

THE POWERS, FUNCTIONS, REMOVAL AND TENURE OF OFFICE OF LEGISLATURES IN NIGERIA: AN APPRAISAL

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Abstract

The legislative arm of government is a very critical arm of government. The paper noted that Nigeria operates a bicameral legislative system made up of the upper and lower house, each acting independently. The article explores the powers, functions, and tenure of office of the members of the National Assembly and their method of discharging their constitutional duties. It is observed that one of the most important functions of this arm is that of making laws, that regulates the affairs of the state and the relationship between the arms of government. However, despite its importance, it has a lot of challenges. The paper reveals that bicameral legislature is delicate and very expensive system to operate. Again, many people are captivated by the financial benefits thus, they employed all means necessary to find their way to the National Assembly. The paper argues that the system as it is, is unsuitable for a developing Country like Nigeria especially with our weak economy. The research methodology adopted in doing this researched was the doctrinal method. The paper recommends that the qualification to contest for the membership of the National Assembly should be revisited and also, the budget of the National Assembly should be drastically reduced.

Introduction

The legislature as an institution or an arm of government is the product of the principle of separation of powers. Separation of powers ordinarily means the sharing or division of responsibilities among the legislature, executive and the judiciary in a democratic system of government. The proponents of this principle have argued that concentration of power in one arm of government could lead to dictatorship and even anarchy. John Locke, a proponent of this idea, is of the opinion that different organs of government, should be vested with different functions to guarantee civil liberty¹, Another scholar, Montesquieu who is believed to have influenced modern day concept of separation is of the view that, for there to be political liberty, machineries must be put in place to prevent abuse of power, and thus, the need for power to be shared among three major arms of government namely; the legislature, executive and the judiciary².

According to him, there would be an end of everything where the same man or same body whether of nobles or people are to exercise those three powers of enacting laws, that of executing the public resolution and of trying the causes of the individuals³.

The major purpose of sharing powers is to prevent individuals, groups or arm of government from carrying out more than one function and to prevent interference with other arms in carrying out their functions. It must be pointed out that, separation of powers works better in a democratic setting which is generally seen as the best form of government in recent and modern days. This means that each arm of government has liberty to perform its functions to the fullest with little or

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¹ John Locke, (Stanford Encyclopedia of philosophy). Available at <https://www.plato.stanford.edu> Accessed on 28/08/2019

² Baron de Montesquiere, The spirit of Laws 1748. Available at <https://www.en.wikipedia.org> accessed on 29/08/2019

³ Ibid

no hitches⁴. To this end, the legislature is the pillar in every democracy because of its vital role of law making and the quality of laws to be made. This paper shall highlight the legislature as an arm of government as found in Nigeria.

Attempt shall be made to discuss the concept of the legislature in terms of composition, functions /powers, procedure, qualification, privileges, removal and the method of carrying out this onerous responsibilities.

Conceptual Clarification

The Legislature

In simple terms, the legislature is an arm of government that is saddled with the responsibility of law making to guide the conduct of government and people of the state. It is derived from the words 'legis' which means 'Law' and 'lature' which means 'place'. Putting the two words together 'legislature' means 'place of law making'⁵. Another term which is used as a synonym to the legislature is 'parliament'. It is derived from the 'French word 'parley' which means 'talk' or discuss and deliberate. Thus, we can say the parliament means the place where deliberations are held⁶.

According to Black's Dictionary, Legislature, is the branch of government responsible for making or changing statutory laws. The federal government and most states have bicameral legislature, usually consisting of a house of representatives and a senate⁷. Put simply, the legislature or parliament is that branch of government which performs the function of law making through deliberations or that arm of government that passes the laws of government⁸.

Types of Legislature: There are basically two main' types of legislature, Unicameral and Bicameral. Bicameralism means legislature with two houses or chambers, the first house is known as lower house and the second house upper house. In some jurisdictions it is the congress and the senate or the house of representative or the senate in United State of America and Nigeria as the case may be. Unicameralism means a legislature with one or single house or chambers⁹.

Advantages of Bicameral Legislature: The advantages of bicameral legislature include:

- A. It safeguards the despotism of single chamber;
- B. It prevents hasty consideration of legislation;
- C. It acts as a revising chamber;
- D. It reduces the burden of first house;
- E. It gives room for better opinion legislature.

