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## **JURISTIC OVERVIEW OF THE COMMITTEE SYSTEM IN LEGISLATIVE PROCESS UNDER THE 1999 NIGERIAN CONSTITUTION**

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### **Abstract**

The committee system is an indispensable component of the legislative process, functioning as a structural and procedural mechanism through which modern legislatures manage their complex and voluminous workloads. This paper presents a comprehensive overview of the committee system, focusing on its evolution, typologies, functions, and significance in legislative governance. It explores how committees—classified broadly into standing, select, joint, and ad hoc committees—serve as the core units for the exhaustive examination of bills, detailed investigations of diverse issues, budget analysis, and executive oversight. By delegating responsibilities to specialized committees, legislative bodies are able to engage in more informed, efficient, and deliberative decision-making processes. The study pays particular attention to the Nigerian National Assembly and its committee system, analyzing its structure under the 1999 Constitution and its Rules of Procedure. It examines the allocation of committee leadership, the role of political party influence, and the impact of committee work on the passage and quality of legislation. While the committee system enhances legislative performance and accountability, the paper identifies key challenges undermining its effectiveness. These include political interference, duplication of roles, limited public access to committee proceedings, lack of technical expertise, and poor enforcement of committee recommendations. The paper concludes by recommending reforms aimed at strengthening the independence, transparency, and capacity of legislative committees. Ultimately, the paper argues that a functional and robust committee system is essential to promoting democratic governance, improving legislative efficiency, and enhancing the responsiveness of the law-making process to public needs.

**Keywords:** Committee, Committee System, Constitution, Investigation, Legislator, Legislative Process, Oversight

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## 1. Introduction

The legislature, as one of the three arms of government, plays a fundamental role in democratic governance. It is the primary institution responsible for law-making, policy formulation, oversight of the executive, and representation of the people. However, the sheer volume, diversity, and complexity of modern legislative business have made it practically impossible for the legislature to function effectively, specifically through plenary sessions. To address these challenges, legislative bodies across the world have evolved internal mechanisms to ensure efficiency, specialization, insightful, and in-depth deliberation, particularly through the committee system. The committee system is an institutional framework that allows legislatures to divide their workload among smaller groups of members who possess the time, resources, and technical capacity to engage in more rigorous scrutiny of legislative proposals and executive activities.<sup>1</sup>

In both unicameral and bicameral legislatures, committees usually serve as the engine rooms where most of the legislative work is conducted. They provide a forum for expert analysis, public engagement, and consensus building. In essence, while the plenary debates often attract public and media attention, the real substance of legislative deliberation often takes place within committees. Committees are empowered to conduct public hearings, examine witnesses, analyse policy implications of bills, and make recommendations to the entire house. They may be standing (permanent), select (temporary), joint (comprising members of both chambers), or ad hoc (constituted for specific purposes), each performing strategic roles to ensure the smooth functioning of the legislative process.<sup>2</sup>

The relevance of the committee system is even more pronounced in federal and parliamentary democracies like Nigeria, the United States, and the United Kingdom, where legislative activities are not only numerous but also require technical expertise across diverse fields such as finance, defence, health, education, and petroleum resources. In the Nigerian context, the 1999 Constitution and the Standing Orders of the National Assembly establish various committees with broad and specific mandate.<sup>3</sup> These committees are central to budget consideration, confirmation of appointments, investigation of public institutions, and the monitoring of government programmes.<sup>4</sup>

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<sup>1</sup> A. Tomkins, *Public Law* (Oxford University Press 2003) 165.

<sup>2</sup> *Ibid*

<sup>3</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 62; Standing Orders of the Senate 2015 (Nigeria), Order 97; Standing Orders of the House of Representatives 2016, Order 18.

<sup>4</sup> B.O. Nwabueze, *Presidentialism in Commonwealth Africa* (C Hurst & Co 1974) 213.

In playing these formidable roles, they enhance transparency, promote accountability, and reinforce the doctrine of separation of powers.

Despite its many advantages, the committee system is not without shortcomings. In Nigeria and other emerging democracies, legislative committees often grapple with issues of politicisation, partisanship, redundancy, and inadequate funding. There are also concerns about limited public access to committee proceedings, lack of technical expertise, and weak enforcement of committee reports and resolutions.<sup>5</sup> However, executive interference and leadership struggles have, at times, undermined the independence and effectiveness of committees, thereby weakening their oversight functions.<sup>6</sup> The above issues raise important questions about the institutional design, internal governance, and external accountability of legislative committees.

This paper, therefore, seeks to undertake a comprehensive overview of the committee system in the legislative process, by examining the nature, classifications, functions, and significance of committees in enhancing legislative productivity. Particular attention will be paid to the Nigerian experience, with comparative insights drawn from the legislative systems of other jurisdictions such as the United States and the United Kingdom. The objective is to identify best practices, evaluate the challenges confronting legislative committees in Nigeria, and propose reforms for a more effective and transparent committee system that can enhance democratic governance and public trust in the legislature.

## **2. Nature and evolution of the Committee system**

### **A. History of Committee system Western world.**

The committee system is integral to the legislative process in many democracies, enabling thorough examination of proposed laws, oversight of the executive branch, and representation of diverse interests. The origins of the committee system can be traced back to the early practices of the British parliament. Initially, temporary committees were established to address specific issues, such as taxation or defence, a practice dating back to the medieval period. These committees evolved over time into more structured and permanent bodies to handle the increasing complexity of governance.<sup>7</sup>

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<sup>5</sup> J. Ibrahim, 'Strengthening the Role of Committees in the Legislative Process in Nigeria' (2005) Centre for Democracy and Development (CDD) Working Paper Series 5.

