital territory, Nigeria (Sahara Reporters, 10 June 2015). The Assembly was inaugurated on June 9, 2015 at around 10.am following the reading of the proclamation letter of General Muhammadu Buhari, the President of Nigeria, who ordered the inauguration of the Assembly. The letter was read by Alhaji Salisu Maikasuwa, the Clerk of the National Assembly (Thisdaylive.com.9<sup>th</sup> June 2015; Sahara Reporters, Retrieved 10 June 2015).

Out of the 59 Senators-elect, only 57 were in attendance, in line with the Senate Rule that stipulated that only two-thirds of the total Senators need to be present to form a quorum (Thisdaylive.com 11<sup>th</sup>, June 2015). Senator Bukola Saraki was nominated as candidate for the

office of president of the Senate by Senator Ahmad Sani Yerima representing Zamfara Central and his nomination was seconded by Senator Dino Melaye representing Kogi West (Vanguard News Retrieved 10 June 2015). The clerk called for further nomination but the other aspirant for the office, Senator Ahmed Ibrahim Lawan, representing Yobe North was absent and the clerk asked twice, if there is any other nomination before he drew the curtain to declare Senator Bukola Saraki winner and Senate President-elect of the Federal Republic of Nigeria (The Punch News 9th June 2015). Senator Saraki's victory was followed by a resounding applause. He was led to the platform to take the oaths of office and allegiance led by the clerk (Premium Times Nigeria Retrieved 10 June 2015). Saraki assumed offices immediately and took his seat as the Senate president, while the Assembly proceedings continued (Sahara Reporters Retrieved 10 June 2015). Senator Ike Ekweremadu, the Deputy Senate president of the 6th and 7th National Assembly was re-elected following his nomination by Senator George Thompson Sekibo (Premium Times Nigeria. Retrieved 10 June 2015). Senator Ekweremadu polled total votes of 54 to defeat Senator Mohammed Ali Ndume, who polled only 20 votes (Vanguard News, Retrieved 10 June 2015).

The election of the leadership of House of Representatives was also conducted by the clerk (DailyPost Nigeria Retrieved 10 June 2015). After two hours of voting process, Honorable Yakubu Dogara emerged as the Speaker of the Nigerian House of Representatives by 8 votes having polled 182 votes with 1 vote above the simple majority stipulated by the 1999 Constitution as mended, against honorable Femi Gbajabamila who polled 174 votes and two ballots were voided (Channels Television, Retrieved 10 June 2015). Dogara was sworn in by the clerk, Alhaji Maikasuwa and he assumed office as Speaker of the Nigerian House of Representatives at around 4.45 pm. (Vanguard News, Retrieved 10 June 2015).



From its inception, the 8th National Assembly experienced a debilitating political crisis following the unexpected emergence of Senator Bukola Saraki as Senate President, against the wishes of the APC leadership, whose desired candidate was outmaneuvered. As the crisis lingered, it paralyzed the work of the National Assembly including the approval of nominees of the President. The leadership of the 8th National Assembly spent a considerable amount of time trying to establish its legitimacy and authority, which also adversely affected executive bills. The net result was the fractionalization of APC legislators between those who backed the new Senate President and those who supported the President and upheld the supremacy of the party. There is the popular belief that the politics of government usually suffers whenever the relationship between the executive and the legislature is strained. To observers in Nigeria, the constant feud between the two critical organs of government (Legislature and Executive) usually affects the effectiveness of the government in its bid to deliver the dividends of democracy to the electorate.

Besides, the constant conflict in 8<sup>th</sup> National Assembly between the executive and legislature in Nigeria put the nation's democracy in danger. During the days of former President Olusegun Obasanjo, there were several attempts to muzzle the legislature. But the attempt to assert the independence of the legislature, considering its constitutional role in the political arrangement, invariably brought it on collision with the executive. This led to frequent frictions between the two arms of government. Most National Assembly watchers at the time saw the Presidency as the unseen hand behind the crisis of confidence that almost wrecked the Senate. But have however resurfaced with a strain relationship with the ascendancy of President Muhammad Buhari. The conflict nature of legislative-executive relations in Nigeria, has over the years, been characterized by mutual suspicion, acrimony, budget process and political rivalry (Aiyede, 2005; Nwannekanma and Ogbodo, 2010).

The politics of executive bills; its formulation and implementations were so much affected by the rifts in the National Assembly, thus making government ineffective. The quest for good governance in Nigeria has been threatened more by the unending conflicts between the legislature and executive who are often entangled in a constant battle for supremacy and control of the policy making and implementation process, thereby jettisoning the tenets of the principles of separation of powers which clearly states that the three arms of government namely, legislature, executive and judiciary shall be independent of the control of each other (Momodu and Matudi, 2013). There was impunity and flagrant disregard to the rule of law noticeable among members of the executives and parliaments both at the national and state levels in Nigeria since the commencement of the Fourth Republic swapping down the 8<sup>th</sup> National Assembly which has negatively affected the politics of executive bills. This has consequently heightened confrontations between these institutions, to such an extent that the quest for effective service delivery such as execution of bills and good governance in the country has been affected negatively. Thus, the major thrust of this study is to examine the politics of executive bills and independence of the National Assemblies (legislative – executive) in Nigeria between 2015 and 2019.

There were lots of accusations made about the passage and rejection of bills in the 8<sup>th</sup> National Assembly. For instance, Nigerian Senate President Bukola Saraki revealed that President Muhammadu Buhari presented only eleven bills to the National Assembly since May 2015 when he was sworn in. The eleven bills were apart from the statutory budgets related bills. In the four years of the Buhari administration, it has only forwarded 11 bills to the Senate, according to Yusuph Olaniyonu the special adviser on media and publicity to the Senate President, Sen. Oluremi Tinubu, in a statement released by his media office, claimed both Saraki

and the speaker of the House of Representatives stymied APC legislative initiatives while attempting to hoist noxious reactionary and self-interested legislation on the nation. Of the eleven bills presented by the president, only two, the Mutual Assistance in Criminal Matters Bill and the National Minimum Wage Bill, have been passed. One of the bills, the Money Laundering Prevention and Prohibition Act (amendment) Bill was withdrawn by the executive following the disagreement between the Attorney General and the Chairman of the Economic and Financial Crimes Commission (EFCC), Saraki noted that another one, the National Water Resources Bill was rejected because it infringed on the rights of states to develop their water resources. The remaining seven which are the National Centre for Disease Control and Prevention Establishment Bill, Federal Institute of Industrial Research for the Development of Micro, Small and Large Industries Bills, the Suppression of Piracy Bill, Communications Service Tax Bill, 2015; Federal Institute of Industrial Research Bill, 2017; Raw Materials Research and Development Council (Repeal and Re-enactment Bill 2018; Nigeria Natural Medicine Development Agency (Establishment etc) Bill, 2018 are at various stages of passage. The Senate president, who lost his re-election bid in February, noted that his tenure had passed 282 bills (the highest any Senate had passed was 129 bills recorded by the 5th Senate) since the inauguration of the eighth assembly in June 2015 (Omilana, 2019). However, the achievement and failure in the politics of executive bill will automatically be revealed in the present study after the data analysis of bill promulgation and rejection on 8<sup>th</sup> National Assembly.

## **1.2 Statement of the Problem**

The significance of the National Assembly in Nigeria makes it an indispensable institution in the country's democratic project. However, there is wide condemnation of the institution especially in the public space, thus, portraying the institution as the known enemy of

democracy and development (Nnamdi, 2017). This contradictory trajectory portrays the institution as an arm of government 'too weighty to discard and much problematic to retain'. The intensity of the condemnation of the institution in many quarters makes it necessary to review some of the issues that are generating concerns in order to know how to chart a way forward for the institution's reform.

The problem of Nigerian National Assembly to independently stand strong in making policy for the interest of the entire nation is one of the major problems holding her progress. According to Sam-Tsokwa and Ngara (2016) the perennial problem of late presentation of the appropriation bill by successive presidents to the National Assembly is a laxity that has caused delay in the passage of the appropriation acts. For instance, Bakare and Bello (2020) argues that since Nigeria's return to democracy in 1999, successive presidents have failed to meet the best practice of presenting the budget to the National Assembly two to four months before the commencement of the next fiscal year. This development is attributed to Section 81(1) of the 1999 constitution which provides the timeframe for presentation of budget estimates to the National Assembly without timeline. These delays frequently cause reversionary budget provision and deny the people dividends of democracy.

Also, constituency projects are thus one of such creations of the legislature that is designed to make members relevant and noticed by their constituents in the midst of government's irresponsiveness. Olugbenga (2015) noted that it is any project that is conceived, designed or executed within a legislative constituency with the collaboration, input or influence of the legislator(s) representing that particular constituency in the legislature. The concept of constituency project has, from its inception in Nigeria, been controversial, hence rancor and disputes between the legislative and executive arms of government on the issue of inclusion of

such projects in the budgets. Olugbenga observed that unending quest for inclusion of these projects in budgets have sometimes resulted in delayed passage and when the appropriation bills were eventually passed into law there were increased differences between the estimates submitted by the executive and the amount eventually approved by the legislature as the budget.

Other instance of bills stalled due to conflict by Executive-Legislative relationship includes; Petroleum Industry Bill, Electoral Bill etc. Even when some of the bills are passed, there are disagreements as to provisions of some sections, therefore leading to deny assent by the President etc. According to Saraki (2021), for government to run smoothly, the executive and legislature must interact productively in the politics of executive bills. The question now become whether there is such productive interaction between the executive and legislature in order to patriotically harmonize the politicizing of executive bills.

### **1.3 Objective of the Study**

Mainstream assessments of the present study is to determine what transpired on 8<sup>th</sup> National Assembly based on the politics of executive bills and their independence in discharging of duties. Along this line, scholars have sought to assess the structure and performance of different past National Assembly. The problem with the assessment is that there is no precise way of measuring performance of National Assembly. The consequence, as Arter (2006) has pointed out the lack of precision tools with which to calibrate the extent of a National Assembly policy power has created a propensity to conflate National Assembly capacity and legislative performance and to reach conclusions about strength and weakness in National Assembly from an assessment of a National Assembly capacity, instead of conclusions about the performance of the National Assembly in some output measure.

Specifically, the objective of the study is to investigate whether:

- i. To examine the politics of executive bills of 8<sup>th</sup> National Assembly in the process of promulgation of important laws in Nigeria.
- ii. Access how the politics of executive bills of 8<sup>th</sup> National Assembly affects the signing of bills into laws in Nigeria?
- iii. Determine if there was independent of 8<sup>th</sup> National Assembly in discharging their various duties of law making in Nigeria?
- iv. Ascertain if there was any disagreement between legislature and executive arms of the process of passage and execution of bills in Nigeria.

#### **1.4 Research Questions**

Based on the objectives of the study, the following research questions will offer direction to the researcher in carrying out the present study:

- v. Does politics of executive bills on 8<sup>th</sup> National Assembly hinder the promulgation of important laws in Nigeria?
- vi. Does politics of executive bills on 8<sup>th</sup> National Assembly affects the signing of bills into laws in Nigeria?
- vii. Was there independent of 8<sup>th</sup> National Assembly in discharging their various duties of law making in Nigeria?

#### **1.5 Scope of the Study**

The present study covers the promulgated, signed and withholds executive bills made in Nigeria and the independent of National Assembly from 2015 to 2019.

## **1.6 Significance of the Study**

The study will be utmost important to every Nigerian citizens who have the right to vote and be voted for. Research assessment of this nature will improve our understanding and knowledge of the leadership quality and performance of those we voted to represent our interest in government. This will enable Nigerians to take better decision on whether to re-elect our past leaders to various positions or to jettison them entirely in order not to repeat one mistake over and over. This is quite needful because many Nigerian past leaders prepares themselves to go back in power without giving account of how their first or second tenure performances had been.

The present study will serve as eye opener to the Independent National Electoral Commission (INEC) in order to understand the implication of hiking the price of forms sold for those contesting for political positions in Nigeria. This will enable them to reduce the price forms are sold for political positions. However, the study will help Nigerian politicians in the National Assembly and those who are nurturing the intention of contesting for the positions of legislature or executive. The study will enable the legislature and executive to be more conscious of the essence of being independence and also be able to make proper utilization of the oversight function in order to make, promulgates and sign law based on the interest of the Nigerian populace.

The study will contribute to academic knowledge and will be recorded in Nigeria political history of our performing leadership. The study will equip students and their lecturers on the knowledge of political game played in National Assembly and also will be used as a research reference material by other academic researchers.

## 1.7 Limitation of Study

The present study covered law making processes starting from bill promulgation by legislature to signing of bill into law by the executive through the authentication of existence of independence of each arms of the government. The study is limited to Nigerian National Assembly and specifically to the 8<sup>th</sup> National Assembly in Nigeria since different legislatures and executives that comes to power in Nigeria tends to showcase different characteristics in making and signing bill into law.

## 1.8 Definition of Terms

**Politics** is the set of activities that are associated with making decisions in groups, or other forms of power relations among individuals, such as the distribution of resources or status.

**Executive** is the part of government that enforces law, and has responsibility for the governance of a state.

A **bill** is proposed legislation under consideration by a legislature and does not become law until it is passed by the legislature as well as, in most cases, approved by the executive.

**The National Assembly** of the Federal Republic of Nigeria is a bicameral legislature established under section 4 of the Nigerian Constitution which consists of a Senate with 109 members and a 360 members of House of Representatives.

**Independence of the National Assembly** is when the legislature and executive arms of government exist each with separate and independent powers and responsibilities so that power



of one branch are not in conflict with the other. There is mutual respect of both arms of government.

## CHAPTER TWO

### LITERATURE REVIEW

#### **2:1 Conceptual Review**

##### **National Assembly**

The National Assembly is the highest law making and representative body in Nigeria. It is the constitutional institution vested with power to make law for peace, order and good government in Nigeria. According to the provisions of the constitution, there shall be a National Assembly for the Federation, which shall consist of a Senate, and a House of Representatives. This provision shows the National Assembly shall be a bicameral legislature. A bicameral legislature is a representative assembly that has two chambers usually referred to as lower and upper Houses as in Britain. The constitution went further to describe the composition of the National Assembly by stating that the senate shall consist of three senators from each state and one from the Federal Capital Territory, Abuja. This provision informs the present composition of the senate which stands at one hundred and nine members (109). The senate shall be led by a Senate President and assisted by a Deputy Senate President both of who shall be heeled by members of that House from among themselves.

However, there are other officers of the senate such as senate majority leader or senate leader who is tire leader of the members of the party that has the highest number of senators. There is also senate whip and so on which are offices created by the senate itself under its implied powers and section 60 of the constitution. The House of Representatives shall consist of three hundred and sixty members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one state. The House of Representatives shall be lead by a speaker and assisted by a Deputy speaker both of who shall be

elected by the members from among themselves. The House of Representatives also has some other officers like House leader and his deputy, House whip and so on. These positions are not creations of the constitution but are created by the House for its internal organisation under its implied powers and section 60 of the constitution.

It is noteworthy that the National Assembly in Nigeria is completely detached from the executive unlike in America where the Vice President who is a member of the executive is the Senate President who has a right to sit in the senate or preside over the senate even though a president of senate pro tempore is usually elected to preside over the senate in the absence of the Vice President<sup>6</sup>. The Nigeria situation is also in contrast with that of Britain where the Prime Minister and other ministers of government are chosen from the House of Commons, whereas any member of the National Assembly who is chosen as a minister by the president shall cease to be a member of the National Assembly as from the date of his appointment.