Disadvantages of Bicameral Legislature: The disadvantages of bicameral legislature include:

- A. It leads to confusion of opinion;
- B. It is super flows or mischievous;
- C. It leads to delay in legislation;
- D. Lack of proper organization;

⁴ Ibid

⁵ www.yourarticlelibrary.com accessed on 29/8/2019.

⁶ Ibid

⁷ *Black's Law Dictionary*, Tenth Edition.

⁸ Re Olafisoye (2004) All FWLR (Pt. 198) 1006 S.C.

⁹ Ibid

E. Very expensive to operate.

The law makers are also, known as legislators while laws made by the legislators are called legislations.

Composition and Tenure of the National Assembly

The Nigerian legislature is known as the National Assembly, it is bicameral in structure, comprising of the Senate and the House of Representative.

Section 4(1) of the CFRN 1999 (as amended) provides that; ‘The legislative powers of the Federal Republic of Nigeria shall be vested in the National Assembly for the Federation which shall consists of a Senate House of Representative’

The Senate is composed of legislators from the States, each being represented by three (3) Senators while one represents the Federal Capital Territory, Abuja. Currently, there are 109 in senate¹⁰. The equal representation emphasizes equality of States in a Federation. The whole country is divided into Senatorial Districts, (3 for each state and 1 for the Federal Capital Territory) with one senator, representing each district¹¹. The senate is headed by the Senate President and Deputy Senate President.

On the other hand, the House of Representatives, comprises Legislators representing their States whereby the numerical strength depends on the population of the States. This is based on democratic principles that a certain number of people should be represented. The Federation is divided into constituencies and a Legislator represents a constituency of nearly equal population like others¹². Currently, there are 360 members in the House of Representatives¹³. The House of Representative is headed by a Speaker and Deputy Speaker elected by members of the House of Representative.

Qualification of Members of the National Assembly

A person seeking for election into the National Assembly, must possess some qualifications and must not be found wanting in areas prohibited by the laws.

Section 65 (1) of the CFRN 1999 (as amended) states that:

Subject to the provisions of section 66 of this constitution, a person shall be qualified for election as a member of:

11. The Senate if he is a citizen of Nigeria and has attained the age of thirty five;
12. The House of Representative if he is a citizen of Nigeria and has attained the age of thirty years;
13. A person shall be qualified for election under subsection (1) of this section if;
14. He has been educated up to at least school certificate level or its equivalent; and
15. He is a member of a political party and is sponsored by that party.

This implies that, our laws do not recognize independent candidate¹⁴ and so candidate must belong to a party and must be sponsored by that party. Any votes gotten are the votes of the party

¹⁰ Section 48 of the CFRN 1999 (as amended)

¹¹ Nnamdi Aduba & Samuel Oguche, *Key Issues In Nigerian Constitutional Law*. Nigerian Institute Of Advance Legal Studies, 2014

¹² Ibid

¹³ Section 49 of the CFRN 1999 (as amended)

¹⁴ See *Amechi v. INEC & ORS* (2008) 1 SCM 26.

and not the candidate¹⁵. Section 66 of the constitution prohibits certain category of persons from standing election into the National Assembly.

These persons include:

- Persons under death sentence;
- Person who is declared bankrupt;
- Persons who are serving government and have not resigned 30 days to the date of election;
- Person who is a member of a secret society;
- Persons indicted for embezzlement or found by a judicial commission of inquiry;
- Persons adjudged to be lunatic;
- Persons of unsound mind;
- Person with forged certificate.

Election of Principal Officers

It is the prerogative of the National Assembly by whatever criteria it has set for itself, to elect persons to occupy its principal offices, in so far as such criteria is in conformity with the Constitution. Under the 1979 constitution, the courts are entirely barred from entertaining actions in that regard. For instance, the Court of Appeal in *Ekpenkhio v. Egbadon*¹⁶ had ruled, while Section 30(2) under the defunct 1979 Constitution states that the removal of Principal Officer of a legislature (in that case, the Speaker of a House of Assembly) is not a justifiable dispute to be entertained in court, this rule has been watered down now, given the current judicial thinking in Nigeria. For example, in *Inakoju v. Adeleke*¹⁷ the Supreme Court held that the courts can pry into the internal affairs of the legislature if there is a breach of the Constitution.

