

Study of Oversight Functions Mechanism of the Legislature of Cross River State, Nigeria: Focus on Public Funds Appropriation and Usage

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Abstract

This study focused on oversight functions mechanism of Cross River State legislature on public funds. Sample size of 900 was adopted for the purpose of the study. Stratified random sampling was used in the study. Stratification was done on the basis of geopolitical zone, political party affiliation and educational status of the respondents. 900 political party members evenly distributed (300 apiece) among the three leading political parties in the last general elections were used as respondents for the purpose of the study. Each respondent has at least an SSCE/WASC educational qualification. 300 respondents were interviewed in each of the geopolitical zones (i.e. South, Central and North). Two hypotheses were tested. Results showed that the political class themselves perceive the Cross River Legislature as not carrying out its oversight function over the state's Fund Appropriation and usage significantly.

KeyWords : Appropriation, Mechanism, Public Fund, Oversight, Usage

Introduction

Democracy is a global phenomenon which almost every nation professes commitment to. The democratic crave is lately sweeping across the whole World, from the nation states in the former Soviet Union and Eastern Europe to Africa and Asia. This momentum across the globe is arguably as a result of its immense advantages, and by implication, because of its capacity to check the negative consequences of bad governance (Bello-Imam, 2004). Consequently, democratic pressures all over the World is, among other things, an insistence on expression of the will of the people. Nigeria, the most populous country in Africa, made the choice to align itself with the rest of the world on the democratic crave (Idada and Uahunmwuango, 2012).

In order for democracy to be meaningful it must arguably be characterized or underlined by the principles of openness, representation, accountability, transparency and the defense, protection and preservation of individual and group rights (Vanhanem 1990). According to Lafenwa (2009), democratization project is facing a lot of challenges in Africa. Democratic reversal rather than democratic consolidation is imminent in most African states. With the coups in Guinea, Mauritania and Madagascar; flawed electoral processes in Nigeria, Kenya, and Zimbabwe, conflicts in Congo Democratic Republic, Sudan, Cote D'Ivoire as well as political repression and social dilemmas in Cameroon; the fluctuating fortunes of democracy in Africa cannot be doubted. Besides, there are crises of legitimacy, constitutionalism, security, national question, and dwindling international image. These attributes have contributed to the diminishing quality of human life in most of these countries. Recently, over 70% of Nigerians are reported to be living below \$2 per day and the 2009 Global Corruption Barometer released by Transparency International listed Nigeria among the most politically corrupt nations in the world. The pertinent question at this point is: Will democracy survive in the wake of electoral fraud and violence, unrest and instability, poverty and squalor as well as gradual erosion of democratic standards in Africa in general and Nigeria in particular? This question becomes more pressing in the face of failure of most safe-guard mechanisms such as legislative oversight function.

The legislature is the engine of democratic governance, as laws made by it set the agenda for the government and regulate the conduct of the people. Besides, its oversight and representational duties are critical to sustainable development which is considered as one of the ends of democracy. This study investigates the oversight mechanism of the Legislature over the Executive in resolving challenges facing democratization project in Cross River State, Nigeria. Most of the studies on consolidation of democratic governance in developing countries place less prominence on the significance of the legislature in addressing challenges of democracy. This may be due to the perceived increasing dominance of the executive arm and the declining significance of this institution in politics. Although legislatures in Nigeria have been variously described as 'rump' assemblies, theatres of illusion, or even mere rubber-stamp chambers, they remain a veritable instrument for the democratic process.

Most state legislatures in Nigeria are generally believed not to be living up to their constitutional responsibilities. This defeats the principle of "Checks and Balances" which is a core one in democracy. The existence of a viable and functional legislature undoubtedly ensures that the core principles of 'checks and balances', separation of powers, adequate representation (when compared to their counterparts in the executive,

legislators represent more definite and smaller constituencies), proper definition and differentiation of duties of three arms of government are enjoyed by that country or society. This in turn would lead, all things being equal, to all-round development for that country. Apparent lack of this tradition, for most part, in Nigeria throws up the problem for this study.

