

Insights into The Oversight Functions of The Legislative Power Under The Nigerian Constitution

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Abstract : The constitutional system of government provides for the federating units of the Federal Republic of Nigeria, the States and the Local Councils under a governing structure of the Executive, the Legislature and the Judiciary with attendant distinct powers and spheres of influence. The legislative powers of the Federal Republic of Nigeria and of a State are vested in the National Assembly and House of Assembly of the State respectively. The Local council exercises legislative powers in clearly defined matters as provided by the Constitution. Though, the executive as constituted by the President and the Governor are charged with the powers of execution and administration, the legislature is empowered to ensure that such powers are duly exercised in accordance with the provisions of the Constitution. The vast areas do not make oversight functions indefinite and more importantly the purpose for the exercise of the powers are circumscribed. It include, among others, any matter with respect to which it has power to make laws. Indeed, the law provides for the competence of the legislature to procure evidence, examine all persons as witnesses, to summon any person to give evidence and to issue a warrant to compel attendance in matters relevant to the subject matter of its investigation. The exercise of functions envisaged by the Constitution seem to an extent to be literal because it lacks power of enforcing the outcome. Furthermore, the docility of the legislature is apparent in a situation where the agency or authority being called in to question is part of the branch of government to enforce sanctions. The process allows for cover up and obstruction of justice. The oversight functions are not functional in a situation where the executive is overbearing. The friction, that ensues, between the Legislature and the Executive in an attempt by the former to project the spirit of a constitutional mandate calls for concern. It is needless to state a power that can easily be frustrated. To an extent, the arm of government with coercive authority seems to have over shadowy effect over the laid down functions of the legislature. Recourse to adjudication by the Judiciary had not proved to be of any serious utility especially in a clime where the wheels of justice grinds slowly, as in Nigeria, due to the nature of the legal system. Consequently, the law and the Constitution, drawing lessons from other jurisdiction, need to insulate the legislative oversight from the vagaries of the executive. A strong and virile Constitutional Court that determines, within specific time line, issues pertaining to the oversight functions of the legislative power, is apposite.

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