Powers and Functions of the National Assembly

Section 4(2) of the 1999 CFRN (as amended) states that:

The National Assembly shall have powers to make laws for the Peace, order and good government of the Federation or any part thereof with respect to any matter included in the exclusive legislative list set out in part I of the second schedule of this constitution.

There are 86 items listed on the exclusive legislative list and only the National Assembly can make laws on any of such matters. It is imperative to also state that, the power of the National Assembly to make laws includes its power to amend an existing law made by it. Thus, in the case of *Udenwa v. Uzodinma*,¹⁸ Ariwoola, J.S.C. while delivering the lead judgment of the Supreme Court, held thus:

Similarly, the National Assembly in Nigeria is the highest law making body in Nigeria. It follows therefore without much ado that the legislature, which possesses the supreme law making power in the country, possesses, as incidental thereto, the right to change, modify or even abrogate the existing laws in accordance with the relevant provisions of the constitution.

¹⁵ Ibid

¹⁶ (1993)7 NWLR (Pt. 308) 717 CA

¹⁷ (2007) 1 SC (Pt. 1) 1

¹⁸ (2013) 5 NWLR (Pt. 1346) 94 at 119

Also, in *Attorney General of Abia State v. Attorney General of the Federation*,¹⁹ after quoting section 4(2) of the constitution, the Supreme Court, per Tobi, J.S.C. held as follows:

By the provision, the law making power of the National Assembly is not restricted to the Federal Government, but also extends to any part of the Federation if the latter is in the exclusive legislative list. The second arm of section 4(2), like the first arm, is not open ended. It is restricted to matters included in the exclusive legislative list, set out in part 1 of the second schedule of the constitution. In other words, and putting it in a positive language, the National Assembly, is vested with legislative powers across the country if the subject matter, is an item contained in the exclusive legislative list set out in part 1 of the second schedule to the constitution. Putting it in a negative language, the National Assembly, cannot exercise legislative powers not included in the exclusive legislative list set out in part 1 of the second schedule to the constitution.

Apart from law making, the National Assembly has been given powers to perform some functions, some of which include:

a. **Powers and control of public funds.** Section 80 (3) and (4) of the CFRN 1999 (as amended) provides that:

(3) No moneys shall be withdrawn from any public fund of the federation other than the consolidated revenue fund of the federation unless the issue of those monies has been authorized by an Act of the National Assembly;

(4) No moneys shall be withdrawn from the consolidated revenue fund or any other public fund of the Federation except in the manner prescribed by the National Assembly.

The combined effect of the above provisions is that no funds of government can be spent without the approval of the National Assembly which could be in form of an appropriation or supplementary Act²⁰.

b. **Removal of the Executive**

Another function/power of the legislature is to remove the Chief Executive from office. Under Section 143 of the CFRN 1999 (as amended), whenever, there is cause, the President or Vice President, may be removed by the National Assembly²¹. However, the procedure has to be followed strictly before the removal can stand²².

c. **Taking over the legislative business of State Assemblies who are unable to function**

Section 11 (4) of the Constitution of Federal Republic of Nigeria 1999 (as amended), empowers the National Assembly to take over and make laws for States whose House of

¹⁹ (2006) All FWLR (Pt. 338) 604 at 649 S.C.

²⁰ Section 80 (3) and (4) of the CFRN 1999 (as amended)

²¹ See also Section 171 of the constitution in case of Governor and Deputy Governor.

²² See *A.G. Federation & ORS v. Alhaji Atiku Abubakar & Ors* Suit No. S.C.31/2007 delivered on 20th April, 2007.

Assembly are unable to sit for some reasons. However, there must be a resolution by both houses to that effect²³.

d. Powers to Implement Treaties

The National Assembly, plays a vital role in the implementation of treaties entered into with other countries. To this effect, section 12 (1) of the Constitution states that: ‘No treaty between the Federal Government and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly’.