For the purpose of this study, benchmarks as stated by the Constitution of Nigeria (FGN, 1999) shall be used. According to Section 128, Sub-Sections 1 and 2 of the Constitution of Nigeria, the Constitution provides the following as part of the duties of the state legislature:

- Subject to the provisions of this Constitution, a House of Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the State to direct or cause to be directed an inquiry or investigation into:
 1. Any matter or thing with respect to which it has power to make laws; and
 2. 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 -
 - a. Executing or administering laws enacted by that House of Assembly, and
 - b. Disbursing or administering moneys appropriated or to be appropriated by such House.
- The powers conferred on a House of Assembly under the provisions of this section are exercisable only for the purpose of enabling the House to:
 1. Make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and
 2. Expose corruption, inefficiency of waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

Objective

The specific objectives of this study are:

1. To determine to what extent Cross River State legislature carry out their oversight function over the administration of public fund or Consolidated Revenue.
2. To ascertain factors affecting the performance of oversight functions by Cross River State's Legislature.

Research Question

1. To what extent does the Cross River State legislature undertake its constitutional oversight function over the administration of the State's public fund (Appropriated or Consolidated revenue)?
2. What factors are responsible for the ability or inability of the legislature to carry out a significant oversight function over the administration of the State's public fund?

Hypothesis

1. Cross River State legislature do not significantly carry out its oversight function over the administration of Consolidated Revenue Fund.
2. Cross River State legislature do not significantly carry out its oversight function over the administration of Budgeting Appropriations

Literature Review

Over the years, the idea of democracy has been a fundamental issue in political thought. Abraham Lincoln, the famous American statesman and President is credited amongst the earliest political thinkers who defined democracy "as government of the people by the people and for the people" (Keefe and Ogul, 1981: 6) To him and others that shared his line of thinking, a democratic government is that which is made up of people that are elected by a people for the well-being of the generality of the people. Thus, democracy is basically a contract system of sorts involving an agreement between the ruler and the ruled to govern according to the rules; it represents a system of government that is meant to ensure good life for the people. Lincoln's line of thinking is shared by many scholars (Price 1985; Chazzan, 1992; May, 1976).

In his treatise, Price (1985:36) felt that it is easy for a government to rule its people by coercion, issuing decrees and compelling the people by force to obey them, as is the case of Nigeria under Military regimes. But, as the Nigerian experience has shown, this does not, in the long run, lead to stability. A solution to this problem is the establishment of democracy, it is generally argued. According to Price (1985), and Chazan (1992), the idea of democracy could be traced to ancient Greece where, in the democratic city-states of Athens, all the adult male citizens used to meet together in an assembly in which issues of policy were debated, decisions were taken, and laws were enacted. No citizen could thus claim that policies are foisted upon the community against his will. This practice has been adopted (drastically modified) by modern great nations states like Britain and the United States of America, among others. But because, in these states, distances between the various constituents of the states make it prohibitive to bring all entitled citizens together in one place to discuss policy issues, an alternative

approach was derived.

This alternative approach was, according to May (1976:8) developed in England roughly between A.D 1250 and 1650. This was the idea of “representative government” where small local groups of citizens have the right to choose representatives of their own interests to sit together in a national assembly or parliament. According to May, (1976) by 1959, it had been established that parliament was more powerful than the king himself, who was thus bound by the decisions of this representative body. The analysis so far indicates that central to the idea of representative governance (or democracy) is the rationale for “popular rule”. Price (1985:38) buttressed this contention through his identification of three essential preconditions for the satisfactory working of representative government, namely:

- 1) The assembly must be as truly representative as it is possible to make it;
- 2) Members of the assembly as people’s watchdog must be free to discuss issues with complete frankness and to reach decision without hindrance; and
- 3) The assembly’s decisions must be binding and enforceable.

On his part, Lijphart (1977) specifically adopted Abraham Lincoln’s definition of democracy as “government by the people”. This definition however, raises a lot of fundamental question. For instance, does the idea of “by the people” presuppose every individual in the society? If so, does it imply that every person in the state, including the insane and the imprisoned, has the right to participate in decision-making? Scholars such as Oyovbaire (1987) and Elaigwu (2000) question the above definition of democracy. According to Elaigwu (2000) the term democracy is perhaps the most polemical word in political dictionary, which has been subjected to so many interpretations and adoptions in various parts of the world. Oyovbaire (1987) was more damning in his rejection of the definition of democracy as meaning “government by the people”. According to him such a definition is oblivious of the elite theory according to which there is no government by the people; what we have instead is government by the few—the power elite – over the many; but even here, the question arises as to how the power elite derive their power? Do they openly compete for power in organized formations? And, do the people meaningfully participate in the choice of the people that govern them?