<sup>6</sup> O. Ajulo, 'The National Assembly and the Principle of Separation of Powers in Nigeria' 2(1) Afe Babalola University: *Journal of Sustainable Development Law & Policy* (2014) 44.

<sup>7</sup> P. Norton, 'The Growth of the British Parliamentary Committee System' in P. Norton (ed), *Legislatures* (Oxford University Press 1990) 57-74; G.R. Elton, *The Tudor Revolution in Government Administrative Changes in the Reign of Henry VIII* (Cambridge University Press 1974) Pp. 93, 112

By the 16<sup>th</sup> Century, the British parliament had introduced standing committees with specific areas of responsibility, essential for managing legislative workload. During the reign of Queen Elizabeth I, the use of standing committees increased as the government faced more complex issues requiring detailed scrutiny. Committees on trade, religion, and grievances were established, reflecting the growing complexity of governance.<sup>8</sup>

The 19<sup>th</sup> Century marked a significant expansion of the committee system in the UK parliament. Parliamentary reforms of the 1830s and 1840s, driven by the need for more efficient legislative processes and increased public accountability, led to the creation of select committees. These temporary committees focused on specific issues, conducting detailed investigations and gathering evidence from experts and witnesses. Notable examples include committees on railway construction, factory conditions, and public health. The select committee system enabled parliament to address a wide range of social and economic issues more effectively.<sup>9</sup>

Furthermore, in the 20<sup>th</sup> century, further reforms enhanced the role of committees in the UK Parliament. The establishment of departmental select committees in 1979 was a significant development. These committees mirrored government departments and were tasked with scrutinizing the work of specific ministries and government agencies. They had the power to call witnesses, demand documents, and produce reports, thereby increasing parliamentary oversight of the executive branch. The reforms aimed at strengthening the accountability and transparency of government activities.<sup>10</sup>

Today, the British Parliament's committee system includes a wide range of committees, including select committees, joint committees, public bill committees, and delegated legislation committees. Each type of committee serves specific functions, from scrutinizing government policies and expenditures to examining proposed legislation in detail.<sup>11</sup>

In the United States, the committee system was formalized with the establishment of the First Congress in 1789. Although the U.S. Constitution does not explicitly mention committees, they quickly became essential for managing legislative workload. Initially, the House of Representatives and the Senate used select committees for specific tasks. However, by the early 19<sup>th</sup> century, standing committees, which are permanent and focus on specific areas of legislation, had become

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<sup>8</sup> *Ibid*

<sup>9</sup> T. Jenkins, *Parliament, Party, and Politics in Victorian Britain* (Manchester University Press 1996) pp.67-89.

<sup>10</sup> P. Norton, 'The Growth of the British Parliamentary Committee System' in P. Norton (ed.), *Legislatures* (Oxford University Press 1990) 57-74; G.R. Elton, *The Tudor Revolution in Government Administrative Changes in the Reign of Henry VIII* (Cambridge University Press 1974) Pp. 93,112

<sup>11</sup> M. Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived* (Oxford University Press 2013) Pp.52,54, 62, & 65

standard in the U.S. Congress. The Legislative Reorganization Act of 1946 further solidified the role of committees by streamlining their structure and enhancing their resources and staff.<sup>12</sup> The committee system has also evolved in other parliamentary systems across the globe. For instance, in Canada, the use of committees became more prominent in the 20<sup>th</sup> century, with standing committees playing a crucial role in scrutinizing government activities and reviewing legislations. Similarly, in Australia, the committee system developed to provide detailed examination of policy issues and enhance the accountability of the executive branch.<sup>13</sup>

#### B. The Committee System under the 1999 CFRN

As previously mentioned, committees of the National Assembly draw their power and authority from the Constitution and the Standing Orders and Rules of the Houses. The constitution may expressly or impliedly make provisions for the legislature to set up committees. However, because of their importance and the critical role they play in the legislative process, Section 62(1) of the 1999 Constitution expressly provide that:

##### S. 62 (1)

The Senate and the House of Representatives may appoint a committee of its members for such special and general purpose, as in its opinion, would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such committee.

##### S. 62 (2)

The number of members of a committee appointed under this Section, their terms of office and quorum shall be fixed by the House appointing it.

##### S. 62 (3)

The Senate and the House of Representatives shall appoint a Joint committee on finance consisting of an equal number of Persons appointed by each House and may appoint any other Joint committee under the provisions of this section.