In *Abacha v. Fawehinmi*²⁴ per Uwaifo, JSC the Supreme Court, succinctly put the position thus:

I think it is useful to remember that the relevant law on the matter is now generally governed by the Vienna convention on the law of treaties of 1969.... According to the convention, “treaty” means an international agreement or by whatever name called e.g. act, charter, concordant, convention, covenant, declaration, protocol or statute concluded between states in a single instrument or in two or more related instruments and whatever its peculiar designation” by Section 12(1) of the 1979 constitution. The *Ipissima Verbis* of Section 12(1) of the 1999 constitution is an international treaty entered into by the government of Nigeria, does not become binding until enacted into law by the National Assembly. That before its being enacted as such, an international treaty, has no such form of law as to make its provisions actionable in Nigerian law courts²⁵.

e. Ratification of Appointments made by the Executive

The Constitution enjoins the Executives, both at the Federal and the State levels, to ensure that responsible officers are employed in the public service, hence it gives the legislature the power to ratify such appointments. Such ratification is done in the form of approval and confirmation by the legislature. For example:

1. The Chief of Justice of the Federation, a Justice of the Supreme Court, (Section 231), the President of Court of Appeal (238), are all appointed by the President on the recommendation of National Judicial Council (NJC) subject to the confirmation of Senate;
2. The Auditor General for the Federation is appointed by the President on the recommendation of Federal Civil Service Commission subject to confirmation by Senate (Section 38(1));
3. All Ministers and Ambassadors are appointed by the President subject to confirmation by Senate respectively²⁶.

Apart from conferring power of confirmation of appointment to the legislature, the Constitution does not only stop there, but in order to ensure that government is run according to the law and for the benefit and progress of the society and not for selfish,

²³ See the case of Rivers State. reported by Legit.ng The national Assembly takes over Rivers Legislature, Demands Redeployment of State CP, Mbu.26th July, 2013

²⁴ (2000)4 SCNJ 400 at 446

²⁵ See also *Nnaji v. NFA* (2011) ALL FWLR (Pt. 559)1195 CA.

²⁶ See Section 147(2) & Section 171 while Section 192(2) for States

political, sectional or personal aggrandizement of these state officials, the Constitution, also, empowers the legislatures to carry out investigation into government business²⁷. This is a Constitutional power which each house can exercise independently of the other. It is not a legislative function to be exercise jointly with the other house but a control mechanism aimed at enhancing the effectiveness of the house in its oversight function²⁸. It is submitted however that, these are the areas that there is duplication of function. It is argued that if any of the Houses can initiate an investigation that should suffice. In other words, the other House should not embark on the same exercise so as not to jeopardize the exercise or pre-empt the other House. And also, the resource that will be applied can be channeled to other important activities.

f. Extension of Term of the Executive

The National Assembly has power under Section 135(3) to extend the term of the President, if the country is physically at war and the President considers that it is not practicable to hold election. This extension may be done by resolution and shall not be more than 6 months at a time. Where the President continues in office, the State Governors too will continue in office²⁹.

g. Number and Remuneration of Special Advisers

Here, there is no requirement for ratification by the National Assembly but their number, remunerations and allowance are prescribed by the law or by resolution of the National Assembly³⁰.

Regulation of Procedure in the National Assembly

Subject to the provisions of the Constitution, the Senate or the House of Representative shall regulate its own procedure, including the procedure for summoning and recess of the house³¹.

Legislative Procedure

The procedure to follow, when a bill is being processed, depends on the type of the bill. It may be a government bill³², private bill³³ often referred to as ordinary bill. In case of private bill, leave of the House is required before it is allowed to be introduced³⁴. Government bill can either be money bill³⁵ or ordinary bill³⁶. It is noteworthy to state that while other forms of money bill maybe introduced into the House, it is only the president or the governor³⁷ that introduces the appropriation bill into the House.

²⁷ Section 38 of the 1999 Constitution (as amended).

²⁸ Nnamdi & Sam Oguce supra.

²⁹ Section 180(3) of the 1999 constitution as amended.

³⁰ Section 151 and 196 *ibid* for State respectively.

³¹ See Section 60 *ibid*.

³² Bill that emanates from Government. It is introduced by the leader of the House.

³³ A private bill come from member of the House and sponsoring it.

³⁴ Nnamdi Aduba & Sam Oguce supra.

³⁵ A money bill is a bill relating to appropriation or any bill for payment, issue or withdrawal from the consolidated revenue fund or any other public fund of the government or a bill for the imposition of or increase in any tax, duty or fee or any reduction, withdrawal, or cancellation thereof. See also section 59 (1) of the CFRN 1999 Constitution (as amended).

³⁶ Any Bill that is not a money bill is an ordinary bill.

³⁷ See sections 81 and 121 of the CFRN 1999 Constitution (as amended) respectively.

The first stage of legislation starts with the first reading, which is a mere information to members on the bill. The second reading, involves debates on the bill by members of either House. At this stage the bill is either supported or rejected³⁸.