Answering these questions, Joseph Schumpeter (in Lijphart, 1977) tells us that democracy is a political method by which the individual acquires the power to participate in decision by means of competitive struggle for the people’s vote. It is this competition for the people’s vote in a free and fair election that Schumpeter (1977) felt is the distinguishing characteristic of the democratic method. By competing for votes, aspirants for political power, be they individuals or organization (e.g. political parties) subject themselves periodically to the people’s control since the people can vote out of office the individual or groups of leaders that is unresponsive to their needs and demands and vote in another that promises to do so or is capable of doing better. Oyewole (1987: 21) succinctly noted in agreement that: periodic elections ensure the dependence of the representatives on the constituency. It forces them to anticipate the time when the exercise of their power will be reviewed; when their power may end and they may therefore have to descend to the level from which they were raised.

Authority, according to Elaigwu, (2000) emanates from the people. Any authority that does not emerge from the consent of the people is not democratic. He admitted that how the consent is sought or operationalised may vary from one system and/or country to the other. The principles of popular consent, mandate and representation entails a concomitant responsibility and accountability to the people. The exercise of the power of oversight by the legislature, in practical terms, is an important way of exacting responsibility and accountability from those in power by those who they represent. Leaders in a democratic set up must be held responsible for their actions as representative of the people who are entrusted with power to achieve particular ends. To achieve this, there must be in existence a mechanism of oversight function among others, to check the excesses of the government in power. It is this mechanism which constantly ensures that the spirit of accountability is maintained and government policies are rational and correct.

Theoretical Framework

The Institutional theory is used for the purpose of this study. Two defining elements are shared by the theoretical approaches to institutionalization in organizations (most explicit in Zucker 1977:728): (a) a rule-like, social fact quality of an organized pattern of action (exterior), and (b) an embedding in formal structures, such as formal aspects of organizations that are not tied to particular actors or situations (non-personal objective). The Concept of Environment as institution was proposed by Thomas & Meyer (1984). Institutional environments obtain their defining power from "rationalization" and from accompanying state elaboration. These environments are constructed as one consequence of a much wider "state project," related to expansion of state jurisdiction (Thomas & Meyer 1984:469). This "statist" view conceives of the collective normative order, including the professions and widespread agreements shared by members of organizational fields, as linked to a broad conception of the state (Thomas et. al., 1987; DiMaggio & Powell, 1983). Conformity of organizations to the collective normative order increases the flow of societal resources and enhances "long-run survival prospects"

(Meyer & Rowan 1977:252). Institutional elements invariably come from outside the organization. When organizations respond to external institutional pressure (or possibly only to coercive pressure as in DiMaggio & Powell 1983), they protect their technical activities through decoupling elements of structure from other activities and from each other, thus reducing their efficiency (Meyer & Rowan 1977:357, Weick 1976, Selznick 1949). In contrast, in line with predictions from economic theory, firms that operate in the technical sector "succeed to the extent that they develop efficient production activities and effective coordination structures" (Scott & Meyer 1983:141). But efficiency and success do not necessarily covary in institutional theory: Organizational conformity to the institutional environment simultaneously increases positive evaluation, resource flows, and therefore survival chances, and reduces efficiency. In this view, the social becomes mythical and implicitly dysfunctional in strict task performance terms, while the technical remains real and rational (Meyer & Rowan 1977:356-57). Institutionalized organizations serve many important legitimating functions, but the core tasks are not performed as well as they would be in a market-oriented organization, and basic organizational objectives are also often deflected (Selznick 1957, reviewed in Perrow 1986:159-64).

In the context of this study, the Cross River State Legislature is the organization while the environment is the undue and unconstitutional influence of the Executive arm of government as reported by previous scholars (Oyovbaire, 1987; Elaigwu, 2000; Bello-Imam, 2004). According to Meyer and Rowan's (1977) argument, the conformity of the Legislature to the Executive increases the flow of resources from the latter to the former and enhances the former's (i.e. member's) long run survival prospects in political arena. The direction of the legislature's carrying out of its duties invariably comes from outside (the Executive). This in turn leads to inefficiency or dysfunctionality, as suggested by Meyer and Rowan (1977).