##### S. 62 (4)

Nothing in this section shall be construed as authorizing such House to delegate to a committee the power to decide whether a bill shall be passed into law or to determine any matter which it is empowered to determine by resolution under the provisions of this Constitution, but the committee may be authorized to make recommendations to the House on any such matter

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<sup>12</sup> G. Gamm and K.A. Shepsle, 'Emergence of Legislative Institutions: Standing Committees in the House and Senate 1810-1825' *Legislative Studies Quarterly* (1989) 14(1) 39-66

<sup>13</sup> J. Halligan, R. Miller, and J. Power, *Parliament in the 21<sup>st</sup> Century: Institutional Reform and Emerging Roles* (Melbourne University Publisher, 2007)

In its examination of the above provisions, the Law Library of Congress<sup>14</sup> made the following observations:

- (i) That the 1999 Constitution authorizes both the Senate and the House of Representatives to set up committees, and set limits on how they may be formed.<sup>15</sup>
- (ii) In doing so, each House shall have the discretion to determine the number of members appointed to a committee under this section, as well as their terms of office and quorum.<sup>16</sup> However, the appointing House is not permitted to delegate to a committee the authority to decide whether a bill shall be passed into law or to resolve any matter that the House itself is empowered to determine by resolution under the provisions of this Constitution.<sup>17</sup>

This is a departure from the manner in which committees in the US Congress operate in which they have the power to ‘kill’ bills and prevent their referral to the larger body by simply not voting on them.<sup>18</sup> In Nigeria, committees are authorized only to make recommendations and are required to report all matters back to the appointing house.<sup>19</sup>

- (iii) The Constitution requires the creation of two specific committees. It directs both the Senate and the House of Representatives to constitute a Joint Committee on finance, with an equal number of members from each House.<sup>20</sup> This joint committee’s main function is to harmonize any differences between the versions of appropriation bills passed by the Senate and the House of Representatives.<sup>21</sup> Furthermore, each House is obligated to establish a Public Accounts Committee, which is responsible for examining the Auditor-General’s report on the nation’s public accounts.<sup>22</sup>

The committee system within Nigeria’s legislative assemblies is anchored firmly in the Constitution. This system, essential for the efficient operation of both the National Assembly and the State Houses of Assembly, finds its legal foundation in specific constitutional provisions that establish and regulate the formation and functions of legislative committees.

At the State level, Section 103(1-3) of the Constitution<sup>23</sup> reproduces the provisions in Section 62, with the only notable difference being the substitution of the phrase “The Senate or the House of Representatives” with “a House of Assembly”, reflecting the structure and jurisdiction of state houses of assembly.

<sup>14</sup> Law Library of Congress, National Parliaments: Nigeria, page 5.

<sup>15</sup> CFRN 1999 Section 62(1)

<sup>16</sup> *Ibid*, at S. 62 (2)

<sup>17</sup> *Ibid*, at S. 62 (4)

<sup>18</sup> National Secretariat of the Nigerian Legislatures, *A Handbook on the Legislative Practice and Procedure of the National Assembly* (2004) 88

<sup>19</sup> CFRN 1999 S. 62 (4)

<sup>20</sup> *Ibid*, at S. 62 (3)

<sup>21</sup> *Ibid*, at S. 59 (2)

<sup>22</sup> *Ibid*, at S. 85 (2)

<sup>23</sup> *Ibid*, at S. 103 (1) & (2)



The replication of these provisions at the state level underscores the significance of the committee system as an indispensable tool in the legislative process. By providing for establishment and operation of committees, the Constitution ensures that legislative assemblies – whether at the national or state level, have the means to effectively scrutinize legislation, oversee executive actions, and engage in detailed examination of complex issues. Thus, these constitutional provisions remain the foundation upon which the committee system in the Nigerian legislature is built.

### **3.The Importance, rationale and influence of Committees**

Legislative committees form the backbone of legislative processes in democratic systems worldwide. They are specialized sub-groups within a legislative body, mandated to undertake in-depth analysis, scrutiny, and oversight of legislative proposals and governmental activities. They have also been described as small groups of legislators who are assigned, on either a temporary or a permanent basis, to examine matters more closely than could the full chamber.<sup>24</sup>

Their role extends beyond mere examination of bills; they serve as vital conduits for public participation, transparency, and accountability in governance. The importance of these committees is magnified in complex governmental systems where legislative bodies are tasked with creating and overseeing an extensive array of laws, policies, and regulations. This section delves into the multifaceted importance of legislative committees, the underlying rationale for their existence, and the significant influence they exert within legislative frameworks.

Nevertheless, committees do not make laws as the law making powers of the Legislature lies in plenary, with the appropriate majority of votes.<sup>25</sup> In doing so, the proper procedure must also be followed.<sup>26</sup> Thus, when a Conference Committee of both Houses of the Legislature reconciled and harmonized the different versions of the Revenue Allocation Bill of 1981, and same was sent to the President who assented to it, the Supreme Court annulled the Act as having been passed unconstitutionally. The reconciled version ought to have been passed by both Houses in plenary before such assent.<sup>27</sup>

#### **i. The Importance of Legislative Committees**

Committees are purpose-driven entities within a legislative body, tasked with specific duties that allow the broader assembly to manage its responsibilities more effectively. These committees are

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<sup>24</sup> NDI, 'Committees in Legislatures: A Division of Labor' *Legislative Research Series* (1996) p.3

<sup>25</sup> S. 4 of the Constitution vests the law-making powers in the legislature, not in any of its committees.

<sup>26</sup> CFRN 1999 S. 58

<sup>27</sup> *AG Bendel v AGF* (1982) 3 NCLR 1; *NASS v President (note 233)*; See also S. 62(4) CFRN 1999 - Committees cannot pass bills into law.

empowered by the full house, which grants them the authority to address certain legislative matters in a more focused and organized manner.