### **8<sup>th</sup> National Assembly and Politics of Executive Bills**

Generally, it is believed that the law-making task is one of the essential pillars of any society. No human society survives for long in the total absence of laws; life would be brutish, nasty and short in such a society. Whatever the social system, the conduct of the affairs of men must be defined by certain basic rules. These rules must be made by someone or some group and executed or enforced by some group. In a democratic environment, power belongs to the people who in turn elect those who are to carry out the task of law-making on their behalf. In fact, Ajayi (2012: 33) crystallizes the importance of the National Assembly by asserting that the “concept of representative democracy emanates from the existence of the National Assembly and its composition”. In sharp contrast, a despotic dispensation, where power is almost always directly exercised, the tyrant reserves the power to assign legislative or executive capacity to anyone of

his choice. There is no perceptible separation between the legislative function and the executive function. The two functions coalesce and are often carried out by the same clique.

The executive and legislature are vital elements in the politics of executive bills. This is because both arms constitute the hub of public policy to ensure good governance and promotion of welfare services for the people (Peter & Peterside, 2019). Executive Bills is the most common type of bills introduced into the parliament. It deals with matters of general public interest. Public bills may be introduced by either a minister or secretary to the Federal Government on behalf of the government. A number of bills are often initiated by the executive branch of government. This is due to the fact that the executive comprises the President and the ministers. Policies must be enacted to allow them carry out their responsibilities. Hence, any bill initiated by a minister or the president himself falls under the category of an Executive Bill (Peter & Peterside, 2019).

Money Bills also falls under this category. Money or 'Appropriation' bills are public bills which set a tax or propose the spending of money for a particular purpose. Money bills follow the same passage through both Houses as other bills. Basically, government bills stem from party policies, pressure from community groups, the media or public opinion, advice from government departments or even because of court decisions. When the Government decides that laws are needed, the minister concerned submits a proposal to the Federal Executive Council (FEC) (a meeting of all ministers) for approval. A draft bill is prepared by the Parliamentary Counsel acting under instructions from the minister and the minister's department (Mbaya, Tella, & Adole, 2013). This draft may go through several revisions before being finally prepared for introduction to the National Assembly.

### **Independence of the National Assembly**

The independent of 8<sup>th</sup> National Assembly seem not guaranteed. What Nigeria perceived is a terribly weak nation-state, an executive arm that has assumed more power than is healthy for the republic participating in law making process that has generally enabled corruption, visionlessness, and the betrayal of the people. Ogoloma (2012) noted that one condition that guarantees independent of National Assembly is the separation of power between the legislature and the executive. Looking at the existence of independence of the 8<sup>th</sup> National Assembly in Nigeria may be necessitated by separation of power doctrine that supposes to exist in federal system of government. Separation of power is a system whereby government is divided into three branches, namely the Executive, Legislature and Judiciary in a presidential system of government (Mbaya, Tella, & Adole, 2013). The essence is that each branch is not permitted to encroach into the domain or exercise the powers of another branch. Separation of powers means therefore that the functions of law making, execution and adjudication are rested in separate agencies operating with separate personnel and procedure. This makes law making unique under the presidential system of government. Nigeria adopted the American model of presidential system of government upon her return to democratic governance in 1979 and has remained so. Nigeria had operated a bicameral legislative system at the national level. The two chambers are the Senate and the House of Representatives. Nigeria has therefore maintained the bicameral structure of parliament.

Separation of powers is almost impossible to carry out in actual practice as noted by Ogoloma (2012). However, in a modified form the theory of separation of power has been adopted in America, Nigeria France and other countries. The President and the legislature in U.S.A. and Nigeria for example, are both elected by the people and are responsible to them. While the judges once appointed hold office during good behaviour (Appadorai, 2003). But in

both U.S.A. and Nigeria for example, the President has the legislative power of vetoing to bills and the Senate has the executive duties of sanctioning appointments and treaties, while, the Supreme Court has the power to determine the constitutionality of the laws. In India and France for example, where there is parliamentary form of government in place, the executive is responsible to the legislature because, the cabinet members are members of the legislature and therefore performs both executive and legislative functions. In England with parliamentary system in place, there is no separation of powers because, the House of Lords performs judicial functions and the judiciary has jurisdiction over the executive officers. The cabinet performs legislative functions and its members are also the members of the parliament (Sachdeva and Gupta; 1980:221).

The story of the 8th National Assembly has however been peculiar. The legislative powers include law making, investigatory power, financial power, confirmation and impeachment powers, the executive is exclusively responsible for policy formulation, policy implementation, including the execution of the provision of the laws, and the general administration of the country. In Nigeria, the National Assembly is the second of the trio executive, legislative and judicial arms of government. Under normal circumstances, the arms of government are characterized by the principle of separation of powers, because each is supposed to be independent of the other (Suleiman, Olona, & Arowolo, 2020). Nigeria's National Assembly derives its powers and functions from the 1999 Constitution of the Federal Republic. Sections 4(1) and 4(2) specifically vest it with the power to make laws for the peace, order and good government of the Federation. It does this through the exercise of not only its law-making powers but also its oversight and representative functions.

### **Legislative Power of National Assembly**

The power of the National Assembly to make law in Nigeria is spelt out in section 4(1) and (2) and section 4(4), while section 4(1) & 2 confers exclusive power on the National Assembly to make law on items or matters contained in the exclusive legislative list. Section 4(4) further confer power on the National Assembly to make law concurrently with the State Houses of Assembly on matters in the concurrent legislative list as spelt out in part II of the second schedule to the constitution. By the tenor of sections 4 (1) & 2 and 4 {4} the National Assembly has wider legislative powers than the State Houses of Assembly. But that does not mean that the National Assembly has absolute or arbitrary legislative power. The legislative power of the National Assembly is still circumscribed by the provisions of the constitution and the National Assembly cannot, confer more, legislative power on itself than that contained in the constitution.

The National Assembly cannot extend or expand its legislative power to include legislating for a State or local Government. State does not have broad, vague or unlimited powers but the National Assembly may exercise such powers that was neither expressly granted nor prohibited just as it was held by the Supreme Court of the congress of America. “This congress is not confined to the powers named in the constitution. Congress may also exercise powers, which may be reasonably implied from the enumerated powers”. It is also arguable that the concept of enumerated power as limitation to the legislative power of the National Assembly could be excused on issues of foreign relations on ground of inherent powers. The power to wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties if they had never been mentioned in the constitution, would have vested in federal government via the National Assembly as necessary concomitants of Nationality thus in the field of foreign relation, the powers of National Assembly are inherent and therefore not limited.

### **General Mode of exercising Federal Legislative Power**

The power of the National Assembly to make laws shall be exercised by bills passed by both the Senate and the House of Representatives and shall be assented to by the president and a bill may originate from either the Senate or House of Representatives. Where the House where it originated has passed a bill, it shall be sent to other house for passage after which it shall be sent to the president for assent, where a bill is presented to the president for assents he shall within 30 days thereof signify that he assents or that he withholds his assent. That means he has vetoed the bill. The president's veto will be overridden by passage of the bill by two-thirds majority of each of the Houses of National Assembly. This procedure is covered by section 58 of the constitution.

### **Mode of Passage of Appropriation Bills**

However, the procedure for exercising federal legislative power on money bill differs and it is governed by section 59 of the constitution under this section, 'appropriation bill will be presented to the National Assembly sitting jointly but each house will consider the bill and pass, it separately but where a house refuses to pass the bill within 2 months from the commencement of a financial year, the president of senate shall within 14 days thereafter arrange for and convene a meeting of joint finance committee to examine the bill with view to resolving the differences between the two houses. Where joint finance committee fails to resolve differences, then the bill shall be presented to the National Assembly sitting at all joint session and if the bill is passed at a joint session it shall be presented to the president for assent. Where the president within thirty days after the presentation of the bill to him, fails to signify his ascent or where he withholds assent, then the bill shall again be presented to the National Assembly sitting at a joint meeting and if paired by two-thirds majority of members of both houses at such joint meeting the bill becomes law and the assent of the president shall not be required.

### **Sources and processes of law – making**



## **Sources of Bills**

Modern societies cannot exist and function well without a system of laws. Mbaya, Tella and Adole (2013) assert that before an item of legislation becomes a law, it exists as a bill proposed to National Assembly. A Bill is a draft of an Act, which is introduced in parliament. A bill is like a proposal or an idea that has to be deliberated upon and passed into law by the National Assembly. Before a bill is introduced, a compendium of its financial costs must be calculated and attached. A Bill will not become an Act until parliament passes it and the president gives assent to it.

### **The sources of bills in a democratic setting are:**

**1. Executive Bills:** This is the most common type of bills introduced into the parliament. It deals with matters of general public interest. Public bills may be introduced by either a minister or secretary to the Federal Government on behalf of the government. A number of bills are often initiated by the executive branch of government. This is due to the fact that the executive comprises the President and the ministers. Policies must be enacted to allow them carry out their responsibilities. Hence, any bill initiated by a minister or the president himself falls under the category of an Executive Bill. Money Bills also falls under this category. Money or 'Appropriation' bills are public bills which set a tax or propose the spending of money for a particular purpose. Money bills follow the same passage through both Houses as other bills. Basically, government bills stem from party policies, pressure from community groups, the media or public opinion, advice from government departments or even because of court decisions. When the Government decides that laws are needed, the minister concerned submits a proposal to the Federal Executive Council (FEC) (a meeting of all ministers) for approval. A draft bill is prepared by the Parliamentary Counsel acting under instructions from the minister

and the minister's department (Mbaya, Tella & Adole, 2013). This draft may go through several revisions before being finally prepared for introduction to the National Assembly.

**2. Members bills:** The primary functions of legislatures are to make laws. So, any bill introduced by a Senator or a member of the House of Representatives falls under this category. The idea for a bill may come from a party manifesto or a promise made during the members' campaign for election.

**3. A private member bill:** Private members can also initiate a bill in response to pressure from their constituents, community groups, the media or public opinion. In short, these are bills that are initiated by an individual or a group of people or organization. However, a bill initiated by an individual or a group of people can only be introduced in the Senate or House by a member. After community consultation, the member introduces the bill into the Parliament.

### **The Bill process**

No modern society can exist in isolation of the law. The institution of law is therefore crucial to the social organization of human beings (Mbaya, Tella and Adole). A bill is a proposal for a new law, or a proposal to change an existing law. Therefore, a bill passes through the following stages before becoming a law.

#### **1. First-Reading.**

The first reading is carried out by the member who wishes to propose the new law or legislative amendments; he/she stands on his feet and read the bill to the entire house. Paper copies of the bill are circulated amongst members to read (Mbaya, Tella and Adole, 2013). The clerk of the house read bills schedules on the house/senate calendar (a schedule indicating the day and time each bill will receive reading). He or She reads the short title of the bill for the first reading and then proceeds to "table it". The word 'table' means the action by which the clerk

places the bill on the table before the Speaker of the House of Representatives or the President of the Senate. Normally, at the first reading of a bill, there is usually no debate on the bill on the floor of the house.

## **2. Second Reading**

After first reading, the second process a bill passes through is second reading. The second reading is the stage where the bill's general merits and principles are debated. If the bill is read the second time, the House is deemed to have approved the bill in principle (PLAC, 2015). On the other hands, PLAC (2015) asserts that if the bill is defeated on the floor of the chambers at the second reading that will be the end of the bill. The member who introduced the bill explains the purpose of, and reasons for the proposed law. At this stage, honourable members could ask questions about the bill, moreover, at this stage, amendment to the bill can be proposed. After thorough scrutiny of the bill, members vote on it, if it passes, it means it has been adopted by majority of the members. For a bill to be considered for second reading, the senate/house leader moves a motion that the bill will be read for the second time, if it is an executive bill, the motion must be seconded (supported) by any other party leader. When it is not seconded, the bill cannot be debated but, in most cases, executive bills are allowed, as a matter of courtesy to proceed to second reading. However, if the bill is by a member of the House or senate, the sponsor of the bill will move the motion that it be read the second time. The motion must be seconded by a member or senator as the case may be.

## **3. Committee stage**

The committee system is a cardinal aspect of most legislative bodies. After the second reading, the bill is sent to appropriate committee for more scrutiny. According to Hague and Harrop (2010) committees are small group of members, created to cope with the volume and

detailed parliamentary business. A committee could also be simply described as a unit within a legislative chamber that allows groups of legislators to review policies propose bills and report back to the chamber. They take form of standing, select or conference committees. Standing committees offer line by line examination of bills (Hague & Harrop, 2010). Fashagba, Davies and Oshewolo (2014) note that most responsibilities of the assembly are assigned to the appropriate committees for thorough scrutiny and detailed attention with a view to helping the house to make informed and appropriate (policy) decision.

The Constitution of the Federal Republic of Nigeria, 1999, Section 62, Sub – Section 1 spelt out the constitutional mandate granted the National Assembly to:

- Create Committees of its members and delegate functions which the National Assembly has powers to exercise to such Committees;
- Direct any of its Committees to investigate any matter or thing over which it has powers to make laws; and to
- Investigate the conduct of any authority charged with the responsibility of administering laws or disbursing moneys appropriated by the National Assembly.

Section 89 of the Constitution further empowers Committees to:

- Procure evidence and examine witnesses;
- Require such evidence to be given on oath;
- Summon any person in Nigeria to give evidence or produce a document;
- Issue a warrant to compel the attendance of any person who fails or refuses to appear; and,
- Order payment of costs incurred in compelling such attendance and also imposes a fine in consequence

Mbaya et al (2013) opine that the House of Representatives and the Senate have two types of committees. The first one as committee of the whole house, and second, is the standing committees. The House and Senate have many standing committees, if the committee of the whole house is to discuss a bill, the deputy speaker of the house acts as the chairperson, the speaker will leave his position/seat and sit on the clerks seat. The mace will be taken to the lower table for the committee of the whole house for deliberations to commence (Mbaya et al, 2013). In the Senate, on the other hands, President of the Senate acts as the chairperson of the whole house and then presides over the committees sittings, should incase the Deputy Senate President presides over the committee of the whole house, he is addressed as the chairperson for the period of the committee session (Mbaya et al, 2003).

The standing committees in the national assembly are smaller groups set up for ease of carrying out legislative duties. They normally comprise of chairpersons, deputy chairpersons and other members. The chairperson presides over the committee, in his absence; the deputy chairperson stands in for him. The chairperson/deputy chairperson is appointed by the Senate President or the Speaker of the House of Representatives respectively. Committees examine all aspects of the bill clause-by clause. There is possibilities that a bill could cut across of two or more standing committees. When this happens, the committee with dominance on the matter under consideration will take the bill, while others will form sub-committees to consider areas relating to them and report to the main committee. The main committee is therefore mandated to aggregate all the inputs and amendments of the sub-committees and report to the House/Senate as the case may be.

#### **4. Public hearing**

Some bills cannot be passed without a public hearing. It is a way of aggregating and articulating the views and opinions of the people as inputs towards ensuring the robustness of the bill. It is usually an open gathering of government officials, citizens, and other concerned stakeholders in which citizens and stakeholders are permitted to offer comments/inputs on an issue of public importance. Public hearings are therefore usually organized as a way of gathering public opinions and concerns on political issues before a legislative committee, an agency of government or other policy making bodies. In the Nigerian legislative perspective, public hearings often take place at the National Assembly complex. Members are allowed to attend and make comments/contributions for possible consideration and adopted as part of the proposed bill. A member of the public can make suggestion(s) on any aspect of the bill, but only if members of the committee can propose an amendment to the bill.