If the bill is rejected, that is the end of that bill. But where the bill is supported, it is referred to the relevant committee of either House. At this stage, the committee looks at the bill clause by clause and calls for public opinion on the bill. The third reading is the next stage, the report of the committee is presented to the House for adoption. The report can be adopted or amended, were the bill is amended, the House dissolves itself into committees to discuss the amendment, from where the bill can proceed to third reading and then passage³⁹.

After the passage of the bill, it is sent to the other House for concurrence. At this stage, the receiving House has one of the following options:

- k. Agree with the provision in the bill; or
- l. Make amendments to the bill and
- m. Reject the bill entirely, this option is rarely taken.

In the event of an amendment the House where the bill originated from can agree with the amendment or reject the amendment where the amendment is rejected, a joint conference committee is constituted to harmonize the differences and the bill is now sent to both Houses for adoption and passage⁴⁰.

The last stage of the process is to ‘enroll’ the bill to the president for his assent or signing as the case may be. The President has 30 days within which to assent to the bill or veto the bill. Where the president assents to the bill, it becomes an Act of National Assembly and thus, a law⁴¹. But where the president veto the bill, or makes amendments the bill is returned to the National Assembly. The National Assembly can override the veto of the President when 2/3 majority of both houses vote and the bill automatically becomes a law without the assent of the President⁴².

MONEY BILL

However, in the case of money bill, the procedure is largely the same, albeit, with minor modifications. As highlighted earlier, money is introduced by the President or the Governor. Suffice to say that, the remaining stages are maintained. But at the Federal level, it is at the point of harmonization of differences between both Houses that the procedure differs. Where the bill is passed by one House, but is not passed by the other House, within a period of 2 months from the commencement of a financial year, the President of the Senate by law, is required to within 14 days thereafter, to arrange for and convene a meeting of the joint financial committee consisting of an equal number of members from Senate and House of Representatives, to examine and resolve the differences.

Where the joint committee fails to resolve such difference, the bill shall be presented to a joint sitting of the National Assembly and if the bill is passed shall be presented to the President for assent⁴³. Suffice to say that the joint financial committee is able to resolve the difference does not *ipso facto* dispense with a report to the full House. Put differently the matter does not end there.

³⁸ Nnamdi Aduba & Sam Oguiche supra.

³⁹ Ibid

⁴⁰ Section 58(3) of the CFRN 1999 (as amended).

⁴¹ Section 58(4) *ibid*.

⁴² Ibid

⁴³ Section 59(2) & (3) *ibid*.

An analogous situation arose, in the case of Attorney General Benue State V. Attorney General of the Federation⁴⁴ in that case, the National Assembly was considering the revenue allocation (federation account etc.) bill 1980 under the 1979 constitution. There was no concurrence in the National Assembly. Thus, the then Senate President Dr. Wayas, constituted the joint finance committee which voted 13 in favour against 11 without reporting back to the House as envisaged by the law, the liaison officer to the National Assembly Dr. Mbadikwe, arranged for and forwarded the bill for Presidential assent.

The Supreme Court while interpreting Section 58(3) & (4) which is in *parimateria* with Section 62(4) held thus:

in this context, I confess that I am unable to resist the conclusion that the joint finance committee of 24 members has, for want of a better phrase, taken over the powers given to the National Assembly two houses consisting of 95 Senators and 450 members of the House of Representatives by the constitution quite apart from the clear provisions of Section 58(3) & (4), I cannot conceive of a situation in any country with a parliamentary democracy where legislative powers generally and those relating to money bill in particular could be handed over by the elected representative of the people to a caucus of twenty four of such elected members, no matter how eminent they may be.

...the so called resolution of difference is no more than a substitution by the joint finance committee of its own version of the Bill passed by its members by a slight majority of two votes. I am unable to accept this as a resolution of the differences between the version passed by the Senate and that passed by the House of Representatives.

Be that as it may, one thing is clear from the procedure adopted and that is that the bill has not been passed by the National Assembly as provided for in the constitution.