Ojagbohunmi<sup>28</sup> supports this view, arguing that committees are made up of legislators selected to handle the detailed work of the larger assembly, particularly tasks that the assembly may not have the time or resources to address directly. The crucial role of committees in the legislative process is emphasized by Blondel, who observed that ‘committees seem so natural to the existence and working of many legislatures ...that it is difficult to believe that assemblies could have worked for a long time without organized committees.’<sup>29</sup>

Legislative committees are of paramount importance in the legislative process for several reasons. First and foremost, they serve as the primary bodies for detailed scrutiny of legislation. In most legislative bodies, including those in Nigeria and the United Kingdom, the sheer volume and complexity of bills introduced, necessitate a more manageable approach to their consideration. Committees provide the platform for such detailed examination allowing for thorough debate and consideration of each bill’s implication.

Moreover, legislative committees contribute significantly to the efficiency of the legislative process. By dividing the workload among various specialized committees, the legislature can address multiple issues simultaneously, thereby expediting the legislative process. This division of labour not only ensures that bills are processed more efficiently but also that each bill receives the focused attention it requires. It has been observed that the complexity and technical nature of certain bills, motions, reports, and other legislative matters often necessitate expert analysis and input. This need is best met when these issues are referred to the appropriate committees, where they can undergo thorough and professional scrutiny. According to him, such detailed examination is often beyond the capacity of the House during its regular plenary sessions.

In the UK, the efficiency of legislative committees is exemplified by the Public Accounts Committee, which has a longstanding history of examining government expenditures with remarkable efficiency since its establishment in 1861.<sup>30</sup>

In addition to enhancing efficiency, legislative committees are essential for fostering specialization among legislators. Members of these committees often develop expertise in specific policy areas, which in turn improves the quality of legislative debate and decision-making. This specialization is

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<sup>28</sup> G.A. Ojagbohunmi, ‘Committees of the Legislature’ (A paper presented at a Training Workshop for Clerks-at-the table and committee clerks of the National Assembly, held at Shiroro Hotel, Minna – Niger State from 16<sup>th</sup>-30<sup>th</sup> January, 2006).

<sup>29</sup> J. Blondel, *Comparative Legislatures* (Prentice-Hall, 1973).

<sup>30</sup> T. Jenkins, *Parliament, Party, and Politics in Victorian Britain*, *supra*



particularly crucial in fields that require a deep understanding of technical and complex issues, such as health, finance, and national security. For instance, members of the British House of Commons' Health and Social Care Committee often possess or develop expertise in public health matters, enabling them to effectively scrutinize health-related legislation and policies.<sup>31</sup>

Another significant role of legislative committees is to serve as an invaluable channel for public participation in the legislative process. Committees often hold public hearings, during which stakeholders, experts, and members of the public are invited to provide input on proposed legislation. This participatory process not only enhances the legitimacy of the legislative process but also ensures that a diverse range of perspectives is considered in the formulation of laws. In Nigeria, recently, the Senate Committee on power conducted an Investigative Hearing on the "Need to halt the proposed increase in electricity tariff by eleven (11) successor electricity distribution companies (DISCOS)."<sup>32</sup> In the same vein, Senate Committee on Judiciary, Human Rights and Legal Matters held a Public Hearing on Change of National Anthem.<sup>33</sup> These public hearings and others provide opportunities for the Nigerian public to participate in and influence policy decisions that directly affect them.

Furthermore, legislative committees play a critical role in maintaining the checks and balances that are fundamental to democratic governance. Through their oversight functions, committees monitor the activities of the executive branch, ensuring that government actions align with the law and the public interest. This oversight function is vital for preventing abuses of power.

## ii. Membership of Committees

Legislative committees are essential components of any parliamentary system, tasked with various functions that streamline the legislative process and enhance the oversight capabilities of the legislature. These committees are smaller groups within the larger legislative body, usually composed of members selected based on their expertise, party affiliation, or other considerations. The effectiveness of legislative committees is largely determined by their membership, which can influence the quality of deliberations, the comprehensiveness of oversight, and the fairness of legislative scrutiny. This study provides an in-depth analysis of the factors influencing committee membership, methods of selection, the role of political parties, and the impact of membership on

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<sup>31</sup> 'House of Commons Health and Social Care Committee,' *The Government's Response to Coronavirus: Health And Social Care Committee First Report of Session (2019-21)*. Official report by the Health and Social Care Committee on the government's response to COVID-19, providing a contemporary example of the committee's work and influence

<sup>32</sup> Editorial, 'Halt Proposed Increase In Electricity Tariffs, Senate Tells Tinubu...Says Poor Nigerians Should be Allowed To Breathe' *The Tide News* (26 July, 2023).

<sup>33</sup> Headlines, 'Senate Begins Public Hearing on Change of National Anthem' *Channels Television* (27 May, 2024).

committee effectiveness. It also explores the specific dynamics of committee membership within the British Parliament, offering a comprehensive overview.

#### a. Factors Influencing Committee Membership

The composition of legislative committees is influenced by multiple factors that collectively shape the effectiveness and functionality of these bodies. Key factors include party affiliation, expertise, seniority, legislative strategy, and institutional norms.