### **5. Third Reading**

This is a critical decision making point in the process of passing a bill into a law. This is usually the case after the report of the committee and the deliberation of the committee of the whole house is ready. To this effect, a motion is moved that the bill be read for the third time, either immediately or at a later date. Generally, no amendment can be entertained after the third reading stage. At this stage, if a member/senator must amend or delete a provision as contained on the bill, he/she must give notice of his/her intention 'that the bill be re-committed' before the motion for the third reading is moved. If the motion is agreed upon, the Senate/House must dissolve into committee of the whole either immediately or at a later time to discuss the amendments. After all the necessary amendments are done at the committee of the whole, the Senate/House will then proceed with the third reading and pass the bill.

### **6. The clerk and the clean copy of the bill**

After the third reading of the bill and passed by the Senate/House, a clean copy of it, incorporating all amendments will be produced, signed by the clerk and endorsed by the Speaker of the House of Representatives or the President of the Senate. The copy will then be forwarded to the clerk of the house/senate as the case may be. The copy will be accompanied by a message requiring the concurrence (passage) of the bill or agreement of the receiving chamber (House or Senate). In similar vein, the bill goes through the three reading stages again in the receiving chamber. If the bill emanates from the lower house and is amended by the upper house, the amendment must be sent back to the lower house for consideration. If the lower house does not agree with the amendments, then the bill will be referred to the upper house where the amendments can be reconsidered. In the case of executive bill, both chambers will just exchange copies of the bill since they both received copies and discussed the bill concurrently (Nass.gov.ng, 2008).

### **7. Conference committee**

This committee is necessary if there are disagreements between the two chambers of the National Assembly. It involves members of the committee of both chambers who considered the bill originally. The committee meets to discuss the areas of disagreement between the two chambers so as to present a consensus copy. The venue of the conference could either be open or closed to the public. The report of the conference committee is presented in both chambers for consideration. If approved, all original papers will be sent back to the clerk of the chamber where the bill originated. The clerk considers all amendments and puts together a clean copy of the bill which will be sent to the president for his assent. In the event the two chambers fail to agree after the conference report, a compromise view will have to be sought again through another meeting of the conference committee (Nass. Gov.NG.).

## **8. President**

The bill cannot become a law until the president signs it. Once a bill has been passed by both legislative chambers, it is the responsibility of the president to either sign it into law or declines his assent. In Nigeria, the president has thirty (30) days with which to assent to a bill forwarded to him by the National Assembly. If he is not comfortable with the provisions of the bill or some aspects of it, he can veto it by withholding his signature. The president is therefore obligated to communicate the National Assembly within the stipulated thirty days of his feelings and comments about the bill. If the National Assembly agrees with the president, the bill can be withdrawn for deliberation on the amendments suggested by the president. But if after thirty days, the president refuses to sign the bill and the National Assembly is not in support of the president's amendments, the two chambers can re-call the bill and re-pass it. If the bill is passed in the form it was sent to the president by two thirds (2/3) majorities in both chambers, the bill automatically becomes a law, even without the signature of the president. This scenario happened in the bill for an act to establish the Niger-Delta Development Commission in 2000 following its endorsement by the Speaker of the House of Representatives and the Senate President.

### **Other non Legislative Powers of the National Assembly**

#### **Power of Approval of President's Appointments**

The power to approve presidential nominees for the office of ministers of the federation and members of the boards of other executives bodies is vested in the Senate, see sections 147 (2) and 154 - the chairman and members of boards shall be removed for misconduct on approval of Senate see section 157. The House of Representatives is deliberately excused from participating in approval of presidential appointments. In Britain, the House of Lords and the



House of Common exercises different legislative functions but in Nigeria both the Senate and the House of Representatives exercise concurrent legislative powers on items on the exclusive and concurrent legislative lists. However, the senate has the exclusive jurisdiction or power to approve presidential appointments to the exclusion of the House of Representatives; and approval of appointment of Auditor General and Accountant General of the federation. The appointment of Auditor General and Accountant General of the Federation shall be made by the president on advice of Federal Civil Service Commission but subject to the confirmation of the senate.

### **Power of Investigation**

Each House of the National Assembly shall have power to investigate any matter with respect to which it has power to make law and the conduct of any person authority, ministry or government department charged or intended to be charged with responsibility of administering laws enacted by the National Assembly and to expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

### **Power as to Matters of Evidence**

In order to be able to exercise its power of investigation properly under section 68, the National Assembly or any of its committees shall have power to procure evidence written or oral, direct or circumstantial, require such evidence to be given on oath, summon any person in Nigeria to give evidence at any place or produce any document or other things in his possession and examine him as a witness and issue warrant to compel him to appear. The celebrated case of Tony Momoh vs. Senate of National Assembly is appreciated here.

### **Impeachment Power**

The President or Vice-President may be removed from office if a notice of any allegation in writing signed by not less than one-third of the members of National Assembly is presented to the president of senate stating that the holder of the office of president or vice president is guilty of gross misconduct in the performance of the functions of his office, detail particulars which shall be specified. The President of Senate shall within seven days serve the notice on the holder of the office in question and on each member of the National Assembly and shall cause any statement in reply to the allegation by the holder of the office to be served on each member of the National Assembly and within 14 days of the presentation of the notice to the president of senate {whether any statement is made or not by the holder of the office in reply to the allegation) each House of the National Assembly shall resolve to investigate by a motion without any debate. The Senate President shall within 7 days of passing a motion to investigate, shall request the Chief Justice of Nigeria to appoint a panel of seven persons of proven integrity, not being members of National Assembly, Political Party or Public Service.

The holder of the office being investigated shall have a right to defend himself before the panel either by himself or by a legal practitioner of his own choice. The panel shall report its finding to the National Assembly within 3 months. If the allegations have not been proved the matter shall abate but if proved within 14 days of the receipt of the report the National Assembly shall remove from office the holder of the office by 2/3 majority of votes of all its members. The adoption of that report serves as removal of the office holder. However, no President or Vice-President has been impeached in Nigeria. Section 143 (10) oust the jurisdiction of court from entertaining any suit or action in court challenging this procedure whether irregular or improper e.t.c. Judicial authorities abound in Nigeria on this point. In fact the impeachment power of the

legislature has been described as the judicial power of the legislature. This is the area where the legislature is the accuser, prosecutor and the judge.

### **Limit of Legislative Power of National Assembly**

The first and most important limitation on the legislative power of the National Assembly could be found in section 1(1) & (3) of the constitution which provides that this constitution shall be supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria. While section 1(3) provides that if any other law is inconsistent with the provisions of this constitution, this constitution shall prevail and that other law shall to the extent of its inconsistency be void. This section restates the supremacy of the constitution over any law made by the National Assembly or State Houses of Assembly or any person or authority whatsoever, in interpreting this section of the constitution, the Supreme Court struck out certain provisions of the Electoral Act 2002 in the case of *Musa vs INEC & others* because of the inconsistency of those sections of the Electoral Act with section 40 of the 1999 constitution of the Federal Republic of Nigeria.

The legislative power delegated to the president by the constitution is an inhibiting factor on the legislative power of the National Assembly. Section 32(1) restricts the power of National Assembly when it confers power on the president to make regulations on acquisition of citizenship but such regulation must be laid before the National Assembly before it can become operative but the fact remains that it is the president that is vested with power to make the regulations. Another inhibiting factor in the legislative powers of the National Assembly is section 4(8) which provides that the exercise of legislative powers of the National Assembly or by House of Assembly shall be subject to the jurisdiction of courts of law and of judicial tribunals established by law and accordingly the National Assembly or a House of Assembly

shall not enact any law that ousts or purports to ousts the jurisdiction of a court of law or of a judicial tribunal established by law.

The constitution in section 4(9) further limits the power of National Assembly or Houses of Assembly to making prospective criminal laws only. However the Supreme Court has held that the National Assembly does not possess the power to make retrospective laws whether civil or criminal. The National Assembly may make laws for the federation or any part thereof with respect to the maintenance and securing public safety and public order and providing maintaining and securing of such supplies and services as may be designated by the National Assembly as essential supplies and services. The National Assembly is also empowered to make law for the federation or any part thereof for peace, order and good government with respect to matters not included in the exclusive and concurrent legislative lists as may appear in it to be necessary or expedient for the defence of the federation. This power does not translate to absolute power but regulated power under the constitution in so far as they are enumerated explicitly in the constitution.

The National Assembly is equally empowered to make laws for a state when the House of Assembly of the State cannot sit because of the situation prevailing in the state. The power does not extend to removal of Governor and Deputy Governor of a State from Office. No treaty between the federation and any other country shall have the force of law except to the extent that it is enacted into law by the National Assembly but both the National Assembly and the House of Assembly shall make law for the purpose of implementing treaties and this constitute a limitation on the legislative power of the National Assembly. The National Assembly will also exercise a joint legislative power with the State Houses of Assembly on creation of States and boundary adjustment. This also constitutes a limitation or, the powers of the National Assembly because a

State or group of state; may refuse to cooperate with the National Assembly in this area. The inherent power of the courts of law to review the propriety of enactment of an Act of National Assembly is a very important check on the legislative power of the National Assembly as was witnessed in the case of Attorney General of Bendel State Vs Attorney General of the Federation.

## **2:2 Theoretical Review**

### **The Theory of Separation of Powers**

This study anchored its analysis and discussion on the theoretical foundation and persuasions of the Theory of Separation of Powers. One basic concept of modern democracy is derived from the theory of separation of powers as propounded by Charles Louis Baron de Montesquieu. This theory has been assumed to be the cornerstone principle of democracy in the last three centuries. In 1748 Montesquieu published the Spirit of the Laws (Esprit de Lois) in which he reformulated an ancient idea in political theory. In Book XI of Spirit of Laws, Montesquieu ascribed liberty in England to the separation of legislative, executive and judicial powers, and to the balancing of these powers against each other (Sabine and Thorson, 1973:513). The phrase separation of powers actually means that whatever the amount of the political powers that exists in any given state, it should not be monopolized or concentrated in one person or a group of persons. This means the existing powers must be separated into different organs, and that whatever power occurring to any organ it should not be interfered with by another organ. By this doctrine of separation of powers, the functions of government in any particular state or country can be divided into three, legislative, executive, and judiciary.

The legislative power is power to make laws; the executive power is the power to enforce the laws; and the judicial power is the power to interpret and apply the laws to individuals whom

the executive charged with the violation of the laws. The idea of separation of powers means that the three functions of government must not only be separated but must also be exercised by different persons or body of persons; i.e. these powers must not be combined in the same persons or body of persons, but that they should be entrusted to three separate agencies, coordinate and mutually independent. Though the concept of separation of powers has been used frequently as a principle or doctrine, yet, it could still be adequately applied as a theoretical framework of analysis. The legislative-executive relation in modern political systems finds its most lucid expression in the concept of separation of powers of the three arms of government. The two arms of government –the legislature and executive should each possess constitutional power, which it shall exercise without interference from the other arms.

According to Davies (1995), the doctrine of separation of powers was developed to protect the liberty of the ruled and prevent tyranny. Olisa (2003, p.40), stated that with the theory of separation of powers, each of the three arms of government should limit its powers and functions to its mandate and boundaries and should not intrude into the boundaries and mandate of each other. This non-intrusion eliminates the tyrannical tendencies of political leadership and enthrones accountability in governance. Accordingly, the essence for the adoption of the principle of separation of powers in the constitution of the Federal Republic of Nigeria (1979 and 1999) is to ensure public accountability through effective checks and balances. The theory of separation of powers as contained in the Nigerian constitution distributes government powers to each arm of government and empowers the legislative council to exert a certain level of checks on the executive, and in extreme situations to impeach or remove the executive. On the other hand, the executive is to checkmate the excesses of the legislature by overriding its decisions or denying assent etc.

Generally, without the application of the theory of separation of powers in governance, the executive will tend to appropriate bills or resources to itself; appoint its political appointees without scrutiny and account to nobody but itself at the local tyrannical tendency that it intends to address. The idea of separating the three arms of government from one another enhances credibility of government only if each arm is independent of the other. If however, any of the arms depend on the other for survival as it is observed in the administration of Nigeria, where the legislature is dependent and dominated by the executive because of its (executive) capacity to disburse funds and other resource, the legislative council loses its capacity to exert its oversight functions on the executive. This implies that merely separating the powers of government is not in itself the panacea for accountability, but ensured that no arm should depend on the other for its survival. Accountability can be ensured if the various arms of government follow the rules and regulations guiding accountability, rule of law and constitutionalism.

Legislative-Executive relations in Nigeria Aiyede and Isumonah (2002) explicated the imperative of interaction between the legislature and the executive when they posited that democratic consolidation can only occur in a context in which political institutions, especially the legislature and the executive, are functional and interact in a way that reinforces confidence in the government and the process through which the offices of these government institutions are filled. In a similar dimension, Kopecky (2004) sees the relationship between the legislature and the executive as one of the key defining characteristics of the functioning of any political system. He noted the vital place that structural and legal factors hold in shaping the relationships between these two political institutions. This position is emphasized by Lijphart (2004) when he argued that the constitutional prerogatives vested in legislatures and the executive are most important because they define the broad framework for interactions between the two powers.

Similarly, Posner and Young (2007) averred that institutionalized rules are increasingly becoming relevant in regulating the behaviour of political actors, especially in Africa. This new development, to Fashagba (2010), is heartwarming because it aligns with the postulation that democracy entails an institutionalized arrangement for arriving at political decisions. While the institutional view of the legislature and the executive may hold strong as a factor that shapes the relationship between the legislature and the executive, numerous informal rules and conventions, such as the customs concerning nomination of members to the cabinet following an election, are very important as well. Perhaps this is exemplified by Bernick and Bernick (2008) when they affirmed that such relationships are largely shaped by the attitudes and beliefs of the participants.

They contend that these relationships are complex, depending on a range of formal and informal practices. Of course while formal texts of constitutional charters and law are very instrumental to the relationships that exist between the executive and the legislature, however, such relationship hinges on the informal conditions and practices that permit these norms to be implemented in practice. Constructive relationships between the legislative and the executive arms of government are essential to the effective maintenance of the constitution and the rule of law (Holme, 2007). In recent years, however, the character of these relationships has changed significantly, both because of changes in governance and because of wider societal changes. Scholars have been expressing a wide variety of viewpoints on legislature-executive relations, about conflict and cooperation, whether one or the other dominates, and whether benefits or liabilities result from either. While some see conflict between the executive and legislature as a necessary and beneficial precondition to limiting and controlling government (Aiyede, 2005), others view it as contributing to gridlock over major public policy decisions, thus making government ineffective (Dulani and Donge, 2006).



Legislative-Executive relations in the Nigeria's Fourth Republic have been two-fold dimensional namely, collaborative executive-legislative relations and conflictive executive-legislative relations. With regards to the latter, it has been observed that in 2001, two years into the commencement of Fourth Republic in Nigeria democratization process, conflict between the National Assembly (House of Representatives and Senate) and the executive at the Federal level of government existed, which was widely presented by the press (The Punch, 2001). The conflict transcends the relationship between state executive and the legislature in various states and even spilling to the local government councils. Major effect of such conflict was the impeachment of key personnel in both executive and legislature, such as Speakers, Deputy Speakers and Governors etc (Punch, 2007). On several occasions, conflict between legislature and executive have been heating up the polity, to such an extent that Nigerians have feared that the Fourth Republic would be short-lived due to the recklessness and greed of some political elites. As Soyinka (2010) assert that Nigerians should rescue the nation from the cabal of reprobate gangsters, extortionists, and even political murderer. Utomi (2010) also remarks that the only thing that will save Nigeria is for the people of Nigeria taking over the streets of Nigeria, demanding that the constitution be upheld; that the rule of law be respected.