Research Methodology

Study Area

Cross River State in the south-south political zone of Nigeria is used for the purpose of this study. The study covered the three (3) geopolitical zones of the state, namely: the south, central and north.

Sample size

Sample size of 900 is used for the purpose of this study. 300 persons (political party members) were interviewed in each geopolitical zone (the 300 were made up of 100 from each of three leading political parties (in terms of electoral relevance), namely, People's Democratic Party (PDP), Action Congress of Nigeria (ACN), All Nigeria People's Party (ANPP) in Cross River State.

Sampling technique

Stratified random sampling is used for the purpose of this study. Stratification was done based on geopolitical zone and educational status. 300 persons (political party members) were interviewed in each geopolitical zone (the 300 were made up of 100 from each of three leading political parties, namely, People's Democratic Party (PDP), Action Congress of Nigeria (ACN), All Nigeria People's Party (ANPP)). All respondents had at least SSCE/WASC qualification.

Analytical Procedure

One-sample T-test is used for the purpose of this study. One-sample T-test is used for the purpose of deductive inference from the observation of responses from the respondents after analysis.

Results and Discussion

Results

Four-point likert scale ranking (4, 3, 2, and 1—meaning **Strongly Agree**, **Agree**, **Disagree** and **Strongly Disagree** respectively) was used to test each item on the questionnaire.

Hypothesis 1:

H₀: Cross River State legislature does not significantly carry out its oversight function over the administration of Consolidated Revenue Fund (Mean = 2).

H_a: Cross River State legislature does significantly carry out an oversight function over the administration of Consolidated Revenue Fund (Mean > 2).

Table 1: Summary Statistics on Consolidated Revenue Fund

	N	Mean	Std. Deviation	Std. Error Mean
Administration of Consolidated Revenue Fund	900	1.3331	.29804	.00993

Table 2: One-Sample Test on Consolidated Revenue Fund

		Test Value = 2					
		t	df	Sig. (2-tailed)	Mean Difference	95% Confidence Interval of the Difference	
						Lower	Upper
Administration of Consolidated Revenue Fund		-167.793	899	.000	-1.66694	-1.6864	-1.6474

Tables 1 and 2 show the results on data obtained on the variable Consolidated Revenue Fund. Table 1 is summary statistics on Consolidated Revenue Fund, Mean = 1.3331. This shows that respondents tend toward **Disagree** or **Strongly Disagree** in their perception of Cross River State legislature's oversight function on the administration of Consolidated Revenue Fund.

Table 2 shows the result on One-sample T-test carried out on Consolidated Revenue Fund.

Decision Rule: When Test Statistic T is greater than tabulated statistic t, reject H_0 and accept H_a , but when Test Statistic T is less than tabulated statistic t, accept H_0 and reject H_a

$$\text{Test Statistic } T = \frac{X - \mu}{(s/\sqrt{n})}$$

Where X = observed mean

μ = population mean

s = standard deviation

n = number of observations

$$= 1.331 - 3 / (0.298/30)$$

$$= -1.669/0.00993$$

$$= -168.07$$

Since Test Statistic T (-168.07) is less than tabulated statistic t (-167.79), we do not have sufficient statistical evidence to reject H_0 , we therefore accept H_0 and conclude that: Cross River State legislature does not significantly carry out an oversight function over the Consolidated Revenue Fund.

Hypothesis 2:

H_0 : Cross River State legislature does not significantly carry out an oversight function over the administration of Budgetary Appropriations (Mean = 2).

H_a : Cross River State legislature does significantly carry out an oversight function over the administration of Budgetary Appropriations (Mean > 2).