#### b. Party Affiliation

Political parties play a decisive role in determining committee membership in most parliamentary systems. Committees are often structured to reflect the party composition of the larger legislative body, ensuring that the majority party or governing coalition, maintains control over the legislative agenda. In the UK House of Commons, for example, the composition of committees such as the Public Accounts Committee reflects the distribution of seats in the Commons, albeit with an opposition MP traditionally serving as chair to maintain a degree of balance and accountability.<sup>34</sup> This ensures that while the majority party can advance its legislative priorities, the opposition also has a meaningful role in scrutinizing government actions.

In Nigeria, in the National Assembly and State Houses of Assembly, committee membership is largely dictated by party leadership. The President of Senate and Speaker of the House of Representatives and his state counterparts play a central role in appointing committee members. Party whips and caucus leaders also ensure that key committees are controlled by legislators loyal to the ruling party, reinforcing the party's dominance in legislative affairs.<sup>35</sup>

#### c. Expertise

The effectiveness of a legislative committee can be significantly enhanced by the presence of members with relevant expertise. Committees dealing with specialized issues, such as finance, health, or foreign affairs, benefit from the inclusion of members who have professional experience or academic knowledge in these areas. In the Nigerian National Assembly, for instance, members with legal background are often assigned to the Judiciary, human rights and legal matters committee; while those with financial expertise are placed on the Finance Committee.<sup>36</sup> This specialization allows committees to engage in more informed and intelligent discussions, leading to better legislative outcomes.

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<sup>34</sup> P. Norton, at note 7

<sup>35</sup> A.T. Okoosi-Simbine, 'Legislative Committees in the Nigerian National Assembly' *The Nigerian Journal of Legislative Affairs* (2010) 3(1) 56.

<sup>36</sup> *Ibid*-

d. Seniority and Experience

Seniority often plays a critical role in committee assignments. Experienced legislators, who have served multiple terms and have a deep understanding of the legislative process are frequently chosen for key committee positions. This is especially true for the chairmanship roles, which are typically reserved for senior members who have demonstrated leadership abilities and political acumen. In the UK Parliament, the Chairmen of select committees are usually drawn from the most seasoned MPs, ensuring that these committees are led by individuals with substantial legislative experience.<sup>37</sup>

e. Legislative Strategy

Political strategy also influences committee membership. Parties may strategically place their most effective or loyal members on critical committees to advance their legislative agenda or to counter the opposition. This is particularly evident in situations where the outcome of committee deliberations could significantly affect the passage of important legislation. For example, in the UK, the governing party often ensures that its members dominate committees that deal with highly contentious issues, thereby increasing the likelihood that the committee's recommendations will align with government policy.<sup>38</sup>

f. Institutional norms and rules

The internal rules and traditions of a legislative body also shape committee membership. In some parliaments, there are formal rules governing the selection and rotation of committee members, while in others, the process is more informal and based on tradition. These norms ensure continuity and institutional memory within committees, which can be crucial for maintaining the effectiveness of long-standing committees, such as those dealing with public accounts or foreign relations.

g. Methods of Selection

The methods used to select members of legislative committees vary significantly between different legislative bodies and can have a profound impact on the independence, effectiveness, and credibility of these committees. The selection process can be influenced by the political context, institutional design, and the need for accountability.

h. Appointment by Leadership

In many legislative bodies, committee members are appointed by the leadership of the House. This centralized approach allows party leaders to ensure that key committees are composed of members who are aligned with the party's legislative priorities. In Nigeria, for example, the Senate President,

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<sup>37</sup> M. Rush, *Parliament Today* (Manchester University Press 2005) p. 78

<sup>38</sup> G.W. Cox and M.D. McCubbins, *Legislative Leviathan: Party Government in the House* (University of California, 1993)

and the Speaker of the House of Representatives, play a pivotal role in the appointment of committee members, often in consultation with party leaders to ensure that the composition reflects a balance of political and regional interests.<sup>39</sup> While this method allows for strategic control, it can also lead to concerns about the independence of committees, especially if members are selected based on loyalty rather than expertise.

i. Election by Peers

In contrast to appointment by leadership, some legislative bodies allow committee members or chairmen to be elected by their peers. This method is seen as a way to enhance the legitimacy and independence of committees, as it reduces the influence of party leadership and allows members to choose their own representatives. In the UK House of Commons, for instance, the chairmen of select committees are elected by a secret ballot of all MPs, a reform introduced in 2010 to empower backbenchers and increase the independence of committees. This system has been credited with making select committees more effective and less subject to party control, as chairmen are accountable to the entire House rather than to party leaders.

j. Proportional Representation

Some parliamentarians use a system of proportional representation to allocate committee seats, ensuring that composition of committees reflects the overall party distribution in the legislature.

k. Role of Political Parties

Party politics play a significant and often decisive role in the composition, functioning, and overall dynamics of legislative committees. Committees do not operate in a political vacuum, rather, they are deeply embedded in the wider context of party politics.

l. Party Discipline

In political systems with strong party discipline (especially under the parliamentary system), committee members are often expected to adhere to party line even within committee settings.

m. Cross Party Collaboration

Despite the influence of party politics, effective committees often require cross party collaboration. This is particularly true in select committees in the UK Parliament which has a long-standing tradition of operating on a non-partisan basis. .

n. Political Patronage and Loyalty

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<sup>39</sup> J. Barkan, *Legislative Power in Emerging African Democracies* (Lynne Rienner Publishers 2009) p. 45.