The political interface between Legislative and Executive relationship on 8th National Assembly had been a challenge in participatory democracy. The executive and legislature were always engaged in cat and mouse relations in most democracies. And the Nigerian situation has never really been different, even when the ruling party maintains an overwhelming control of the chambers. There was lack of cordiality in the relationship between the executive and legislature, under the 8th National Assembly. While the principal task of the National Assembly is to cooperate with the executive in promoting enabling policies for the common good of our people,

the relationship between the two arms was marred by conflict of interest, low capacity of some members to constructively engage in legislative work, poor communication strategy, executive blackmail and intimidation. This resulted in sabotage and needless delay in the performance of some legislative activities. Despite some accolades to the performance of the National Assembly, we cannot conceal the fact that the 8th legislature was thrown into endless crisis arising from long disagreement over the elections and appointments into leadership positions, budget padding, jumbo pay, hostile executive relations, and defection from one political party to another. This further altered its efficiency, functionality and structure. The leadership crisis which lingered beyond expectation took turn in some State Houses of Assembly like Benue State House of Assembly, where legislators engage each other in a battle of the fists; temporary closure of Edo State House of Assembly occasioned by the pandemonium created by political thugs who went on a shooting spree injuring six persons following the impeachment of the then Speaker, Victor Ekor for alleged gross misconduct; and unjustified impeachment of the Speaker of Kogi State House of Assembly, Momoh Jimoh-Lawal by five lawmakers out of 25 members.

The unpleasant development was exacerbated by the inability and weak internal control system by the leadership of the leading political parties to inculcate discipline in their members. Given the high expectation from citizens that the legislators would discharge such key fundamental functions as lawmaking, oversight, representation and constituency outreach to impact positively on their well-being and the nation's democracy, critical performance assessment of the National Assembly has become essential to understand how the legislators fared in fulfillment of their electoral mandates. Some Highlights on Contending Issues of Legislative-Executive Rifts between 2015 and 2019 S/N Subject matter Contending issues, Power of appropriation/Budget padding. The executive and the legislature have always haggled

over the power of appropriation as contained in the 1999 Constitution. While the executive would insist that the power to propose projects and assign funds for same rests with it, the legislature has always insisted that the power of the purse belongs to the people, which it represents.

1. The legislature had always relied on Section 80 (1, 2, 3 and 4) of the constitution to support its pre-eminence claim on the power of appropriation. But the executive often finds a leeway provided in Section 82 of the same constitution, which allows it to spend public funds up to six months in the absence of the Appropriation Act. Again, the national debate over the allegations of budget padding in the 2016 Appropriation Act has raised several issues over the role and ambit of the legislature in the Appropriation process. In 2017, the crisis over the power of the purse boiled over as the budget, which was presented to the National Assembly in December 2017, did not get signed into law until six months after. There were claims of padding and altercations about introduction of new subheads by the legislature.

2. The Magu controversy and power of appointments. The executive and the legislature also haggled over the propriety of appointments in acting capacity made by the President in the out-gone year. The striking appointment in this cadre has to do with the appointment of Mr. Ibrahim Magu as the Acting Chairman of the Economic and Financial Crimes Commission (EFCC). Magu's confirmation was rejected by the Senate in December 2016 and again in March 2017.

3. "Federal Government's 2016-2018 External Borrowing Plan" for a \$29.96 billion foreign loan. The plan, was first presented in 2016, but disapproved by the legislature. President Buhari, in representing the external borrowing plan 2016-2018, which had earlier been rejected by the 8th National Assembly, asked the legislature to reconsider and approve the proposal to

take the \$29.96 billion loan. The federal government was seeking the loan to finance key projects in different sectors of the economy. Specifically, the government decided to borrow such a huge amount of money to enable it execute infrastructure projects across the country. Thirty nine critical projects under execution by the federal government at the moment will be financed with the loan. However, When in 2016, the then lawmakers of the 8th National Assembly turned down the loan request; they noted it was not in the best interest of Nigerians for the government to accrue such huge debt (the federal government will be increasing the total debt stock to about \$97billion (about N30 trillion).

4. NASS and presidential aides. One emerging issue that became noticeable in 2017 is the widening gap between legislative structures and the Presidential aides on National Assembly. In the past, presidential liaisons in the legislature were always in chubby relationship with the lawmakers. They were therefore in position to reduce the intensity of crisis on occasions. During this period, however, some representatives of the executive appear to speak and act as though they were expressly directed by the president. They exhibit attitude that creates suspicion between the arms of government and claim knowledge of issues they really lack knowledge about. They tend to hijack the functions of the Clerk during Joint sitting and show overbearing conduct during screening of candidates at the Senate committees.

5. Constituency projects for lawmakers. In 2017, another source of tension between the legislature and executive was the running battle over quest for substantial implementation of constituency projects of the lawmakers. The Constituency Projects are designed as a take home for the lawmakers to showcase their impact in their respective constituencies. Through this channel, the Federal Government sets aside the sum of N100 billion for projects that would be executed in the 469 Senatorial districts and Federal constituencies in the country. The lawmakers

are to nominate the projects they feel represent the pressing needs of their people while the Ministries, Departments and Agencies (MDAs) are to execute the project. But there have been arguments as to the failure of the executive to release adequate funds for the projects so nominated by the lawmakers. With less than 15 per cent of performance ratio of the projects in 2017, the lawmakers have called for complete carryover of the projects to the 2018 budget.

6. The call for State or Community police. Although the call for State Police has resonated in Nigeria for a number of years, In July 2018, a Constitution Amendment Bill to establish State Police was introduced in the Senate as a response to the massive insecurity across the country, however, this was turned down by the executive arm (Abubakar, 2019).

In conclusion, separation of powers appears not to operate any legal restriction on power but, it provides the basis for important principles which the law protects such as independence of the National Assembly. It provides a basis for the adoption of structure processes and control which protects liberty now and in the future. It guards against broad spectrum of the ills like absurd judgment avaricious and ambitious self-serving behaviour and inefficient performances of functions. As Nigerian system of government evolves new conventions, political practices and events at times need legal rules which are devised to protect the liberty of the people and our nascent democracy.

The doctrine of separation of powers therefore provides the justification for these measures and helps to determine their nature and scope. Apparently, there is the need to monitor our political system, be vigilant about our liberty and advocate new measures when the liberty is threatened. It is suggested therefore that, the state should adhere to the theory of separation of powers as is the practice in other democratic states of the world taken account of our historical past and the urgent need to modernize where necessary. Any dictatorial tendency should be

nabbed on the bud. Secondly, it will help to dispense with executive usurpation of powers, check corruption of elected officials and manipulation of electoral processes.

### **Almond's Structural Functional Theory and Use of Oversight Tools by the Nigerian National Assembly**

Almond (1956) popularized the structural functional theory in political science which was hitherto a major framework for biological and sociological research. Almond views a political system as consisting of structures which perform role functions, while functions deals with consequences involving objectives as well as processes and patterns of actions such that failure of one structure to perform its function leads to disorderliness of the political system. Structures are many and they include institutions such as legislature, executive, judiciary, political party, election management body, among others. Functions on the other hand are divided into input functions and output functions. The input functions are performed by non-governmental institutions and they include political socialization and recruitment, interest articulation, interest aggregation and political communication. The output functions on the other hand are performed by the government, which include rule making, rule application and rule adjudication (Almond & Coleman, 1960).

Rule making function is performed by the legislature. Since all political structures are multifunctional (Almond, Powell, & Strom, 2006), the legislature not only function as law-making institution but also performs oversight and representation function. Because it is a complex system whose parts work together to promote solidarity and stability (Almond & Coleman, 1960), ineffective use of oversight tools by the legislators cause disorderliness on the functioning of the political system. The National Assembly which consists of two houses the Senate and the House of Representatives is Nigeria's legislative arm of government. Oversight

functions of the Nigerian National Assembly are stipulated in sections 88, 89, 128 and 129 of the Nigerian constitution (FRN, 1999).

Oversight function empowers legislators to monitor and review the activities of the executive arm and its Ministries, Departments and Agencies (henceforth, MDAs) on a continuous basis to ensure effectiveness of government and compliance with appropriated policies (Fagbadebo, 2019; Policy and Legal Advocacy Centre, 2016). The exercise of oversight function by the National Assembly is carried out through a mechanism known as the committee system, which was formed for general and specific purposes. Oversight tools provided in the Nigerian constitution are investigative hearings, audit queries, record checking, summons, location visits, interactive session, committee hearings, hearings in plenary sessions, questions, question time, and the public account committees (FRN, 1999). Pelizzo and Stapenhurst (2004) group these oversight tools into two viz: instruments of control ex-ante and instruments of control ex-post, which correspond to the timing of the oversight exercise.

Oversight tools as instrument of control ex-ante are used before a policy is enacted by the government. Request of documentation, hearings in plenary sessions, hearings in committee, etc. becomes pertinent in this respect. On the other hand, oversight tools such as creation of committee of inquiry, questions, and interpellations, location visits, audit queries and record checking, which are used to check whether government policy is properly enacted, are instruments of control ex-post (Pelizzo & Stapenhurst, 2004). However, the listing of these oversight tools does not suggest that the Nigerian National Assembly is accustomed with them nor made use of them effectively. Oversight tools are frequently used during budgeting process (e.g 'power of the purse'), which in most cases provide opportunity for the legislature to inflate budget figures on constituency fund (Akindele, et al., 2012; Alabi & Fashagba, 2010), or during

confirmation of appointment of Ministers, Ambassador, High Commissioner and other principal representatives of the executive arm (questions and questions time).

According to Awofeso and Irabor (2020), despite emerging controversy as an incursion on the power of the executive over budget execution, constituency fund has continued to gain credence across countries, placed in the perspective of representative functions and constituency services. However, the lack of institutional framework for its operation in Nigeria have aided the means of corruption, such as contracts inflation of a given project, execution of substandard projects contrary to specifications, non-implementation of budgeted projects etc. The study thereby justifies the need for oversight tools (audit queries, public account committees, record checking, location visits) as effective mechanism to entrench probity in the management of constituency fund in Nigeria. The Nigerian legislature only recommend project to be located in their constituency, the implementation of such project is the preserves of the appropriate MDAs of the executive arm. More so, legislature is involved in the appropriation of constituency fund during budgeting process. ‘Power of the purse’, is therefore significant to the operation of constituency fund.

### **2:3 Empirical Review**

The following related empirical studies were reviewed to guide the present study:

Bakare and Bello (2020) examined the issues and arguments surrounding the calls for reforming the National Assembly. The paper adopted mixed-method research design and found that the official salaries and allowances of Nigerian legislators are relatively low in comparison with what obtains in other climes. It also found some elements of lopsidedness in the House’s seats distribution as some states with lower population are given more seats than some with higher population.



Awofeso and Irabor (2020) conducted a study to examine the framework for the operation of constituency fund and analyze the extent of utilization of constituency fund in Nigeria. The study explores the use of oversight tools for effective management of constituency fund. Findings from the study showed that the modalities involved in the operation of constituency fund in Nigeria permit corruption and embezzlement of fund to hold sway. Findings also suggest relevant oversight tools such as routine oversight, audit queries etc. capable of ensuring proper and actual implementation of constituency fund.

Ngara and Dasat (2020) examined the various stages in the budget process in Nigeria such as the budget preparation and submission, budget authorization, budget execution and budget evaluation/audit report; and highlighted the role of the National Assembly at each of the stages. Using descriptive method, the paper also interrogated other critical roles played by the National Assembly in the approval of budgetary frameworks such as the Medium Term Expenditure Framework (MTEF), the Revenue Profile and the Debt and Debt Limit. The paper identified the challenges faced by the National Assembly in the appropriation process to include unavailability and unreliable data, shortage of skilled manpower, frequent disruption in oil production, global fluctuation in prices, corruption, late preparation/submission of budget estimates by the Executive, delays in the release of funds for capital projects as well as strained Executive-Legislative relationship. The paper concluded that for the National Assembly to effectively discharge its roles in the Nigerian budget process, it must develop and maintain effective and accurate data as well as strengthen and effectively engage supporting institutions such as the National Assembly Budget Research Office (NABRO) and the National Institute for Legislative and Democratic Studies (NILDS).

Ekpu and Iweoha (2017) examined the powers and functions of both arms of government but more especially the legislature on Appropriation Bills. The researchers examined a critical aspect of the controversy that surrounded the delay in the passage of the 2016 Budget because of the importance it has for future budgetary processes. They argue in this article that in the interest of allowing inputs of trade unions, NGOs and other stakeholders through the opportunities provided by Public Hearings, it is in the larger public interest to sustain the operation of the current legal framework which supports, in our humble opinion, the power of the National Assembly to alter the budgetary estimates submitted by the executive, either marginally or fundamentally, as the National Assembly may deem fit. The researchers supported their argument with an overview of international practices, which vary, depending only on constitutional or legal provisions in individual countries.

Ogbu and Ereke (2017) relied on both primary and secondary sources of data to examine the role of National Assembly in legislature and economic recession in Nigeria. The researchers gathered data from 250 sampled population drawn from both the staff and elected National Assembly members. The structural functional approach was used for theoretical assessment of the subject matter. Major findings of the paper show that intra-party brawls, executive/legislative face-off, low capacity of legislators, politicization of legislative aides and lack of fiscal federalism are parts of the harbingers of the economic meltdown. The paper recommends that to eschew future trends of economic recession, the legislature should employ institutional measures to adequately check the complacency of governmental institutions and agencies while stemming other setbacks like intra-party crises amongst others.

Ngara (2016) examined the role of the fourth and fifth Nigerian National Assembly in inter-parliamentary diplomacy. Using historical method, the paper established that the re-entry of

the National Assembly into the global parliamentary circle following Nigeria's return to democracy in 1999 was critical in the realization of certain foreign policy objectives. These include: the restoration of Nigeria's image; improved confidence in Nigeria's democracy; enhanced bargaining power in the campaign for external debt relief; influenced the domestication of important international treaties; and engendered the National Assembly to support laudable sub-regional peace initiatives. The paper concludes that the Nigeria's National Assembly must further strengthen its participation in inter-parliamentary assemblies so that Nigeria can maximize benefits from her foreign policy commitments.

Sam-Tsokwa and Ngara (2016) examined the National Assembly and the budget process in Nigeria's Fourth Republic with a view to tackling the perennial problem of late presentation of the Appropriation Bill by successive Presidents to the National Assembly; a laxity that has caused delay in the passage of the Appropriation Acts. The paper argues that since Nigeria's return to democracy in 1999, successive Presidents have failed to meet the best practice of presenting the budget to the National Assembly 2-4 months before the commencement of the next fiscal year. This development is attributed to Section 81(1) of the 1999 Constitution which provides the timeframe for presentation of budget estimates to the National Assembly without timeline. These delays frequently cause reversionary budget provision and deny the people dividends of democracy. To ensure timeliness in the passage of the Appropriation Acts, Sections 81(1) and 82 of the 1999 Constitution and the FRA 2007 require amendment. A budget law such as the US Congressional Budget and Impoundment Control Act, 1974, ought to be enacted.