Tenure of Office

Barring any unforeseen circumstances, the normal life of the legislature is 4 years.⁴⁵ Unless a member resigns or dies while in office, he is entitle to hold office as senator or member House of Representative, for a period of 4 years. Unlike the president, vice president, Governor or Deputy Governor, the constitution does not state any time limit or the number of times a person can belong to a legislative House. However, a member, can vacate his seat if;

- He becomes a member of another legislative House;⁴⁶
- Any circumstance arise that, if he were not a member of the House, he would have been disqualified for election as member;⁴⁷
- He ceases to be a citizen of Nigeria;
- Save as provided by the constitution, he becomes a member of a commission or other body established by the constitution or any other law;

⁴⁴ (1981)2 NCLR 1 also reported at (1981)10 SC I

⁴⁵ Section 64(1) of the CFRN 1999 (as amended).

⁴⁶ This for instance, happen where a member contest for a bye election into another office and win. He automatically cease to be a member of the previous House immediate he is sworn into another the office.

⁴⁷ See for instance section 66 of the CFRN 1999 (as amended).

- Without just caused certified by the presiding officer, he is absent from a meeting of the House of which he is member for a period amounting in the aggregate to more than one-third of the total number of days during which the House meets in any one year;
- Being a person whose election to the House was sponsored by a political party, he becomes a member of another political party before the expiration of the period for which that house was elected, provided that his member of the latter party is not as a result of division in the political party of which he was previously a member or of a merger of two or more political parties or factions by one of which he was previously sponsored;
- The presiding officer, receives a certificate under the hand of the Chairman of the Independent National Electoral Commission (INEC) stating that the member has been recalled under section 69 of the Constitution as amended.

The presiding officer of the House must remove the member after he has satisfied the House by evidence available that any circumstance for vacation of the seat has arisen⁴⁸. The presiding officer, has no power to add to those circumstances⁴⁹.

Recall of Member of the National Assembly

Section 69 of the CFRN 1999 (as amended), provides that a member of the National Assembly may be recalled if there is, presented to the Chairman of the Independent National Electoral Commission (INEC) a petition in that behalf, signed by more than one-half of the persons registered to vote in that member's constituency, alleging their loss of confidence in that member, and which signatures are duly verified by the INEC⁵⁰ and the petition is thereafter, in a referendum conducted by INEC within ninety days of the date of the receipt of the petition, approved by a simple majority of the votes of the persons registered to vote in that member's constituency⁵¹.

Dissolution

The Senate and the House of Representatives each shall stand dissolved at the expiration of a period of 4 years commencing from the date of the first sitting of the house⁵². Provided that if the Federation is at war, in which Nigeria is physically involved and the President considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of 4 years, from time to time but not beyond a period of six months at any one time.

Privileges and Immunities

To enable the law makers do their job diligently, the law bests on them some powers, immunities and privileges pursuant to the legislative houses (powers and privileges) Act (CAP L12 Laws of Federation of Nigeria, 2004).

This law is aimed at giving adequate opportunities to all those connected with legislative functions, whether members of the house or its officers or even the law making process. The Act

⁴⁸ See generally section 68 and section 109 *ibid*.

⁴⁹ *M.O. Oloyo v. B. A. Alege* (Speaker Bendel State House of Assembly) (1982) 3 NCLR 647 in Nnamdi *supra*.

⁵⁰ (words in inverted commas having been inserted by section of the 1st Alteration Act, 2010)

⁵¹ See generally *FRN v. Bankole* (2012) ALL FWLR (pt. 629)1150 at 1205.

⁵² Section 64(1) of the CFRN 1999 (as amended)

covers three main areas, viz: evidence before committees, conduct of strangers and conduct of members.

A Critique on the National Assembly

Globally, the legislature takes its pride of place as the first arm of government, hence most Constitutions place it and provisions relating to its existence and functions first, before the two arms of government.

This arm of government, has been described as the custodian of a Country's Constitution. One major role of the custodian is to keep under lock and key the property under him so that it is not desecrated or abused. The legislature is expected to pet the provision of the Constitution like the way a mother pets her day-old baby. The legislature is expected to abide by the provisions of the Constitution like the way the clergyman abides by the Bible and Imam abides by the Qur'an⁵³.

Conversely, despite the enormous responsibility of the legislature in Nigeria, which is more than enough to occupy their time throughout the year, they invest more of their time in bickering, Politicking and Political rascality. In other words, they use their power to promote their political interests rather than that of the state. For instance, in the case of Ibrahim Magu (the then acting Chairman of Economic Financial Crimes Commission), the Senate used the opportunity of confirmation as a weapon to reject his appointment following the investigation of the then senate President on the case before the Code of Conduct Tribunal⁵⁴. Again, the Senate rejected two ambassadorial nominees forwarded to them by the President⁵⁵ all in an effort to frustrate the Executive who were perceived as the mastermind behind the travail of the then Senate President. This is just to mention but a few.