In some cases, committee assignments are used as a form of political patronage, rewarding party members with prestigious and influential positions. This can undermine the effectiveness of committees as members may be selected based on loyalty rather than expertise or merit.

o. Other factors include: influence of the Opposition; Shaping Committee Agenda and Priorities; Expertise and Specialisation; Independence and Objectivity; Political Balance; Continuity and Institutional Memory.

### iii. Jurisdiction of Legislative Committees

The jurisdiction of legislative committees is a crucial aspect of the legislative process, determining the scope within which committees can operate. It is through the jurisdiction that committees exercise their investigative, oversight, and law-making functions. The study examines the concept of committees' jurisdiction, exploring its significance, the factors that determine it, and its implications for legislative effectiveness. In doing this, examples will be drawn from both the Nigerian and British legislative systems to provide a comparative perspective.

#### a. Definition of Committees' Jurisdiction

Committees' jurisdiction refers to the specific areas of policy or administration assigned to a committee by the legislative body. It defines the boundaries within which a committee can function, including the subjects it can investigate, the bills it can review, and the executive actions it can oversee. This jurisdiction is often determined by the rules of the legislative body, statutory mandates, or specific resolutions.

In the British Parliament, for instance, the jurisdiction of Select Committees is usually defined by the standing orders of the House of Commons. For example, the Public Accounts Committee has jurisdiction over all government expenditures, ensuring they are in line with the decisions of parliament.<sup>40</sup>

#### b. Determinants of Committees' Jurisdiction

The jurisdiction of a committee is influenced by several factors, including:

##### i. Legislative Rules

The standing orders or rules of procedure of the legislative body often define the scope of a committees' jurisdiction. In Nigeria, for instance, the Senate, the highest law-making body in Nigeria, classified committees into three broad classifications; that is, Special Committees, Standing Committees, and Ad-hoc Committees as contained in its Standing Rules of 2002.<sup>41</sup>

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<sup>40</sup> Jenkins, at note 9

<sup>41</sup> Rules 96 and 98 Standing Rules of the Senate 2002

The Senate Standing Orders provide detailed rules on the jurisdiction of various committees, such as the Committees on Agriculture & Rural Development, Judiciary and Legal Matters, Education, Works and Housing, etc.

ii. Resolutions and Orders

Sometimes, the jurisdiction of a committee is determined by resolutions passed by the legislative body or by special orders issued by the President of the Senate or the Speaker of the House of Representatives. This is common in cases where ad-hoc committees are established to address specific issues, such as civil unrest or religious crisis.

iii. Some Similarities with the UK System

The jurisdiction of committees in Nigeria and the UK reveals both similarities and differences, shaped by their distinct legislative frameworks.

In Nigeria, the jurisdiction of committees is largely determined by the Constitution, Standing Orders of the two Houses of the National Assembly, and specific statutes. For instance, the Constitution gives the National Assembly the power to establish committees and define their jurisdiction.<sup>42</sup> The standing orders further delineate the jurisdiction of each committee, ensuring that all areas of governance are covered.

In the United Kingdom, the jurisdiction of committees is determined by the standing orders of each House, as well as by specific statutes. The House of Commons has a well-established system of departmental select committees, each with jurisdiction over a specific government department. The committee of Public Accounts, for example, has jurisdiction over all government spending, as mandated by the National Audit Act 1983.<sup>43</sup> Additionally, select committees in the House of Lords, such as the Constitution Committee, have jurisdiction over constitutional matters, as defined by the House of Lords' Standing Orders.<sup>44</sup>

The jurisdiction of committees has significant implications for legislative oversight and effectiveness. A well-defined jurisdiction ensures that committees can focus on specific areas, develop expertise, and effectively scrutinize government actions. However, overlapping jurisdictions can lead to conflicts between committees, duplication of efforts, and inefficiencies in the legislative process.

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<sup>42</sup> CFRN 1999 (note 54)

<sup>43</sup> T. Jenkins, at note 9

<sup>44</sup> G.R. Elton, at note



In contrast, the UK Parliament has developed mechanisms to manage jurisdictional overlaps, such as the Liaison Committee, which coordinates the work of select committees and resolves conflicts in jurisdiction.<sup>45</sup>

The jurisdiction of legislative committees is a fundamental aspect of the legislative process, shaping the effectiveness of legislative oversight and the scrutiny of government actions. While the determinants of committees' jurisdiction vary across legislative systems, the principles of clear definition, statutory mandate, and effective coordination are essential for ensuring that committees can fulfil their functions.

Legislative committees are pivotal to the functioning of any legislative body. They serve as essential mechanisms for detailed scrutiny of legislation, oversight of the executive, and investigation of matters of public concern. Committees enable legislatures to function more efficiently by dividing work among smaller groups of members, allowing for specialized focus on specific areas. This study examines the functions and powers of legislative committees, drawing on examples from Nigeria and the United Kingdom.