Dahida and Maidoki (2013) used secondary method of data collection and elite's theory to examine public policy making and implementation in Nigeria. At the end, the study revealed that in Nigeria, there is a missing-link between the government and the public and also the

government and its agencies when it come to policy formulation and implementation and that explain why policies grossly fail in Nigeria. The researchers' conclusion was drawn on the premise that, Nigeria's problem is not policy formulation but that of accurate implementation. The study therefore, recommends among other things that; there should be a very strong connecting link between the elites who are the policy makers and the mass – public. If that is done, it will reduce the tendency of imposed policies from the top. An enabling environment should also be instituted where policy making should be participatory. Public awareness should be created; the civil society groups, professional bodies, organized private sector, and the mass public should be given the opportunity to present their proposals for policy making and implementation there by connecting the nexus between the government and other professional bodies.

## CHAPTER THREE

### METHOD

#### **3:1 Research Design**

The design to be adopted in the present study is a Qualitative Deductive approach to Content Analysis. Qualitative research emphasizes words, rather than quantification in the collection and analysis of data. Furthermore, it predominantly emphasizes a deductive approach to the relationship between theory and research; in which the emphasis is placed on capturing inferences from a general field into particular situations. Also, qualitative research entails a perspective of social concepts as an increasingly shifting sphere based on individual contributions.

#### **3:2 Sources of Data**

Data to be used in the present study will come from secondary data that will be sourced through relevant text materials and historical documents. These include: texts, journals, online articles, Magazines, Archives and the information on the bills processed and passed during the 8th National Assembly.

#### **3:3 Method of Data Analysis**

Data will be analyzed using content analysis. Content analysis is the study of documents and communication artifacts, which might be texts of various formats, pictures, audio or video. Social scientists use content analysis to analyse social phenomena in non invasive way in contrast to simulating social experiences or collecting survey answers (Bryman, 2011). This will be done by systematic reading or observation of texts or artifacts which will be assigned, labels

or codes to indicate the presence of interesting, meaningful pieces of content (Hodder, 1994; Tipaldo, 2014) by systematically labeling the content of a set of texts, researcher will analyse patterns of content quantitatively using statistical methods, or use qualitative methods to analyse meanings of content within texts.

### **Population of Study**

The population includes all the elected members of the Nigerian National Assembly starting from Senators in the upper house, those in the House of Representative, Federal Commissioners to the Nigerian President who is the chief executive in the Nigerian arms of the government.

### **Sampling Size**

The sample size includes the political representative in National Assembly who served under the 8<sup>th</sup> National Assembly. They are specifically the Senators, House of Representative members, and the support staff including Committee Clerks who served in the 8<sup>th</sup> National Assembly which took off from 2015 to 2019.

### **Sampling techniques**

The sampling technique employed in the present study is a purposive sampling technique. This was adopted in order to get the secondary data that will represent the purpose of the research as those who served under this administration are no longer in the office.

## CHAPTER FOUR

### DATA PRESENTATION AND ANALYSIS OF EXECUTIVE BILLS OF 8<sup>TH</sup> NATIONAL ASSEMBLY.

#### Summary:

The bills passed by the 8th National Assembly are shown in the summary below:

| S/No. | Type of bills          | Number of bills passed | Percentage |
|-------|------------------------|------------------------|------------|
| 1.    | Executive bills        | 62                     | 18.13%     |
| 2.    | Private member's bills | 280                    | 81.87%     |
| 3.    | Total bills passed     | 342                    | 100%       |

Based on the table above, it could be seen that a total of 62 executive bills were passed representing 18.13% of the total bills passed. This also shows that majority of the bills by the 8th National Assembly were private members bills which account for 81.87% (about 280) of the total bills passed.

A critical examination of the Executive bills passed during the period as shown in Appendix 1 reflects the following critical bills:

- (1) Appropriation bills especially the yearly budget for 2016, 2017, 2018 and 2019, other appropriation passed were for agencies such as Federal Capital Territory Statutory Appropriation Bill, 2016, Niger Delta development Commission Statutory Appropriation Bill, 2016, Bureau of Public Enterprises Statutory Appropriation Bill, 2016, Federal Inland Revenue Service Statutory Appropriation Bill, 2016, Nigerian National Petroleum Corporation Statutory Appropriation Bill, 2016, Nigerian Deposit Insurance Corporation Statutory Appropriation Bill, 2016, Nigerian Electricity Regulatory Commission Statutory Appropriation Bill, 2016, Central Bank of Nigeria Statutory Appropriation Bill, 2016, Fiscal Responsibility Act (Amendment) Bill, 2017 etc.;
- (2) Other major bills passed were: Money Laundering (Prevention and Prohibition) Act (Amendment) Bill, 2016, National Minimum Wage Bill, 2019, Nigeria Centre for Disease Control and Prevention (Establishment) Bill, 2017, National Food Safety and Quality Bill, 2019 to mention but few.

#### Sources:

See list of bills passed in Appendix 1 and 2.

#### Appendix 1

##### Executive Bills Passed From June 9 2015-June 6 2019

1. HB. 152 Supplementary Appropriation Bill, 2015;
2. HB. 337 2016 Appropriation Bill, 2016. (HB. 337) Appropriation Act (Amendment) Bill, 2016;
3. HB. 390 Money Laundering (Prevention and Prohibition) Act (Amendment) Bill, 2016;
4. HB. 396 Federal Capital Territory Statutory Appropriation Bill, 2016;
5. HB.443 Avoidance of Double Taxation (Between the Federal Republic of Nigeria and the Kingdom of Sweden) Bill, 2016;
6. HB. 444 Avoidance of Double Taxation (Between the Federal Republic of Nigeria and the Kingdom of Spain) Bill, 2016;

7. HB. 445 Avoidance of Double Taxation (Between the Federal Republic of Nigeria and the Kingdom of South Korea) Bill, 2016;
8. HB. 567 Federal Capital Territory Statutory Appropriation Bill, 2016;
9. HB. 635 Niger Delta development Commission Statutory Appropriation Bill, 2016;
10. HB. 728 Bureau of Public Enterprises Statutory Appropriation Bill, 2016
11. HB. 729 National Agency for Science and Engineering Infrastructural Appropriation Bill, 2016;
12. HB. 730 Nigerian Airspace Management Agency Statutory Appropriation Bill, 2016;
13. HB. 731 Nigerian Shippers Council Statutory Appropriation Bill, 2016;
14. HB. 732 Nigerian Maritime Authority Statutory Appropriation Bill, 2016;
15. HB. 733 Raw Material Research and Development Council Statutory Appropriation Bill, 2016;
16. HB 734 National Sugar Development Council Statutory Appropriation Bill, 2016;
17. HB. 735 Nigerian Postal Service Statutory Appropriation Bill, 2016;
18. HB. 736 Nigerian Ports Authority Statutory Appropriation Bill, 2016;
19. HB. 737 Federal Airport Authority of Nigeria Statutory Appropriation Bill, 2016;
20. HB. 738 Securities and Exchange Commission Statutory Appropriation Bill, 2016;
21. HB. 739 Nigeria Tourism Development Corporation Statutory Appropriation Bill, 2016;
22. HB. 740 Nigerian Communication Commission Statutory Appropriation Bill, 2016;
23. HB. 741 National Agency for Food and Drug Administration and Control Statutory Appropriation Bill, 2016;
24. HB. 742 Nigerian Customs Service Statutory Appropriation Bill, 2016;
25. HB. 743 Nigerian Broadcasting Commission Statutory Appropriation Bill, 2016;
26. HB. 744 National Insurance Commission Statutory Appropriation Bill, 2016;
27. HB. 745 News Agency of Nigeria Statutory Appropriation Bill, 2016;
28. HB. 746 Nigerian Copyright Commission Statutory Appropriation Bill, 2016;
29. HB. 747 Nigerian National Petroleum Corporation Statutory Appropriation Bill, 2016;
30. HB. 748 Nigerian Deposit Insurance Corporation Statutory Appropriation Bill, 2016;
31. HB. 749 Nigerian Civil Aviation Statutory Appropriation Bill, 2016;
32. HB. 750 Federal Inland Revenue Service Statutory Appropriation Bill, 2016;
33. HB. 751 Nigeria Immigration Service Statutory Appropriation Bill, 2016;
34. HB. 752 Nigerian Electricity Regulatory Commission Statutory Appropriation Bill, 2016;
35. HB. 753 Central Bank of Nigeria Statutory Appropriation Bill, 2016;
36. HB. 754 Radio Nigeria Statutory Appropriation Bill, 2016;
37. HB. 755 Federal Housing Authority Statutory Appropriation Bill, 2016;
38. HB. 756 Nigerian Television Authority Statutory Appropriation Bill, 2016;
39. HB. 757 Nigerian Automotive Design and Development Council Statutory Appropriation Bill, 2016;
40. HB. 758 Nigerian Nuclear Regulatory Authority Statutory Appropriation Bill, 2016;
41. HB. 759 national Board for Technical Education Statutory Appropriation Bill, 2016;
42. HB. 760 Federal Mortgage Bank Statutory Appropriation Bill, 2016;
43. HB. 761 National Environmental Standards and Regulations Enforcement Agency Statutory Appropriation Bill, 2016;
44. HB. 762 Industrial Training Fund Statutory Appropriation Bill, 2016;
45. HB. 763 Corporate Affairs Commission Statutory Appropriation Bill, 2016;
46. HB. 764 Standards Organisation of Nigeria Statutory Appropriation Bill, 2016;



47. HB. 765 Oil and Gas Free Zones Statutory Appropriation Bill, 2016;
48. HB. 1021 National Water Resources Bill, 2017;
49. HB. 1096 Customs and Excise Statutory Appropriations Bill, 2017
- 50 . HB. 1166 Fiscal Responsibility Act (Amendment) Bill, 2017
51. HB. 1199 Nigeria Centre for Disease Control and Prevention (Establishment) Bill, 2017;
52. HB. 1219 Nigeria Natural Medicine Development Agency (Establishment) Bill, 2017;
53. HB. 1220 Raw Material Research and Development Council (Repeal and Re-enactment) Bill, 2017;
54. HB. 1221 Federal Institute for Research Bill, 2017;
55. HB. 1313 Nigerian Minerals and Mining Bill, 2018;
56. HB. 1207 Appropriation Bill, 2018
57. HB. 1543 Nigeria Police Academy (Establishment) Bill, 2018;
58. HB. 1571 Suppression of Piracy and Other Maritime Offences Bill, 2018;
59. HB. 1597 Appropriation Bill, 2019;
60. HB. 1598 National Food Safety and Quality Bill, 2019;
61. HB. 1602 National Minimum Wage Bill, 2019;
62. HB. 1645 Federal Capital Territory Statutory Appropriation Bill, 2019

## **Appendix 2**

### **Private members bills passed from June 9 2015 to June 6 2019**

1. HB. 13 Statutory Instrument (Legislative Scrutiny) Bill, 2015
2. HB. 27 Environmental Health Control Bill, 2015
3. HB. 41 Forestry Research Institute of Nigeria (Repeal and Re-enactment) Bill, 2015
4. HB. 116 Nigerian Independent Warehouse Regulatory Agency (Establishment, etc) Bill, 2015
5. HB. 158 North-East Development Commission Bill, 2015
6. HB. 167 Federal Capital Territory Civil Service Commission Bill, 2015
7. HB. 221 Recovery of public property (Special provision) (Repeal) Bill, 2015
8. HB. 234 Water Resources Act (Amendment) Bill, 2015
9. HB. 254 Architects (Registration, Etc.) Act (Amendment) Bill, 2015
10. HB. 265 Weights and Measures Act (Amendment) Bill, 2015
11. HB. 267 & 854 National Inland Waterways Authority Act (Amendment) Bill, 2015
12. HB. 302 National Judicial Institute Act (Amendment) Bill, 2015
13. HB. 320 Animal Health and Husbandry Technologist (Registration, Etc.) Bill, 2015
  
14. HB. 06 Pension Rights of Judges Act (Amendment) Bill, 2016
15. HB. 07 Federal Capital Territory District Courts Act (Amendment) Bill, 2016
16. HB.17 Environmental Managers Registration Council of Nigeria (Establishment) Bill, 2016
17. HB. 18 Chartered Institute of Project Management of Nigeria (Establishment) Bill, 2016
18. HB. 28 Chartered Institute of Human Capital Development of Nigeria Bill, 2016
19. HB. 29 Environmental Health Officers (Registration, etc) Act (Amendment) Bill, 2016
20. HB. 61 National Fertilizer Quality (Control) Bill, 2016
21. HB. 69 Chartered Institute of Consumer Relationship Management Bill, 2016.
22. HB. 76 Franchise Bill, 2016
23. HB. 72 & 612 Energy Commission of Nigeria Act (Amendment) Bill, 2016
24. HB. 77 Chartered Institute of Loan and Risk Management of Nigeria Bill, 2016
25. HB. 78 Chartered Institute of Public Management Bill, 2016

26. HB. 85 Chartered Institute of Export and Commodity Brokers of Nigeria Bill, 2016
27. HB. 89 Nigerian Peace Corps Bill, 2016
28. HB. 91 Federal Capital Territory Transport Authority (Establishment) Bill 2016
29. HB. 107 Federal Audit Service Commission Bill, 2016
30. HB. 108 Institute of Local Government and Public Administration Bill, 2016
31. HB. 119 Compulsory Treatment and Care of Victims of Gunshots, Bill, 2016
32. HB. 118 Nigerian Oil and Gas Industry Content Development (Amendment) Bill, 2016
33. HB. 120 Anti-Torture Bill, 2016
34. HB. 121 Senior Citizen Centre Bill, 2016
35. HB. 127 National Child Protection and Enforcement 2016
36. HB. 132 Witness Protection Programme 2016
37. HB. 160 Nigerians in Diaspora Commission (Establishment) Bill, 2016
38. HB. 161 Nigerian Institute for Social Work (Establishment, etc.) Bill, 2016
39. HB. 164 Capital Expenditure Budget Roll-over Bill, 2016
40. HB. 167 Federal Capital Territory Civil Service Commission Bill, 2016
41. HB. 169 Oaths Act (Amendment) Bill, 2016
42. HB. 172 National Agricultural Council Bill, 2016
43. HB. 216 Telecommunications and Postal Offences Act (Amendment) Bill, 2016
44. HB. 218 National Crop varieties and Livestock Breeds (Registration etc.) Act (Amendment) Bill, 2016
45. HB. 219 Produce (Enforcement of Export Standards) (Amendment) Bill, 2016
46. HB. 224 National Film and Video Censors Board Act (Amendment) Bill, 2016
47. HB. 227 Economic and Financial Crimes Commission Act (Amendment) Bill, 2016
48. HB. 230 Code of Conduct Bureau and Tribunal Act (Amendment) Bill, 2016
49. HB. 232 Corrupt Practice and Other Related Offences Act (Amendment) Bill, 2016
50. HB. 233 Prevention of Crimes Act (Amendment) Bill, 2016
51. HB. 235 River Basins Development Authorities Act (Amendment) Bill, 2016
52. HB. 237 National Agricultural Development Authority Act (Amendment) Bill, 2016
53. HB. 238 Bees (Import Control and Management) Act (Amendment) Bill, 2016
54. HB. 239 Agricultural Credit Guarantee Scheme Fund Act (Amendment) Bill, 2016
55. HB. 241 Agricultural and Rural Management Training Amendment Bill, 2016
56. HB. 242 Chartered Institute of Stockbrokers Act (Amendment) Bill, 2016
57. HB. 243 Treaty to Establish African Economic Community Relating to the Pan-African Parliament (Accession and Jurisdiction) Act (Amendment) Bill, 2016
58. HB. 244 Utilities Charges Commission Act (Amendment) Bill, 2016
59. HB. 245 Petroleum Product Pricing Regulatory Agency Act (Amendment) Bill, 2016
60. HB. 247 Wireless Telegraphy Act (Amendment) Bill, 2016
61. HB. 248 Nigerian Investment Promotion Commission Act (Amendment) Bill, 2016
62. HB. 249 Endangered Species (Control of International Trade and Traffic) Act (Amendment) Bill, 2016
63. HB. 251 Petroleum Training Institute Act (Amendment) Bill, 2016
64. HB. 252 Quantity Surveyors (Registration, Etc.) Act (Amendment) Bill, 2016
65. HB. 253 Mortgage Institutions Act (Amendment) Bill, 2016
66. HB. 255 Builders (Registration, Etc.) Act (Amendment) Bill, 2016
67. HB. 256 Town Planners (Registration, Etc.) Act (Amendment) Bill, 2016