Another serious challenge of the National Assembly, is the resources expended in running the two Houses i.e. The Senate and the House of Representatives. According to Media Online⁵⁶, The National Assembly procured operation vehicles worth 5.5 billion Naira for members of the Senate and House of Representatives. This is in addition to the outrageous salaries and allowances received by each member of the National Assembly. This is coming at the time when security operatives deployed to protect Nigerians could not be paid their allowances. Also, at a time when poverty ravaged the citizens of the Country. This is egregiously insensitive to the grinding poverty facing the ordinary Nigerians.

Still on the running cost of the National Assembly, in 2018, they increased their budgetary allocation from N125 billion to N139.5 billion. It meant fewer than 500 legislators (109 senators and 360 reps) were guzzling N139.5 billion from the National budget allocation in a country of 160 million people, majority of them living in abject poverty. Despite this startle figures, still the laws made by the Nation Assembly which were expected to have passed through rigorous procedure are often found to be defective hence, the President always declined assent. For instance, the 8th Assembly, passed a total of 26 bills out of which the President approved only 9 while the remaining 17 were remitted back to the National Assembly⁵⁷.

Another point to note also is that the type of legislature we operate in the country is very complex which is largely, due to the large number of the members of the National Assembly. For instance, under Section 62 and 102 of CFRN 1999 (as amended), the House i.e. National

⁵³ *Inakoju v. Adeleke* (2007) All FWLR (Pt. 353) 3 at 123 SC Per Tobi, JSC

⁵⁴ Magu: the trial of EFCC Boss. <http://www.dailytrust.com/ng/news/general/magu-the-trial-of-efcc.../17-14-13/html> accessed on 26 July 2017

⁵⁵ www.premiumtimesng.com/.../226956-breaking-senate-reject-two-ambassadorial-no... Accessed on 4/8/2019

⁵⁶ Legit.ng reported on 16/08/2019 it is also reported on the Guardian Nigeria News Paper, reported on 15/08/2019

⁵⁷ See <https://www.premiumtimesng.com> reported on 3 July, 2019. Accessed on 29/08/2019

Assembly is empowered to constitute committees of their members for such special or general purpose as, in their opinion would be better regulated and managed by means of such committee. This is obviously due to the large number of members, which will be difficult for the House in terms of urgent emergency issues that may require their attention. Here, the law allows them to do by resolution, regulation or otherwise, as they think fit, delegate any function exercisable by them to such committee. This is evidently made to cure that defect.

Another irony or point to demonstrate the complexity of this system is that the law allows the House to veto the President where he refuses to assent to any bill sent to him by the Law makers. While one welcomes and applauds the wisdom behind the overriding of President's powers by the legislature, as a classical demonstration of democracy, since both are elected by their representatives and of course to checkmate abuse of power. However, the Constitution did not make any proviso as to the requirement that should be first met before they can invoke their power to veto the president which implies that they can still veto the president even if the assent would be rightly declined. The question remains can or will a President be willing to "execute" and maintain a law which he vetoed in the first instance? What is the remedy if he chooses not to?

Apart from that also, another point that is worthy of mention is the educational qualification of the members of the National Assembly. Section 66 of the CFRN 1999 (as amended) states that a person shall be qualified for election as a member of senate or House of Representatives if he has been educated up to at least school certificate or its equivalent. It matters not if he failed the examination, as it is enough if, for instance, he attends secondary school and reads up to secondary school certificate level⁵⁸. Considering the onerous task of the legislature, it will be prudent to review the education qualification as contained in the constitution. Especially taking into account the scope of legislative function which cut across all areas of human life.

Conclusion

This paper concludes that the Legislature is an important arm of government in modern democracy. Legislation is a serious matter which should be treated with all sense of responsibility, understanding and patriotism. It is not an opportunity to flex muscle, but to display political understanding and maturity by the law makers. In view of its importance, it is not a place where anybody can go and exhibit indiscipline and irresponsibility.

⁵⁸ Imam v. Sheriff (2005) 4 NWLR (Pt. 914) 80