One of the primary functions of legislative committees is the review of proposed legislation. Committees are tasked with examining bills in detail, considering amendments, and ensuring that the proposed laws are effective, efficient, and just. In the Nigerian context, this function is particularly crucial given the extensive and diverse nature of the country. Committees in both the National Assembly and the State Houses of Assembly play a critical role in ensuring that legislation is tailored to the needs of different regions.<sup>46</sup>

In the United Kingdom, committees such as the Public Bill Committees (formerly Standing Committees) are responsible for examining the details of proposed legislation. They consider the clauses of a bill and have the power to amend them before the bill returns to the House for further consideration. This process is vital to ensuring that legislation is thoroughly vetted before becoming law.<sup>47</sup>

Committees also have the crucial function of overseeing the activities of the executive branch. This function is essential for maintaining the checks and balances necessary in a democratic system.<sup>48</sup> It has been observed that a defining feature of Nigeria's presidential system of government is its reliance on the twin principles of separation of powers and checks and balances. These principles

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<sup>45</sup> T. Jenkins, *supra*

<sup>46</sup> J.A.A. Ayoade, *The Federal Character Principle and the Search for National Integration* (Ibadan: Vantage Publishers 2010) p. 34

<sup>47</sup> Jenkins, *supra*

<sup>48</sup> *El-Rufai v House of Representatives* (2003) 46 WRN 70; See also *U.S. v Nixon* 418 U.S. 683 (1974)

dictate that the three core functions of government; legislative (law making), executive (law enforcement), and judicial (law interpretation), should be distributed across distinct branches, preventing the concentration of power in any single entity. However, for these branches to perform their respective roles effectively, they must also serve as checks on one another.

Since the executive branch is tasked with implementing the laws enacted including the management of public funds, it becomes crucial for the legislature to oversee the activities of the executive. This oversight is vital to ensure that laws are enforced properly and that public funds are spent wisely to achieve designated objectives.

In the UK, the Public Accounts Committee is one of the oldest and most influential committees. It examines the value for money-the economy, efficiency, and effectiveness-of public spending, and it holds government accountable for its use of taxpayers' money. The power and influence of the PAC have grown over time, making it one of the most important mechanisms of legislative oversight in the UK.<sup>49</sup>

By way of further comparison and analogy, in the United States of America, the powers of Committees are inherent in the legislative process and they carry out similar investigative and oversight functions. In *McGrain v Daugherty*, the Court held that “we are of the opinion that the power of inquiry-with the process to enforce it – is an essential and appropriate auxiliary to the legislative function.”<sup>50</sup>

Legislative committees are often tasked with investigating matters of public concern.<sup>51</sup> This function allows committees to gather evidence, call witnesses, and produce reports that can lead to legislative action or reforms.<sup>52</sup> In the UK, select committees such as the Home Affairs Committee have been instrumental investigating significant issues like police conduct, immigration policies, and national security. These investigations often lead to reports that influence government policy and legislative reforms.<sup>53</sup>

Another critical function of legislative committees is the scrutiny of the national budget estimates. Committees play a vital role in examining budget proposals, ensuring that allocations are made in the best interest of the public, and aligning them with national priorities. In Nigeria, the Public

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<sup>49</sup> G.R. Elton, *supra*

<sup>50</sup> *McGrain v Daugherty* 273 U.S. 135, 181-182 (1927); See also *Eastland v United States Servicemen's Fund*, 421 U.S. 491, 509 (1975); and *Watkins v United States*, 354 U.S. 178, 187 (1957)

<sup>51</sup> *Tony Momoh v Senate of the National Assembly* (1982) 1 FNLR 23; (1982) 3 NCLR 394; See also S. 16(5) Freedom of Information Act, 2011

<sup>52</sup> *Adikwu v House of Representatives* (1982) 1 FNLR 23

<sup>53</sup> D. Carpenter, *Magna Carta* (Penguin, 2003) P. 198

Accounts Committee, Finance Committee, and Appropriation Committee, are the three committees that are tasked with the responsibility of ensuring the implementation of budget provisions.

In the UK, the Treasury Committee examines the government's economic policies, including taxation and public expenditure. The Committee's influence extends to reviewing the work of the Bank of England and other financial institutions, making it a key player in the economic governance of the country.<sup>54</sup>

Acknowledging the importance of checks and balances, the Constitution<sup>55</sup> explicitly grants the legislature the power to investigate the activities of ministries, departments and agencies of government and their officials. Section 88 of the Constitution gives the legislature power to direct or cause to be directed investigation into:

88(1);

- (a) Any matter or thing with respect to which it has power to make laws; and
- (b) The conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for
  - (i) Executing or administering laws made by the National Assembly; and
  - (ii) Disbursing or administering moneys appropriated or to be appropriated by the National Assembly.

The Constitution however, expressly provides that the powers conferred on the National Assembly in the above section are exercisable only for the purpose of enabling it to:

Section 88(2):

- (a) Make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and
- (b) 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.<sup>56</sup>

Section 89(1)

For the purposes of any investigation under Section 88 of this Constitution and subject to the provisions thereof, the Senate or the House of Representatives or a committee appointed in accordance with Section 62 of this Constitution shall have power to-

- (a) Procure all such evidence, written or oral, direct or circumstantial, as it may think necessary or desirable, and examine all persons as witnesses whose evidence may be material or relevant to the subject matter;
- (b) Require such evidence to be given on oath;
- (c) Summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness and require him to produce any document or other thing in his possession or under his control, subject to all just exceptions; and

<sup>54</sup> Jenkins, *supra*

<sup>55</sup> CFRN 1999 Section 88(1) & (2)

<sup>56</sup> *Ibid*

- (d) Issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the committee in question, and order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons, and also to impose such fine as may be prescribed for any such failure, refusal or neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.