68. HB. 259 Small and Medium Scale Enterprises Development Agency (Amendment) Act, 2016;
69. HB. 262 University of Abuja Act (Amendment) Bill, 2016
70. HB. 264 Price Control Act (Amendment) Bill, 2016
71. HB. 270 National Insurance Corporation of Nigeria Act (Repeal) Bill, 2016
72. HB. 271 World Meteorological Organization (Protection) Act (Amendment) Bill, 2016
73. HB. 273 Corporate Manslaughter Bill, 2016
74. HB. 274 Currency Conversion (Freezing Orders) (Amendment) Bill, 2016
75. HB. 281 National Minimum Wage Act (Amendment) Bill, 2016
76. HB. 287 Advance Fee Fraud and Other Fraud Related Offences Act (Amendment) Bill, 2016
77. HB. 288 Dishonored Cheques (Offences) Act (Amendment) Bill, 2016
78. HB. 292 Dangerous Drugs Act (Amendment) Bill 2016
79. HB. 293 Value Added Tax Act (Amendment) Bill, 2016
80. HB. 294 Veterinary Surgeons Act (Amendment) Bill, 2016
81. HB. 298 National Archives Act (Amendment) Bill; 2016
82. HB. 300 Railway Loan (International Bank) (Amendment) Bill, 2016
83. HB. 303 Advertising Practitioners (Registration, etc.) Act (Amendment) Bill, 2016
84. HB. 307 Recovery of Premises (Procedure etc.) Bill, 2016
85. HB. 314 Police Procurement Fund Bill, 2016
86. HB. 317 Official Secrets Act (Amendment) Bill, 2016
87. HB. 318 Federal Capital Territory Water Board Bill, 2016
88. HB. 320 Animal Health and Husbandry Technologist (Registration, Etc.) Bill, 2016
89. HB. 364 & 656 pharmacist Council of Nigeria (Amendment) Bill, 2016
90. HB. 374 Electronic Transactions Bill, 2016
91. HB. 377 National Assembly Budget and Research Office (Establishment) Bill, 2016
92. HB. 379 Explosive Act (Amendment) Bill, 2016
93. HB. 381 Federal University of Petroleum Resources, Effurun Bill, 2016
94. HB. 382 Legislative Houses (Powers and Privileges) Act (Amendment) Bill, 2016
95. HB. 397 Nigerian LNG (Fiscal Incentives, Guarantees and Assurance Act (Amendment) Bill, 2016
96. HB. 405 National Postgraduate College of Medical Laboratory Science Bill, 2016
97. HB. 417 Chartered Institute of Commodity Brokers of Nigeria Bill, 2016
98. HB. 441 Federal Capital Territory Hospitals Management Board (Establishment, etc.) Bill, 2016
99. HB. 461 Nigerian Council for Management Development Act (Amendment) Bill, 2016
100. HB. 476 Nigerian with Disability Bill, 2016
101. HB. 478 National Lottery Act (Amendment) Bill, 2016
102. HB. 519 National Agency for Ethics and Values (Establishment) Bill, 2016
103. HB. 529 Coastal and Inland Shipping (Cabotage) Act (Amendment) Bill, 2016
104. HB. 545 Surveyors Registration Council of Nigeria (Amendment) Bill, 2016
105. HB. 547 Dietitians Control of Nigeria Bill, 2016
106. HB. 569 Nigerian Ports Authority Act (Amendment) Bill, 2016
107. HB. 599 Chartered Institute of Auctioneers of Nigeria Bill, 2016
108. HB. 623 Institute of Transport Administration of Nigeria (Establishment) Bill, 2016
109. HB. 635 Niger Delta Development Commission Statutory Appropriation Bill, 2016
110. HB. 642 Courts and Tribunals Fines and Financial Penalties Bill, 2016

111. HB. 676 Radiographers (Registration, etc.) Act (Amendment) Bill, 2016
112. HB. 700 Bankruptcy and Insolvency Act (Amendment) Bill, 2016
113. HB. 701 Commercial Agriculture Credit Scheme Bill, 2016
114. HB. 702 National Institute for Cancer Research and Treatment (Establishment) Bill, 2016
115. HB. 703 Nigeria Institute of Soil Science (Establishment) Bill, 2016
116. HB. 708 Deep Offshore and Inland Basin Production Sharing Contracts Act (Amendment) Bill, 2016
117. HB. 717 Pre-Natal and Post Natal Health Services Bill, 2016
118. HB. 718 Vigilante Groups of Nigeria Bill, 2016
119. HB. 740 Nigerian Communications Commission Statutory Appropriation Bill, 2016
120. HB. 810 Federal University, Wukari (Establishment, ETC.) Bill, 2016
121. HB. 816 Defence Space Administration Bill, 2016
122. HB. 827 National Institute for Legislative Studies Act (Amendment) Bill, 2016
123. HB. 830 National Security Agency Protection of Officers identity Bill, 2016
124. HB. 866 Nigerian Agricultural Quarantine Service Bill, 2016
  
125. HB.1 & 60. Federal Competition Commission (Establishment) Bill, 2017
126. HB 02. Data Protection Bill, 2017
127. (HB. 39) Federal College of Medical Laboratory Science (Establishment) Bill, 2017
128. HB 51 National Transport Commission Bill, 2017
128. HB 79 Chartered Institute of Capital Market Registrars 2017
129. HB. 98 Chartered Institute of Financial and Investment Analysts of Nigeria (Establishment, etc) Bill, 2017
130. HB. 100 Chartered Institute of Treasury Management (Establishment etc.) Bill, 2017
131. HB. 105 Schools of Mines and Geological studies (Establishment etc) Bill, 2017
132. HB. 110 Matrimonial Causes (Amendment) Bill, 2017
133. HB. 842 Nigerian Intelligence Agency (NIA) Pensions Bill, 2017
134. HB. 127 National Child Protection and Enforcement
135. HB. 313 Institute of Nigeria Air force Technology Bill, 2017
136. HB. 319 Nigerian Aeronautical Search and Rescue Bill, 2017
137. HB. 352 Psychiatric Hospital Management Board, (Amendment) Bill, 2017
138. HB. 147 Secured Transactions in Movable Assets Bill, 2017
138. HB. 475 Public Procurement Act (Amendment) Bill, 2017
140. HB. 490 Digital Rights and Freedom Bill, 2017
141. HB. 884 Appropriation Bill, 2017
142. HB. 889 Stamp Duties Act (Amendment Bill, 2017
- 143.HB. 896 Nigerian Automotive Industry Development Plan (Fiscal Incentives and Guarantees) Bill, 2017
144. HB. 911 Federal Mortgage Bank of Nigeria (Repeal and Re-enactment) Bill, 2017
145. HB. 917 Nigeria Academy of Science (Establishment) Bill, 2017
146. HB. 951, 992 & 1043 National Environmental Standards and Regulation Enforcement Agency Act (Amendment, Bill, 2017
147. HB. 973 Chartered Institute of Logistics and Transport Establishment Bill, 2017
148. HB. 982 Medical Residency Training Bill, 2017
149. HB. 983 Demutualization of the Nigerian Stock Exchange Bill, 2017
150. HB. 984 Nigerian Deposit Insurance Corporation Act (Repeal and Re-enactment) Bill, 2017

151. HB. 1018 Federal College of Dental Technology and Therapy Bill, 2017
152. HB. 1020 Climate Change Bill, 2017
153. HB. 1021 National Water Resources Bill, 2017
154. HB. 1030 National Institute for Educational Planning and Administration Bill, 2017
155. HB. 1033 Credit Reporting Bill, 2017
156. HB. 1056 Maritime Operations Co-ordinating Board Act (Amendment) Bill, 2017
157. HB. 1065 Federal Capital Territory Appropriation Bill, 2017
158. HB. 1067 Federal University of Education Nsugbe Bill, 2017
159. HB 1082 Nigerian Financial Intelligence Unit, 2017
160. HB. 1087 Federal Capital Territory Emergency Management Agency (Establishment) Bill, 2017
161. HB.1096 Customs and Excise Statutory Appropriations Bill, 2017
162. HB. 1107 University Of Maiduguri Act (Amendment) Bill, 2017
163. HB. 1111 Obafemi Awolowo University (Transitional Provision) Bill, 2017
164. HB. 1113 Abubakar Tafawa Balewa University Bauchi (Amendment) Bill, 2017
165. HB. 1131 & 1178 Nigerian Maritime Administration and Safety Agency Act (Amendment) Bill, 2017;
166. HB. 1140 National Open University of Nigeria Act (Amendment) Bill, 2017
167. HB. 1142 Institute of Chartered Biochemists and Molecular Biologists of Nigeria Bill, 2017
168. HB. 1187 Extradition Act (Amendment) Bill, 2017
169. HB. 1258 Chartered Institute of Social Work Practitioners (Establishment) Bill, 2017
170. HB. Federal Inland Revenue Statutory Appropriation, 2017
171. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to include Former Heads of the National Assembly in the Council of State; and for Related Matters, 2017
172. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to reduce the period within which the President or the Governor of a State may Authorise the Withdrawal of Monies from the Consolidated Revenue Fund in the absence of an Appropriation Act from 6 Months to 3 Months; and for Related Matters, 2017
173. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide for Funding of the House of Assembly of States directly from the Consolidated Revenue Fund of the State; and for Related Matters, 2017
174. A Bill for an Act to Alter the Provisions of the of the Constitution of the Federal Republic of Nigeria, 1999 to abrogate the State Joint Local Government Accounts and Empower each Local Government Council to maintain its own Special Account and make Provisions for Savings in the Federation Account before distribution to other Levels of Government; and for Related Matters, 2017
175. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to strengthen Local Government Administration in Nigeria; and for Related Matters
176. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide Immunity for Members of the Legislature in respect of words Spoken or Written at Plenary Sessions or Committee Proceedings and Institutionalize Legislative Bureaucracy in the Constitution; and for Related Matters, 2017

177. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide the Independent National Electoral Commission with Sufficient Time to conduct Bye-elections and provide Grounds for De-registration Political Parties, and for Related Matters, 2017
178. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide for Timely Passage of Bills; and for Related Matters 2017
179. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to require the President and Governors to submit the Names of persons Nominated as Ministers or Commissioners within Thirty Days of taking the Oath of office for Confirmation by the Senate or State House of Assembly, and for Related Matters, 2017.
180. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide for Independent Candidature in Elections; and for Related Matters, 2017
181. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to Change the Name of the Police from Nigeria Police Force to Nigerian Police to reflect their Core Mandate of providing Civil Services; and for Related Matters, 2017
182. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria 1999 to disqualify a person who was sworn-in as President or Governor to complete the term of the Elected President or Governor from being Elected to the same Office for more than a Single Term; and for Related Matters, 2017
183. A Bill for an Act to Establish the Office of the Accountant-General of the Federal Government separate from the Office of the Accountant-General of the Federation; and for Related Matters, 2017
184. A Bill for an Act to make the Offices of the Auditor-General and Attorney-General of the Federation and for the State Financially Independent by placing them on the Consolidated Revenue Fund of the Federation and of the State; and for Related Matters, 2017
185. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to further strengthen the Judiciary for speedy dispensation of Justice; and for Related Matters, 2017
186. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide Time for the Determination of Pre-election Matters; and for Related Matters, 2017
187. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to reflect the Establishment and Core Functions of the Nigeria Security and Civil Defence Corps; and for Related Matters, 2017
188. A Bill for an Act to Provide for the Procedure for Passing a Constitution Alteration Bill where the President Withholds Assent and for Related Matters, 2017
189. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to reflect the Establishment of the Investments and Securities Tribunal under the Constitution; and for Related Matters, 2017
190. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to reduce the age for qualification for the offices of the President and Governor and membership of the Senate, House of Representatives and the State House of Assembly; and for Related Matters, 2017
191. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 to specify the period within which the President or the Governor of a State shall

present the Appropriation Bill before the National Assembly or House of Assembly; and for Related Matters, 2017

192. HB. 33 National Biotechnology Development Agency (Establishment) Bill, 2018
193. HB. 64, 332, 400 Oil and Gas Investment and free zones Bill, 2018
194. HB. 76 Franchise Bill, 2018
195. HB. 102 & 109 Presidential (Transition) Bill, 2018
196. HB. 130 Nigerian National Heroes Register (Amendment) Bill, 2018
197. HB. 137 Interpretation Act (Amendment) Bill, 2018
198. HB. 165, 174, 220,429,468, 484, 809 & 966 Electoral Act (Amendment) Bill, 2018
199. HB. 168 National Broadcasting Commission Act (Amendment) Bill, 2018
100. HB. 206 National Agency for Science and Engineering Infrastructural Act (Amendment) Bill, 2018
101. HB. 212 Institute of Personnel Management of Nigeria Act (Amendment) Bill, 2018
102. HB. 357 Inland Fisheries Act (Amendment) Bill, 2018
103. HB. 363 Pre-Shipment Inspection of Export Act (Amendment) Bill, 2018
104. HB. 365 Casino Taxation Act (Amendment) Bill, 2018
105. HB. 371 Sales of Goods Act (Repeal) Bill, 2019
106. HB. 401 Chartered Institute for Training and Development of Nigeria (Establishment Bill, 2018
107. HB. 425 National Institute of Credit Administration (Establishment) Bill, 2018
108. HB. 480 Immigration Act (Amendment) Bill, 2018
109. HB. 482 Presidential Programme on rehabilitation (Establishment and Implementation) Bill, 2018
110. HB. 504 & 546 Electoral offences Tribunal of Nigeria Bill, 2018
111. HB. 542 Revenue Mobilization, Allocation and Fiscal Commission Act (Amendment) Bill, 2018
112. HB. 528 Federal Universities of Agriculture Act (Amendment) Bill, 2018
123. HB. 568 University of Veterinary Teaching Hospital and Veterinary Specialist Hospital (Constitution of Boards, etc.) Bill,2019
124. HB. 584 Nigerian Film Corporation (Repeal and Re-enactment) Bill, 2018
125. HB. 587 Nigeria Football Federation Bill, 2018
126. HB. 595 Fisheries Society of Nigeria Bill, 2018
127. HB. 603 National Commission for Internally Displaced Persons, Refugees and Migrants Bill, 2018
128. HB. 682, 1268 & 140 Animal Diseases (Control) Act (Amendment) Bill, 2018
129. HB 726 & 727 Chartered Institute of Pension Practitioners of Nigeria (Establishment) Bill, 2018
130. HB. 770 Nigerian Institute of Mining and Geosciences, Jos (Establishment) Bill, 2018
131. HB. 964 National Oil Spill Detection and Response Agency Bill, 2018
132. HB. 975 FCT Area Council Service Commission (Establishment) Bill, 2018
133. HB. 1022 institute of Environmental Practitioners of Nigeria (Establishment) Bill, 2018
134. HB. 1029 Chartered Polymer Institute (Establishment) Bill, 2018
135. HB. 1032 Nigeria Maritime University, 2018
136. HB. 1075 Federal Roads Authority Bill, 2018
137. HB. 1077 National Housing Fund (Repeal and Re-enactment) Bill, 2018

