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Initiatives to reduce Wastages and enhance Efficiency in Parliamentary Law Making Process (the case of the 8th Assembly).

In Nigeria, the National Assembly derives its functions from the Constitution of the Federal Republic of Nigeria, 1999. Section 4(1) vests the legislative powers of the Federal Republic of Nigeria on the National Assembly of the Federation. Section 4(2) further vests in the National Assembly, the power to make laws for the peace, order and good government of the Federation. In performing its law making function, 2330 Bills were introduced to both Houses of the National Assembly between 2015 - 2018 and 319 passed¹ (13.6% in a span of 3 years), whereas 978 Bills were introduced from 2012 -2015 and 277 passed² (28.3% in a span of 3 years). This represents a decline in terms of percentage in the effectiveness and efficiency of the Nigerian Legislature.

Focusing on the number of bills passed by each house of the National Assembly in the 8th Assembly, data reveals that the senate passed 118 bills³ out of the 792 introduced to it, while the House of Representatives passed 201 bills⁴ out of the 1538 bills introduced to it. However in concurrence, the 8th Assembly passed 111 Bills. Additionally, data also reveals that there is a discrepancy in the number and title of bills introduced and passed by the Senate and House of

¹ Data from the Senate's Director of Bills and the Clerk, Rules and Business committee, House of Representatives.

² J Dan-Azumi and T Gbahabo, L Hamalai (eds.), *16 Years of Law Making 4th -7th National Assembly: An analysis of Bills Processed*, Vol. 4 (Abuja: National Institute for Legislative Studies) pg. 85.

³ Data from the Senate's Director of Bills.

⁴ Data from the Clerk, Rules and Business committee, House of Representatives.

Representatives respectively. This poses a problem with regards to the effectiveness and efficiency of the legislature; ideally there should be a uniformity in the titles and number of bills introduced and passed by both houses, this is not the case.

Research shows that the practice in the National Assembly with regards to the bills process is that Executive Bills are given to the leadership of both houses at the same time for consideration at plenary, thus accounting for a higher successful and speedy rate of passage by both houses, while private member bills on the other hand are not accorded the same procedure.

The success of executive bills has been attributed to the quality of Bills, given the tremendous technical expertise at the disposal of the Executive. Additionally, the agents of the Executive, (i.e. the MDA's and other stakeholders), tend to take the follow-up of Bills more seriously, especially as most of the Bills directly relate to the functions of the government.⁵

Private member bills pass through all the bill processes in the house which it originates, and after passage, it is then sent to the other House, where it goes through all the steps in Bill processing. The effect of this is that, time and resources are wasted and more importantly, it results in the discrepancy in the number and titles of bills introduced and subsequently passed by each House. Another issue worthy of note resulting from this procedure is that, when bills are passed in the House where it originates and subsequently sent to the other House of the National Assembly, the House that it is sent to, may not attend to the bill with any sense of urgency, attributable to political constraints, lack of willingness or their legislative calendar may not permit them to do so, thus resulting in time wastage and inefficiency.

⁵ *Ibid*, p. 45.

Further, from the data above, another reason for the discrepancy in the number of bills introduced and passed by both houses, is the fact that the House of Representatives in the 8th Assembly, had more bills introduced to it than the Senate. This may be attributed to factors such as – the fact that the House of Representatives has a population of over three times that of the Senate, i.e. 360 members versus 190 Senators. Thus a higher level of activity would be expected from the House in some aspects of the legislative process, such as the number of bills introduced by Members i.e. *private member bills*. However, the data above shows that while the House had more bills introduced to it than the Senate; the House passed only slightly higher number of bills than the Senate. Undoubtedly, achieving a much higher rate of performance on the passage of Bills is a therefore a major challenge that the House must tackle effectively to enhance its efficiency and effectiveness. As established, the House has more members that can be mobilized to undertake Committee work on Bills. Additionally, despite the large number of Bills introduced by Members in the House of Representatives, another factor attributed to the low rate of passage of bills, is the quality of bills, there are concerns that all sorts of proposals are submitted as Bills, because of the desire of some Legislators to be listed as having sponsored bills. Such bills are typically devoid of quality research, adding to the plethora of Bills introduced and yet having no positive impact, and resulting in wastage of time and resources of the Legislature.

It is worthy of note that House of Representatives in the 8th Assembly, established a *Law Reform Committee* which aided in increasing the number of Bills introduced on the floor of the House. On the other hand, the Senate did not establish such a Committee; this may be an attributing factor to the lesser number of private member bills introduced to the Senate.

From the foregoing, it can be deduced that the bane of the discrepancy in the law making process existing in the National Assembly is that fewer bills get to the stage of concurrence and subsequent

transmission to the President for Assent, thus negatively impacting on the overall efficiency of the Legislature.