Table 3: Summary Statistics on Budgetary Appropriations

		N	Mean	Std. Deviation	Std. Error Mean
Administration of Budgetary Appropriations		900	1.2400	.29589	.00986

Table 4: One-Sample Test on Budgetary Appropriations

		Test Value = 2					
		t	df	Sig. (2-tailed)	Mean Difference	95% Confidence Interval of the Difference	
						Lower	Upper
Administration of Budgetary Appropriations		-168.304	899	.000	-1.66000	-1.6794	-1.6406

Tables 3 and 4 show the results on data obtained on the variable Appropriation Bill. Table 3 is summary statistics on Appropriation Bill, Mean = 1.3400. This shows that respondents tend toward **Disagree** or **Strongly Disagree** in their perception of Cross River State legislature's oversight function on the Appropriation Bill.

Table 4 shows the result on One-sample T-test carried out on Appropriation Bill.

Decision Rule: When Test Statistic T is greater than tabulated statistic t, reject H_0 and accept H_a , but when Test

Statistic T is less than tabulated statistic t, accept H_0 and reject H_a

$$\text{Test Statistic } T = \frac{X - \mu}{(s/\sqrt{n})}$$

Where X = observed mean

μ = population mean

s = standard deviation

n = number of observations

$$= 1.240 - 3 / (0.296/30)$$

$$= -1.66/0.0099$$

$$= -176.53$$

Since Test Statistic T (-176.53) is less than tabulated statistic t (-168.30), we do not have sufficient statistical evidence to reject H_0 , we therefore accept H_0 and conclude that: Cross River State legislature does not significantly carry out an oversight function over the Appropriation Bill.

Table 5: Factors Affecting the Outcome Recorded since the Democratic Dispensation

Factors	Number of Agreeing Respondents	Percentage (%)
Executive dominance	864	96
Poor knowledge of legislative duties by state legislators	774	86
Survival instincts by legislators	712	88
Election of inept persons as legislators	198	22

From Table 5 above shows the factors affecting the recorded outcome as perceived by stakeholders in the political arena in Cross River State. It is shown that 864 (96%) respondents considered 'Executive dominance' as a factor affecting the recorded outcome, 774 (86%) respondents considered 'Poor knowledge of legislative duties' as a factor affecting the recorded outcome, 712 (88%) considered 'Survival instincts by legislators' as a factor affecting the recorded outcome, while 198 (22%) considered 'Election of inept persons as legislators' as a factor affecting the recorded outcome.

Discussion

From the results above, conclusion can be drawn from analytical test on the two hypotheses that: Cross River State Legislature does not significantly carry out an oversight function over the administration of Consolidated Revenue Fund; and, Cross River State Legislature does not significantly carry out an oversight function over Budgetary Appropriations.

The findings of this study which underline legislative institutional inadequacy and weakness, are in line with a study by Omenka (2008) titled "Legislative Oversight and Socio-economic Development in Benue State" whose findings showed that the Benue State House of Assembly is deficient in Law-making, Representation and Oversight functions. Instead of exposing 'corruption, inefficiency or waste' by government ministries and departments, the Assembly itself was enmeshed in corruption and ineptitude. Most laws passed by the Cross River State legislature originated from the Executive. The Assembly thereby failed in its important responsibility of enhancing 'good governance' and being a catalyst for socio-economic development in the state for reasons, as it was argued, which include poor resource base, inadequate support staff, lack of financial autonomy, absence of up-to-date equipment and, above all, members that are inexperienced on legislative matters.

Omenka (2008) noted for instance, that the Fourth Assembly of the Benue State Legislature, which operated between May 1999 – May, 2003 could not pass into law a single private or member's bill. All the twenty-eight (28) bills that were successfully passed and assented to, by the Executive Governor as laws emanated from the Executive arm of the government. Private members' bills were either left to expire, or killed outrightly. The implication of this situation is grave for the even development of the state. In the same vein, in Cross River State, from the publications of the Cross River State House of Assembly itself, there is no evidence of any legislative enquiry into reported abuses in the use and administration of public funds. There was no single case of indictment for misappropriation of public fund when it is a common knowledge that such abuses abound in government.