138. HB. 1092 Engineers (Registration, etc) Act (Amendment) Bill, 2018
139. HB. 1207 Appropriation Bill, 2018
140. HB. 1112 Ahmadu Bello University (Transitional Provisions) (Amendment) Bill, 2018
141. HB. 1139 National Research and innovation Council Bill. 2018
142. HB. 1199 Nigeria Centre for Disease Control and Prevention (Establishment, etc.) Bill, 2018
143. HB. 1212 Nigerian Tourism Development Authority Act (Repeal and Re-enactment) Bill, 2018
144. HB. 1239 Institute of Chartered Institute of Entrepreneurs Bill, 2018
145. HB. 1294 Federal Capital Territory Appropriation Act, 2017 (Amendment) Bill, 2018
146. HB. 1304 Federal College of Education (Technical) Onna (Establishment) Bill, 2018
147. HB. 1316 National Institute for Hospitality and Tourism Bill, 2018
148. HB. 1369 Industrial Development (Income Tax Relief) Act (Amendment) Bill, 2018
149. HB. 1371 Ajaokuta Steel Company Completion Fund Bill, 2018
150. HB. 1372 Public Enterprises (Privatization and Commercialization) Act (Amendment) Bill, 2018
151. HB. 1384 Electric Power Sector Reform Act (Amendment) Bill, 2018
152. HB. 1386 Federal Polytechnics Act (Amendment) Bill, 2018
153. HB. 1425 Electoral Act (Amendment) Bill, 2018
154. HB. 1488 Federal Polytechnics Act (Amendment) Bill, 2018
155. HB. 1506 Federal Capital Territory Appropriation Bill, 2018
156. HB. 1522 National Ear Care Centre, Kaduna (Establishment) Bill, 2018
157. HB. 1536 Federal University of Education, Zaria (Establishment, etc.) Bill, 2018
  
158. HB. 56 National Universities Commission (Amendment) Bill, 2019
159. HB. 70 Armed Forces (Amendment) Bill, 2019
160. Veto Override: HB. 78 Chartered Institute of Public Management Bill, 2019
161. HB. 171 Good Samaritans' Bill, 2019
162. HB. 309 Federal Capital Territory College. of Agriculture (Establishment, etc.) Bill, 2019
163. HB. 333 Terrorism (Prevention) Repeal and Enactment Bill, 2019
164. HB. 390 Money Laundering (Prevention and Prohibition) Act (Amendment) Bill, 2019
165. HB. 393 Economic and Financial Crimes Commission Act (Amendment) Bill, 2019
166. HB. 487, 516, 517 Special Maximum Security Prison (Establishment) Bill, 2019
167. HB. 596 Traffic Warden Service Bill, 2019
168. HB. 600 Nigeria Sports Bill, 2019
169. HB. 639 Abuja Geographic Information Systems Agency Bill, 2019
170. HB. 665 Nigerian Institute for Trypanosomiasis and Onchocerciasis Research Bill, 2019
171. HB. 669 Corporate Bodies (Members Emolument) (Repeal) Bill, 2019
172. HB. 798 First Degree and Higher National Diploma Dichotomy Bill, 2019 .
173. HB. 838 Nigerian Institute of Agriculturist Bill, 2019
174. HB. 932 & 939,796,1328 Federal Road Safety Commission Act (Amendment) Bill, 2019
175. HB. 1110 Usman Dan Fodio University, Sokoto Act (Amendment) Bill, 2019
176. HB. 1012 Nigerian Sports Anti-Doping Agency (Establishment) Bill,2019
177. HB. 1042 Federal College of Education, Lissam (Establishment) Bill, 2019
178. HB. 1050, 947, 1263 Federal Polytechnic, (Establishment) Bill, 2019
179. HB. 1083 Asset Management Corporation of Nigeria Act (Amendment) Bill, 2019



180. HB. 1108 University Of Nigeria Act (Amendment) Bill, 2019
181. HB. 1158 Regional Centre for Oral Health Research and Training Initiatives (Establishment, Etc) Bill, 2019
182. HB. 1161 Federal University Birni Kebbi, Kebbi Bill, 2019
183. HB. 1190 Federal Character Commission (Establishment, etc.) Act (Amendment) Bill, 2019
184. HB. 1215 Federal College of Education, Monguno (Establishment) Bill, 2019
185. HB. 1217 Federal Polytechnic, Koko (Establishment) Bill, 2019
186. HB. 1219 & 1383 Nigeria Natural Medicine Development Agency (Establishment) Bill, 2019
187. HB. 1220 Raw Materials Research and Development Council (Repeal and Re-Enactment) Bill, 2019
188. HB. 1221 Federal Institute for Industrial Research Bill, 2019
189. HB. 1249 Institute of Chartered Chemists of Nigeria Act (Amendment) Bill, 2019
190. HB. 1250 Health Records Officers (Registration, etc.) Act (Repeal and Re-enactment) Bill 2019
191. HB. 1279 Federal Capital Territory Directorate of Road Traffic and Motor Vehicle Administration Services Bill, 2019
192. HB. 1293 Federal University of Technology, Ogoja (Establishment) Bill, 2019
193. HB. 1303 Federal University of Technology, Auchi (Establishment) Bill, 2019
194. HB. 1306 Donkey Export and Killing (Prohibition) Bill, 2019
195. HB. 1310 Fisheries Research Institute of Nigeria, NGO (Establishment) Bill, 2019
196. HB. 1321 Council for the Registration of Travel Agents of Nigeria Bill, 2019
197. HB. 1327 Federal University of Agriculture Dadin Kowa, (Establishment) Bill, 2019
198. HB. 1334 Federal College of Education, Ikire (Establishment) Bill, 2019
199. HB. 1345 Certified Council of Allied Dental Health Professionals (Establishment) Bill, 2019
200. HB. 1347 Nigerian Institute of Leather and Science Technology Bill, 2019
201. HB. 1350 National Institute of Construction Technology and Management (Establishment) Bill, 2019
202. HB. 1352 Chartered Institute of Directors of Nigeria (Establishment) Bill, 2019
203. HB. 1356 Federal University of Agriculture, Sabon Gida (Establishment) Bill, 2019
204. HB. 1366 National Agency for Technology Management Bill, 2019
205. Veto Override: HB. 1369 Industrial Development (Income Tax Relief) Act (Amendment) Bill, 2019
206. HB. 1374 Federal University of Agriculture Jalingo, (Establishment) Bill, 2019
207. HB. 1378 Federal Polytechnic Act (Amendment) Bill, 2019
208. HB. 1390 Federal Medical Centre, Abakaliki (Establishment) Bill, 2019
209. HB. 1391 Federal Medical Centre, Abeokuta (Establishment) Bill, 2019
210. HB. 1392 Federal Medical Centre, Asaba (Establishment) Bill, 2019
211. HB. 1393 Federal Medical Centre, Azare (Establishment) Bill, 2019
212. HB. 1394 Federal Medical Centre, Bida (Establishment) Bill, 2019
213. HB. 1395 Federal Medical Centre, Birni-Kebbi (Establishment) Bill, 2019
214. HB. 1396 Federal Medical Centre, Birni-Kudu (Establishment) Bill, 2019
215. HB. 1397 Federal Medical Centre, Ebute-Meta (Establishment) Bill, 2019
216. HB. 1398 Federal Medical Centre, Gombe (Establishment) Bill, 2019
217. HB. 1399 Federal Medical Centre, Yola (Establishment) Bill, 2019

218. HB. 1400 Federal Medical Centre, Gusau (Establishment) Bill, 2019
219. HB. 1401 Federal Medical Centre, Ado Ekiti (Establishment) Bill, 2019
220. HB. 1402 Federal Medical Centre, Jalingo (Establishment) Bill, 2019
221. HB. 1403 Federal Medical Centre, Katsina (Establishment) Bill, 2019
222. HB. 1404 Federal Medical Centre, Keffi (Establishment) Bill, 2019
223. HB. 1405 Federal Medical Centre, Lokoja (Establishment) Bill, 2019
224. HB. 1406 Federal Medical Centre, Makurdi (Establishment) Bill, 2019
225. HB. 1407 Federal Medical Centre, Nguru (Establishment) Bill, 2019
226. HB. 1408 Federal Medical Centre, Owerri (Establishment) Bill, 2019
227. HB. 1409 Federal Medical Centre, Owo (Establishment) Bill, 2019
228. HB. 1410 Federal Medical Centre, Umuahia (Establishment) Bill, 2019
229. HB. 1411 Federal Medical Centre, Yenagoa (Establishment) Bill, 2019
230. HB. 1437 Plastic Bags (Prohibition) Bill, 2019
231. HB. 1441 Federal College of Education (Special), Birnin Kudu (Establishment) Bill, 2019
232. HB. 1485 River Basin Development Authorities Act (Amendment] Bill, 2019
233. HB. 1489 Nigeria Arabic Language Village, Ngala (Establishment) Bill, 2019
234. HB. 1490 Nigeria French Language Village, Badagry (Establishment, Etc.) Bill, 2019. HB. .
235. HB. 1492 Chartered Institute of Development and Social Studies (Establishment) Bill, 2019
236. HB.1497 Federal Polytechnic, Kwale (Establishment) Bill, 2019
237. HB. 1502 Age Discrimination Eradication Bill, 2019
238. HB. 1508 The Nigeria Shoreline Development and Protection Agency (Establishment) Bill, 2019
239. HB. 1535 Federal University of Health Science Otuipo (Establishment etc.) Bill, 2019
240. HB. 1538 Federal University of Education, Kano (Establishment, etc.) Bill, 2019
241. HB. 1539 Adeyemi Federal University of Education, Ondo (Establishment, etc.) Bill, 2018
242. HB. 1545 Federal Capital Territory Health Insurance Agency (Establishment) Bill, 2019
243. HB. 1546 Federal Capital Territory Primary Health Care Board (Establishment) Bill, 2019
244. HB. 1547 Harmonised Retirement Age for Teachers in Nigeria Bill, 2018
245. HB. 1551 Facilities Management Council of Nigeria (Establishment, etc.) Bill, 2019
246. HB. 1557 Defence Intelligence Agency Pension Board (Establishment) Bill, 2019
247. HB. 1563 Nigeria Postal Service Bill, 2019
248. HB. 1571 Suppression of Piracy and other Maritime Offences Bill, 2018
249. HB. 1576 Companies and Allied Matters (Repeal and Enactment) Bill, 2018
250. HB. 1577 Nigerian Law Reform Commission Act (Repeal and Re-Enactment) Bill, 2019
251. HB. 1578 National Biosafety Management Agency Act (Amendment) Bill, 2019
252. HB. 1583 National Institute for Security Studies (NISS) (Establishment) Bill, 2018
253. HB. 1602 National Minimum Wage Bill, 2019
254. HB. 1603 Counselling Practitioners Council of Nigeria Bill, 2019
255. HB. 1605 Institute of Chartered Mediators and Conciliators of Nigeria Bill, 2019
256. HB. 1606 Defence Research and Development Bureau Bill, 2019
257. HB. 1611 Federal Polytechnic, Daura, Kastina State (Establishment, Etc.) Bill, 2019
258. HB. 1613 Federal Polytechnic, Aba, Abia State, Bill, 2019
259. HB. 1616 Federal College of Education, Sabon Birni, Sokoto State, Bill, 2019
260. HB. 1617 Federal University of Education, Aguleri, Anambra State (Establishment, Etc.) Bill, 2019
261. HB. 1618 Federal Polytechnic, Kaltungo, Gombe State (Establishment, Etc.) Bill, 2019

262. HB. 1620 Nigerian Council for Psychologist (Establishment) Bill, 2019
263. HB. 1621 Chartered Institute of Forensic and Investigative Professionals of Nigeria (Establishment) Bill, 2019
264. HB. 1626 South East Development Commission (Establishment) Bill, 2019
265. HB. 1627 Education (National Minimum Standards and Establishment of Institutions) (Amendment) Bill, 2019
266. HB. 1632 Federal University of Oil and Gas Technology, Bonny, Rivers State (Establishment) Bill, 2019
267. HB. 1634 National Board for Technical Education (Repeal and Re-Enactment) Bill, 2019
268. HB. 1635 Electric Power Reform Act, No.6, 2005 (Amendment) Bill, 2019
269. HB. 1637 Federal University of Agriculture, Zuru, Kebbi State (Establishment, etc.) Bill, 2019
270. HB. 1638 Federal Colleges of Education Act, (Repeal and Re-Enactment) Bill, 2019
271. HB. 1640 Federal Polytechnic, Iseyin, Oyo State Bill, 2019
272. HB. 1641 National Commission for Teachers' Education Bill, 2019
273. HB. 1642 Federal Co-operative Colleges Bill, 2019
274. HB. 1643 Federal Capital Territory Statutory Appropriation Bill, 2019
275. HB. 1645 Chartered Institute of Finance and Control of Nigeria (Establishment) Bill, 2019
276. HB. 1446 Federal College of Agriculture, Baissa (Establishment) Bill, 2019
277. HB. 1647 Nigerian Council of Food Science and Technology (NCFST) Bill, 2019
378. HB. 1638 Federal Colleges of Education Act, (Repeal and Re-Enactment) Bill, 2019
279. HB. 1648 Federal University Uga, Anambra State (Establishment, etc) Bill, 2019
280. HB. 1649 Federal College of Education, Aghoro, Bayelsa State (Establishment, etc) Bill, 2019

It must be pointed out that it is not all the bills that were passed by the 8th National Assembly that were assented to by the Executive. This brings us to the issue of analysis and reasons why some of the bills passed were rejected.

### **Analysis and Reasons some Bills Were Vetoed by the President**

Section 58 (4) of the constitution of the Federal Republic of Nigeria 1999 (as amended) gave the President the right to either sign or withhold assent to Bill pass by the National Assembly. However, usually, the President must give reasons why he does not sign any bill.

The Table below contains some of the bills that were rejected and the reasons the President gave in withholding assent.