The legislative assembly exercises its oversight functions by thoroughly investigating and evaluating the performance of executive departments. The purpose being to ensure that laws are implemented as intended, funds are utilized for their designated purposes, and that government activities are conducted efficiently, without waste or corruption. The committees of the Houses are the primary mechanisms through which the legislature carries out these vital oversight responsibilities.

Committees have the power to summon witnesses and demand the production of documents relevant to their inquiries.<sup>57</sup> This power is fundamental to their ability to carry out thorough investigations and hold the executive accountable. Thus, legislative committees can summon any person, including public officers, to give evidence or produce documents in their possession.<sup>58</sup> In the UK, committees have similar powers. For example, the Home Affairs Committee can compel witnesses to appear before it and require the submission of documents necessary for its inquiries. Statements made to Committees are protected from being challenged or used to support defamation claims under parliamentary privileges.<sup>59</sup> This power is crucial for uncovering the truth and ensuring that investigations are comprehensive and effective.<sup>60</sup>

Committees have the power to report their findings to the legislative body. These reports often include recommendations for action or changes in policy. In Nigeria, the reports of committees are critical in shaping legislative debates and decision-making. They provide the legislature with the information needed to make informed decisions on a wide range of issues.<sup>61</sup>

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<sup>57</sup> *Ibid* Sections 89 and 129, for State Houses of Assembly; See also Sections. 4, 5, 6 and 7 Legislative Houses (Powers and Privileges) Act, 2017

<sup>58</sup> *Ibid*; See also *Okitipupa Oil Palm Co. Ltd. v Jegede* (1982) 3 NCLR 494

<sup>59</sup> *House of Representatives v Shell Petroleum Development Co. of Nigeria Ltd* (2010) 1 NWLR (Pt. 1205) 213; See also *Shell Petroleum Development Co. of Nigeria Ltd v Pere Ajuwa* (2015) 14 NWLR (Pt. 1480) 403

<sup>60</sup> D. Carpenter, *supra*

<sup>61</sup> J.Y. Fashagba, "The Role of the Committee System in Enhancing Legislative Efficiency in Nigeria: The Case of Kwara State House of Assembly," *Journal of Sustainable Development in Africa*, (2009) (10) (4)

In the UK, select committees produce reports that are debated in parliament. These reports can lead to significant changes in government policy and legislation. The influence of committee reports has grown over time, making them an essential part of the legislative process.<sup>62</sup>

While committees are primarily involved in reviewing and amending legislation, they also have the power to *initiate* legislation in some cases. In Nigeria, this power is less common but still significant, particularly in cases where a committee has conducted a thorough investigation and identified a need for legislative action.<sup>63</sup>

In the UK, committees such as the Joint Committee on Human Rights have the power to propose new legislation or amendments to existing laws. This power allows committees to play a proactive role in shaping the legislative agenda and addressing issues of public concern.<sup>64</sup>

Legislative committees are indispensable to the effective functioning of legislatures. Their functions, ranging from legislative review and analysis of bills to oversight, investigation, and budgetary scrutiny, ensure that the legislative process is thorough and responsive to the needs of the public. The powers granted to committees, including the power to summon witnesses, demand documents, report findings, and initiate legislation, equip them with the tools necessary to fulfill their responsibilities. As seen in both Nigeria and the UK, committees play a crucial role in maintaining the integrity and effectiveness of the legislative process.

## 4. Conclusion

The committee system stands as one of the most critical pillars of an effective and functional legislature. As the complexity and scope of legislative duties continue to expand, the relevance of committees in ensuring legislative efficiency, accountability, and responsiveness cannot be overemphasised. Committees serve as the engine rooms of legislative bodies, providing a framework for detailed examination of bills, budgetary scrutiny, executive oversight, and stakeholder engagement. Through their specialised focus, they enable lawmakers to make informed decisions, improve the quality of legislation, and deepen democratic practice.

This paper has examined the nature, structure, and operational modalities of legislative committees, both generally and within the Nigerian context. It has shown that while the committee system offers numerous benefits—including decentralisation of power, facilitation of bipartisan dialogue, and promotion of transparency—it is equally riddled with systemic challenges. In Nigeria, these

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<sup>62</sup> Jenkins, *supra*, at note 9

<sup>63</sup> J.A.A Ayoade, *supra*, at note 47

<sup>64</sup> G.R Elton, *supra*, at note 45

challenges range from executive interference, poor funding, inadequate research support, and weak enforcement of committee findings, to politicisation and lack of public access. These limitations significantly impair the committees' effectiveness and reduce public confidence in the legislative process.

Comparative insights from jurisdictions like the United States and the United Kingdom reveal that strong committee systems are founded on autonomy, robust procedural rules, adequate funding, and institutional respect for committee recommendations. For Nigeria and similar emerging democracies to harness the full potential of the committee system, a number of reforms are imperative. These include enhancing the independence of committee leadership, strengthening legal and procedural safeguards for committee operations, investing in technical and research capacity, and institutionalising mechanisms for public engagement and transparency in committee work.

Ultimately, a well-structured and effectively operationalized committee system is not just an administrative convenience it is a democratic necessity. It is through committees that the legislature can perform its functions more rigorously, check executive excesses, respond to citizens' concerns, and ensure that governance remains people-driven. Reforming and strengthening the committee system is, therefore, vital to improving the quality of law-making and the overall performance of democratic institutions.



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