Another issue of note, is the prevalence of the introduction of establishment bills in the National Assembly, relating to the establishment of new institutions which inadvertently results to a duplication of government agencies and institutions with the same mandate and functions; which ultimately affects the effectiveness of the legislature and puts a strain on the government's finances and budgetary allocations. It is imperative to recall that the government in 2004/2005 embarked on the rationalization of parastatals, and one of the reasons adduced was the need to reduce pressure on public finance and conserve resources for an effective and efficient public service delivery.⁶ Further, the Jonathan's Administration set up the Oronsaye Committee on Rationalization of Federal Parastatals. The Committee submitted its 2012 and recommended the scrapping of 102 statutory agencies from the existing 263, abolition of 38 agencies, merger of 52 and reversion of 14 to departments in the ministries.⁷ The Committee further stated that if the cost of governance must be brought down, restructuring and rationalizing federal government agencies must be undertaken.⁸

The question now arises as to how best to deal with this reoccurring phenomenon in the Legislature. Thus will an effective and efficient scrutiny system aid in addressing the wastages and deliver a more efficient and effective Legislature? The answer is in the affirmative, as scrutiny is

⁶ *Ibid*, p. 53

⁷ T Ilevbare, "Beyond the Recommendations of the Oronsaye Committee Report" (2013) <http://saharareporters.com/2013/04/11/beyond-recommendations-orsaysay-committee-report-theophilus-ilevbare> Accessed 23 October 2018.

⁸ The Premium Times Newspaper Presidential committee asks government to scrap 102 agencies" <https://www.premiumtimesng.com/news/top-news/4678-presidential-committee-asks-government-to-scrap-102-agencies.html> Accessed 23 October 2013.

intrinsic to all legislative work. Legislatures are always houses of scrutiny, of review and debate. Scrutiny is often political, but scrutiny in the review sense concentrates both on the policy contained in the legislation or measures governments propose to carry out or have carried out, and on the related funding or resourcing of the course of action favored by the government. Therefore an effective scrutiny regime in a legislative process should largely bother on consideration of the policy lying behind legislation, its relevance and effectiveness on the citizenry.

Accordingly, it may be stated that an effective way to tackle these issues of wastages and inefficiency and to ultimately enhance the effectiveness of the National Assembly, is the establishment of a thorough scrutiny system in the processing of Bills. Therefore it is recommended that three-fold scrutiny system be established in the National Assembly to aid in tackling waste of resources and inefficiency as follows –

- **Scrutiny before the introduction of the Bills to each house of the National Assembly**
 - the thorough scrutiny of bills before they are introduced before each of the National Assembly will effectively curb waste of time and resources and deliver an effective legislature; this process will aid by identifying whether the proposed bill is in conflict with any Act in existence or any judicial pronouncements. Additionally, with specific regard to establishment bills, this pre-introduction scrutiny will determine whether an amendment of an existing Act will suffice or whether the bill should be completely discarded. The effect of this is that the issue of duplicity of government parastatals with the same mandate and functions will be curbed; while reducing pressure on public finance, thus conserving resources for an effective and efficient public service delivery.

- **Scrutiny during Committee Considerations** – this process will monitor the changes made in the bill at the committee stage to determine and ensure its relevance on the overall bill; this will no doubt save time and resources at the stage of concurrence.
- **Scrutiny after Committee Considerations** – this is the third and final stage in this proposed scrutiny system; it entails scrutiny of bill after concurrence but before the transmission of the Bill to the President for Assent. This process ensures that the bill is ready for Presidential Assent, including but not limited to checking for drafting errors, misspellings, punctuation, grammatical and typographical errors. Notably President Buhari denied assent to bills on different occasions because of errors, for instance, Radiographers Registration (Amendment) Bill was rejected over two issues, and one of which was a misspelling of a word in the Bill.⁹In addition, the Electoral Act (Amendment) Bill, 2018 was also denied assent severally by the President, and some of the reasons stated were the drafting errors in the bill and an alleged conflict with the provisions of the Constitution.¹⁰ Notably, neither the Constitution nor any law allows a President or a Governor to whom a bill is forwarded by the legislature to edit, correct, amend or in any manner alter the provisions of any such bill to reflect appropriate intent before assenting to same. Therefore conducting a scrutiny before the before transmission for assent will curb the aforementioned scenarios, thus save time and resources and in effect ensure an effective and efficient legislature.

⁹ I Mudashir, “Buhari rejects another bill over misspelling” Daily Trust Newspaper, 6 July 2018 <https://www.dailytrust.com.ng/buhari-rejects-another-bill-over-misspelling-259711.html> Accessed 23 October, 2018.

¹⁰ The Vanguard Newspaper, 4 September 2018, “Buhari declines assent to error-filled Electoral Act Amendment Bill” <https://www.vanguardngr.com/2018/09/why-buhari-declined-assent-to-electoral-act-amendment-bill-presidency/> Accessed 23 October 2018; The Punch Newspaper, 4 September 2018, “Again, Buhari refuses to sign electoral bill” <https://punchng.com/again-buhari-refuses-to-sign-electoral-bill/> Accessed 23 October, 2018.