**Table: 1: Selected Bills rejected and the reasons the President withheld Assent**

| Nos | Titles of the bills | Major Reasons the Present withheld Assents |
|-----|---------------------|--|
|     |                     |  |

|     |   |  |
|-----|---|--|
| 1.  | Bankruptcy and Insolvency Bill  | 1) Poor drafting issues that could hinder clarity and understanding of the bill.   |
| 2.  | The Electoral (Amendment) Bill, 2018                                      | 1) Uncertainty about the applicable legislation to govern the election process. 2) Numbering inconsistencies 3) Wrong definitions of terms |
| 3.  | Federal Roads Authority (Establishment) Bill (2016)                       | 1) Some provisions enshrined therein, fall within the purview of other safety agencies   |
| 4.  | National Research and Innovation Council (Est.) Bill, 2017                | 1) Practically difficult to implement<br>2) Drafting errors (grammatical, numbering, etc. mistakes)  |
| 5.  | National Institute of Hospitality and Tourism (Est.) Bill, 2018           | 1) Not in accordance with good practice in corporate governance  |
| 6.  | National Agricultural Seeds Council Bill, 2018                            | 1) Duplications of duties of existing agencies   |
| 7.  | Subsidiary Legislation (Legislative Scrutiny) Bill, 2018                  | 1) Practically difficult to implement  |
| 8.  | Stamp Duties (Amendment) Bill, 2018:                                      | 1) Practically difficult to implement<br>2) Duplication of existing functions  |
| 9.  | Chartered Institute of Entrepreneurship (Est.) Bill, 2018:                | 1) Duplications of duties of existing agencies   |
| 10. | Industrial Development (Income Tax Relief) (Amendment) Bill, 2018         | 1) Duplications of duties of existing agencies;<br>2) contradiction to ongoing consultation  |
| 11. | Advance Fee Fraud and Other Related Offences (Amendment) Bill, 2017       | 1) Duplications of duties of existing agencies;<br>2) Inconsistence with existing laws   |
| 12. | Nigerian Maritime Administration and Safety Agency (Amendment) Bill, 2017 | 1) 'Distortions' to the operationalisation of the NIMASA Act.  |

|     |  |  |
|-----|--|--|
|     |  | 2) Inconsistence with existing laws  |
| 13. | Petroleum Industry Governance Bill (PIGB) (2017)   | 1) Practically difficult to implement;<br>2) Ambiguity and conflict in interpretation  |
| 14. | Federal University Wukari Taraba State Establishment Bill 2017   | 1) Drafting errors (grammatical, numbering, etc mistakes)  |
| 15. | Chartered Institute of Treasury Management Establishment Bill, 2017  | 1) Drafting errors (grammatical, numbering, etc mistakes);<br>2) Duplication of duties of existing agencies  |
| 16. | Nigerian Peace Corps Bill (2018)   | 1) Duplication of duties of existing agencies  |
| 17. | Corporate Manslaughter Bill, 2018  | 1) Provisions were inconsistent with the 1999 Constitution, as amended   |
| 18. | Agricultural Credit Scheme (Amendment) Bill, 2018  | 1) Ambiguity and conflict in interpretation  |
| 19. | National Child Protection and Enforcement Agency Bill (2018)   | 1) Duplication of duties of existing agencies  |
| 20. | Courts and Tribunal Standard Scales of Fines and Financial Penalties Bill (2018)   | 1) Contradiction of existing laws in place   |
| 21. | Radiographers Registration Bill (2018)   | 1) Creation of disharmony in the health;<br>2) Drafting errors (grammatical, numbering, etc mistakes)  |
| 22. | Establishment of Police Procurement Fund; Chartered Institute of Public Management of Nigeria bill; and Nigeria Council for Social Work Establishment bill (2018).   | 1) Ambiguity and conflict in interpretation 2019   |
| 23. | Adeyemi Federal University of Education (Establishment) Bill, Federal University of Education Kano, Bill, Alvan Ikoku Federal University of Education Bill, Federal University of Education Zaria, Bill, National Security Agencies Protection of Officers Identity Bill, Federal Capital Territory Emergency Management Agency Bill, Environmental Managers Registration Council of Nigeria Bill. Others are: the Industrial Development Income Tax Act Amendment Bill, Defence Research and Development Bureau Bill, Animal Diseases Control Bill, Good Samaritans Bill, | 1) President decided not to communicate to the 9 <sup>th</sup> Assembly the reasons for rejecting the bills because the 9th Assembly cannot take any decision on the rejected bills. |

|  |   |  |
|--|---|--|
|  | <p>Chattered Institute of Directors of Nigeria Bill, National Institute of Hospitality and Tourism</p> <p>Establishment Bill and Federal University of Wukari (Establishment) Bill. Warehouse Receipt and Other Related Matters Bill, Federal Capital Territory Health Insurance Agency Bill, Nigeria Automotive Industry Development Plant Fiscal Incentive and Guarantees Bill, Nigerian Film Commission Bill and Proceeds of Crime Bill.</p> |  |
|--|---|--|

**Source:** Ajayi, Ihugba, Ngara, Alfred, Ganiyu, & Udefuna (2019)

### **Analysis of why some of the Bills were not signed by the President in 2018**

Most of the bills rejected by the President were “Establishment Bills”. The diagram below graphically present why the bills were not signed in the light of the contents of the table above

#### **Politics of Executive Bills**

| S/No. | Percentage of Reasons For Presidential Veto on Some Bills |        |
|-------|---|--------|
| 1.    | Duplication of duties of existing Agency                  | 23.30% |
| 2.    | Practically difficult to implement                        | 13.30% |
| 3.    | Drafting errors (grammatical, numbering, etc mistakes)    | 10%    |
| 4.    | Provisions inconsistent with the 1999 Constitution        | 10%    |
| 5.    | Ambiguity and conflict in interpretation                  | 10%    |
| 6.    | Inconsistence with existing laws                          | 6.70%  |
| 7.    | Creation of disharmony in the organisation                | 6.70%  |
| 8.    | Distortions to the operationalisation of the Organisation | 3.30%  |
| 9.    | Contradiction to ongoing consultation                     | 3.30%  |
| 10.   | Not in accordance with good practice/corporate...         | 3.30%  |

|     |   |       |
|-----|---|-------|
| 11. | Wrong definition of terms                                 | 3.30% |
| 12. | Numbering inconsistencies                                 | 3.30% |
| 13. | Uncertainty of the legislation to govern election process | 3.30% |
|     | GRAND TOTAL   | 99.2% |

**Source:** Ajayi, Ihugba, Ngara, Alfred, Ganiyu, & Udefuna (2019)

#### **Percentage Analysis of the Politics of Private Members Bills**

| National Assembly     | Number of Bill Passed | Bill Signed | Bill Rejected |
|-----------------------|-----------------------|-------------|---------------|
| Private Members Bills | 280                   | 0.8%        | 99.2%         |

Out of the 280 bills passed by the 8th National Assembly only 3 private members bills were assented to by the Executive while 277 were rejected, a clear indication that the Executive bills were given more priority than the private members bills

#### **Data Presentation and Analysis for indication of Independence of National Assembly between 2015 and 2019**

##### **Power of Appropriation/ Budget padding**

The executive and the legislature have always haggled over the power of appropriation as contained in the 1999 Constitution. While the executive would insist that the power to propose projects and assign funds for same rests with it, the legislature has always insisted that the power of the purse belongs to the people, which it represents. The legislature had always relied on Section 80 (1, 2, 3 and 4) of the constitution to support its pre-eminence claim on the power of appropriation. But the executive often finds a leeway provided in Section 82 of the same constitution, which allows it to spend public funds up to six months in the absence of the Appropriation Act. Again, the national debate over the allegations of budget padding in the 2016 Appropriation Act has raised several issues over the role and ambit of the legislature in the

Appropriation process. In 2017, the crisis over the power of the purse boiled over as the budget, which was presented to the National Assembly in December 2017, did not get signed into law until six months after. There were claims of padding and altercations about introduction of new subheads by the legislature.

### **The Magu controversy and power of appointments**

The executive and the legislature also haggled over the propriety of appointments in acting capacity made by the President in the out-gone year. The striking appointment in this cadre has to do with the appointment of Mr Ibrahim Magu as the Acting Chairman of the Economic and Financial Crimes Commission (EFCC). Magu's confirmation was rejected by the Senate in December 2016 and again in March 2017.

### **“Federal Government’s 2016-2018 External Borrowing Plan” for a \$29.96 billion foreign loan**

The plan, was first presented in 2016, but disapproved by the legislature. Buhari, in representing the external borrowing plan 2016-2018, which had earlier been rejected by the 8th National Assembly, asked the legislature to reconsider and approve the proposal to take the \$29.96 billion loan. The federal government was seeking the loan to finance key projects in different sectors of the economy. Specifically, the government decided to borrow such a huge amount of money to enable it execute infrastructure projects across the country. Thirty nine critical projects under execution by the federal government at the moment will be financed with the loan. However, When in 2016, the then lawmakers of the 8th Assembly turned down the loan request; they noted it was not in the best interest of Nigerians for the government to accrue such huge debt (the federal government will be increasing the total debt stock to about \$97billion (about N30trillion).

### **NASS and presidential aides**

One emerging issue that became noticeable in 2017 is the widening gap between legislative structures and the Presidential aides on National Assembly. In the past, presidential liaisons in the legislature were always in chubby relationship with the lawmakers. They were therefore in position to reduce the intensity of crisis on occasions. During this period, however, some representatives of the executive appear to speak and act as though they were expressly directed by the president. They exhibit attitude that creates suspicion between the arms of government and claim knowledge of issues they really lack knowledge about. They tend to



hijack the functions of the Clerk during Joint sitting and show overbearing conduct during screening of candidates at the Senate committees.

### **Constituency projects for lawmakers**

In 2017, another source of tension between the legislature and executive was the running battle over quest for substantial implementation of constituency projects of the lawmakers. The Constituency Projects are designed as a take home for the lawmakers to showcase their impact in their respective constituencies. Through this channel, the Federal Government sets aside the sum of N100 billion for projects that would be executed in the 469 Senate and federal constituencies in the country. The lawmakers are to nominate the projects they feel represent the pressing needs of their people while the Ministries, Departments and Agencies (MDAs) are to execute the project. But there have been arguments as to the failure of the executive to release adequate funds for the projects so nominated by the lawmakers. With less than 15 per cent of performance ratio of the projects in 2017, the lawmakers have called for complete carryover of the projects to the 2018 budget.

### **The call for state or community police**

Although the call for State Police has resonated in Nigeria for a number of years, In July 2018, a Constitution Amendment Bill to establish State Police was introduced in the Senate as a response to the massive insecurity across the country, however, this was turned down by the executive arm.

**Source:** Abubakar (2019)

### **Summary of the Major Finding**

1. 8<sup>th</sup> National Assembly statistically significantly make enough bills without fear or favor that guarantees Nigeria development
2. 8<sup>th</sup> National Assembly did not significantly signed enough bills to law
3. The politics played on 8<sup>th</sup> National Assembly did not statistically significantly guaranteed the independence of any arm of National Assembly in Nigeria
4. There is no statistically significant relationship between the legislative and executive arms of government on the 8<sup>th</sup> National Assembly.

## **Discussion**

The politics of executive bills between the two arms of the 8<sup>th</sup> National Assembly was a clear indication of excessive power domination of the executive in the detriment of Nigerian democracy. The existence and power of legislature in Nigerian system of government is a bearing for checks and balances. But in the condition where the position of the legislature is almost totally turned down by the executive with flimsy reasons, then the politics is to the detriment of democracy.

As demonstrated in the above table, apart from “establishment bills” (bills that seek to create new agencies in general) in 2018 that generated issues like duplication of agencies, difficulty of implementation and conflict with existing laws (and the constitution); issues that could have been resolved through collaborative criticisms between the Executive and Legislature in the pre-assent period constituted about 53.2% of the reasons adduced by the president not to sign bills that the 8<sup>th</sup> Assembly sent for assents. In other words, all the Bills affected by these reasons could have been salvaged (or the objections resolved) and the integrity, functionality and constitutional function of the 8<sup>th</sup> National Assembly promoted. This will effectively add in enhancing the law making process in Nigeria.

Overall, from 2015 to 2019, it is clear from Table 1 and Figure 1 that the president rejected most of the bills sent to him by the 8<sup>th</sup> Assembly because the entities and functions these bills seek to establish are not novel, there are already federal agencies, that have been established for these purposes.

Secondly, the president rejected some of the bills because the issues these bills seek to address were not spelt out clearly in the bills; how the agencies the bills seek to create

would be funded was not fully provided in the bills too and most of them were not in accordance with the 1999 Constitution. The third major set of reasons the president rejected few of the bills the 8th Assembly sent to him was because the bills were poorly written, technically and otherwise.

The percentage result of the signed bills and rejected bills comparing them with the number of bills legislated is a clear indication that the affirmative intentions for rejection of bills were not correctly negotiated. This was another clear indication of the excessiveness of the executive, turning down the bearing of the theory of separation of power which confirms independence of the National Assembly. This was seen in different occasions of Legislative/Executive functions. In the case of power of appropriation, Legislative arm attempted to protect the order of separation of powers indicating the time limit for the passage of budget, but the Executive resented to budget padding. Other actions of the executive that limited the independence of Legislature were: Failure of the executive to release adequate funds for Legislature constituency projects, and Executive turn down of Legislative call for community police.

However, the legislative action in the other way round seems to be a retaliation to showcase its importance in the polity. For instance include; legislative rejection of executive appointment of Ibrahim Magu's and presidential borrowing plan, even though the president later succeeded in his borrowing plan.

## **CHAPTER FIVE**

### **Recommendations**

Based on the analysis made in the preceding chapter four sections above, the researcher therefore recommend that henceforth the politics of executive bill of the National Assembly should guarantee democracy by making and signing bills in line of the interest and demand of the people. This could be achieved by making sure that:

1. The contents of all “establishment bills” should be thoroughly scrutinized by knowledgeable multi-disciplinary committee of experts;
2. Bill drafters in the National Assembly should be continuously exposed to available modern trainings to enhance their efficiency;
3. No Bill should be sent to the President without passing through rigorous editing by English language experts;
4. There should be an ad-hoc collaborative committee to assist the National Assembly and the Executive keep abreast with issues or policies for which laws are being proposed by either arm (especially at the same time);
5. Lawmakers need to actively engage the relevant branches (Ministries, Departments and Agencies) of the executive concerning how their bills will be implemented before they send them to the President for assents and;
6. Finally, bill analyses provided by NILDS and other bodies should be made available to all lawmakers and others that are critical stakeholders in the lawmaking process.

**However, in order to properly apply the theory of separation of power to guarantee independence of each arms of the government, the following is been suggested by the researcher:**

1. The executive at all levels should stop interfering with who leads the legislature. Imposing a speaker on the legislature does not make for efficiency of the Assembly; it goes against the very principles of democracy. Both the executive and legislature should respect and strictly adhere to

the tenets of the principles of separation of powers. They should also try to collaborate in necessary areas that would promote the will of the populace.

2. The executive and legislature should deem it necessary always to adopt dialogue in resolving their differences instead of resulting to an outright confrontation that usually deadlocks the policy making and implementation process. They should embark on regular capacity building on this basic conflict resolution and management training to improving their conflict management skills as well as their problem-solving skills.

3. The legislature should evolve different techniques and strategies to strengthen its oversight function, which would enable it to conduct regular and in-depth checks and monitoring on the activities of the executives ministries, departments, and agencies. This will put the executive on its toes, and it would also make it more service oriented, accountable and transparent.

4. It is very expedient both the legislature and executive should ensure strict adherence to the constitution when issues of the budget are concerned.

### **Summary/Conclusion**

Politics has been like arithmetic's that produced a particular result when a proper theory is been applied. But Nigerian case takes a different tune because of differences in party, personality and interest turning down the interest of the people. The present study explored the politics of executive bills and the independence of the National Assembly. It adopted the theory of separation of powers to showcase whether there is existence of independence in National Assembly. The result indicated that the legislature made enough bills to salvage the interest and quest of the Nigerian citizens but the executive relegated the functions of the lawmaker to the background by rejecting almost all the bills made. This implies that there is no clear separation

of powers since the executive always intrudes in the functions of the legislature. This confirms the saying that “power corrupt but absolute power corrupt absolutely”. This implies that the system of Nigerian government gives room for absolute corruption. One noticeable feature of the politics of Executive/Legislative bills is the fact that while almost all the bills submitted by the executive as passed by the 8th National Assembly were assented, thus almost 99% of the private members bills passed within the same period were rejected. This trend could also be attributed to the foist relationship between the leadership of the Executive and the legislature within the period.

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