In line with the findings of this study, Idada and Uhumwuangho (2012) in their study titled "Problems of Democratic Governance in Nigeria: The Way Forward" stated that for there to be significant improvement in the democratic processes, amongst others, strengthening of political institutions especially the legislature is a must. This view is strongly supported by Ogbonnaya et al. (2012) in their study titled "The Challenges of Democratic Governance in Nigeria's Fourth Republic". They posited that challenges facing the nation of Nigeria such as weak democratic institutions and institutionalized corruption, which have confronted democratic governance in Nigeria since the Fourth Republic in 1999 threaten the consolidation of democratic formula

capable of carrying the Nigerian state out of its endemic cycle of democratic and leadership crises. As Makinde (2004) has observed, democracy is only possible if the structures, processes and institutions through which the people's will is expressed accommodate their interests and aspirations. Constitutional democracy, all these studies agree, continues to falter not only because of the conduct of leaders but also because of inefficient, ineffective and deteriorating public institutions, such as the legislature.

Conclusion and Recommendation

From the findings of this study, as far as legislative oversight function with regard to use and administration of public fund is concerned, Cross River State Legislature (like some others elsewhere reported by Makinde (2004), Ogonnaya et al., (2012), Idada and Uhumwanho (2012) and Omenka (2012)), has performed below expectation given the constitutional role and powers it is supposed to wield. This is a clear case of institutional weakness on the part of the legislature in Cross River State.

It is recommended that everything possible should be done to facilitate the creation of a dynamic, constitutionally effective and public responsive legislature that is proactive in its legislative duties and, independent, but aware of its Constitutional partnership with the Executive and Judicial arms of government in Cross River State, nay, Nigeria.

Other policy measures include regular auditing of the activities and publication of annual reports of the national and state legislatures to promote greater transparency and accountability in the use of public funds and discharge of oversight functions of the legislature.

There should be a sensitization campaign to promote greater public interest in the scrutiny of legislative actions. To this end, attention should be paid to human capital development policies, programmes and projects.

The above recommendations should be assiduously pursued by the government at all levels, Non-governmental organizations (NGOs), human development organizations, donor organizations and nations, communities and even individuals, this is because under a democratic dispensation, governance and development are best optimized by collective civil society participation.

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Appendix

STUDY OF OVERSIGHT FUNCTIONS MECHANISM OF THE LEGISLATURE OF CROSS RIVER STATE, NIGERIA: FOCUS ON PUBLIC FUNDS

Dear Sir/Madam

This questionnaire is issued for the purpose of obtaining response (data) for research on the above topic. The researcher hereby solicits your honest response. All responses (including yours) are treated with utmost anonymity. The respondent therefore is at no risk(s) in giving honest response to all (any) items on the questionnaire.

Thanks for your cooperation.

Yours

Chibueze Ikeji Ph.D

**QUESTIONNAIRE
SECTION A**

BIOMETRIC/SOCIOECONOMIC CHARACTERISTICS

Sex: Male Female

Age: 18-29 30-39 40-49

50-59 60 and Above

Marital Status: Single Married Separated

Divorced Widow/Widower

Educational Status: FSLC WASC/SSCE ND HND/B.Sc

SECTION B

DATA ON RESEARCH VARIABLES

Below is a list of items, for each, tick as appropriate.

S/N	Oversight function of Consolidated Revenue Fund	Strongly agree (SA)	Agree (A)	Disagree (D)	Strongly disagree (SD)
1	Cross River Has One Consolidated Revenue Fund (And No Other) Which Is Supervised By The State House of Assembly as stated by the constitution				
2	All moneys withdrawn from the Consolidated Revenue Fund of the State are to meet expenditure that is charged upon the Fund by the Constitution				
3	All moneys withdrawn from any public fund of the State, other than the Consolidated Revenue Fund of the State is authorized by a Law				
4	All moneys withdrawn from the Consolidated Revenue Fund of the State or any other public fund of the State is done in the manner prescribed by the House of Assembly				
5	The Governor lays before the House of Assembly at any time before the commencement of each financial year estimates of the revenues and expenditure of the State for the next following financial year				
6	All expenditures made by the state government are contained in the Appropriation Bill				
7	Remuneration, salaries and benefits are paid to political office holders DON'T exceed the amount determined by the Fiscal Commission				
8	The House of Assembly regularly conducts inquiry or investigation into the administering of public funds				

Possible Factors Affecting Outcome		Agree	Disagree
1	Executive dominance		
2	Poor knowledge of legislative duties by state legislators		
3	Survival instincts by legislators		
4	Election of inept persons as legislators		

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