ISSN 2636-5596

Budget Padding and Appropriation in Nigeria: An Appraisal of Legislative Powers in an Evolving Democracy

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Abstract

The return in 1999 to civilian rule and constitutional democracy in Nigeria gave rise to the re-emergence of governmental structures and institutions that hitherto were suspended and underutilized. Military rule had grown an over pampered and powered executive arm of government which was transmuted unto a supposed democratic setting. The legislative arm of government is thus a nascent organ with adapted tenets and procedures that are yet to be fully domesticated. This paper therefore examines the roles of the legislature in appropriation with the intents of determining if it has powers to alter, change and or make further budgetary provisions. The study adopted extensive use of secondary data that were analyzed content wise and surmised that whereas the Executive manages the national economy that the legislature through its powers of appropriation authorizes withdrawals from the Consolidated Revenue Fund in order to foster good governance of Nigeria.

Keywords: Budgeting Process, Budget Padding, Appropriation, the Legislature, Constituency Projects

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Introduction

Political leaders of the Nigerian state have since the past 18 years been learning the processes and procedures of civilian rule and democratic governance. Before 1999, military rule and fusion of executive and legislative powers and functions have characterized governance and administration of the country wherein successive governments had ruled with decrees. The Supreme Military Council had from 1983 through 1999 established its roots and tentacles as the body that makes and enforces laws and policies in Nigeria. The constitution has thus remained subverted and suspended each time any military junta assumed powers. Hence the persistent wield and exercise of overwhelming powers by the executive subsumed in the personality of the Head of State, who metes and doles authority without restrictions. This situation was however transmuted onto civilian administration under the garb of democratic governance in 1999. The same set of personalities in military rule resurfacing in civilian administrations had emasculated the emergent arm of government - the legislature thereby resulting in an overdeveloped executive arm that wield excessive powers.

This trend of overarching executive ascendancy and subordination of other arms especially the legislature clearly defines the tone and character of successive Presidents in Nigeria since the dawn of this nascent democracy. The judiciary is yet to gain full independence from the popular ("my hands are tied") syndrome whereas the legislature which ordinarily is the bastion of democracy is battling with clear conception of functions while engaged in role clarification struggles with the executive arm of government. This scenario explains the sustained confusion and crises oriented relationships that has consistently characterized the two arms of government since 1999.

The executive arm moves to maintain its bloated position as obtained in military rule in its relationships with other organs of government without recourse to the theory of separation of powers thereby tending to run down the responsibilities of the legislature. Successive Presidents since 1999 especially the former military Generals were former heads of state who do not understand laws as defined by the constitution but instructions and command as their culture. The continued employment of instructions and command for and upon other organs of government had both denigrated and made such bodies appendages of the executive arm of the government in the face of people they represent. Hence, the struggle to remain the built-in checks and balance mechanism on the executive in order not to be seen as rubber stamp in the hands of the executive has continued to generate rancour and acrimony between the executive and the legislature.

What is more, the persistent altercations between the executive and the legislature is best explained from the perspective of introduction of a seemingly new organ (the legislature) which in our context is underdeveloped and engages in role assertion duel. The 1999 constitution (as amended) of the Federal Republic of Nigeria (FRN) which defines intergovernmental and agency functions is relatively new to a good number of partakers in Nigeria's democratic rule hence the learning process. Democracy is yet to take proper roots and become a culture: whims and caprices are still sustaining in the minds of many. Issue of acrimony between the National Assembly and the Presidency has been responsible for budget delays since the inception of democratic rule. Since 1999, budgets for a particular year were not passed until the middle of that year. This had consistently made nonsense of Nigerian budgets. Again, this calls for an overall review of the budgetary process to reflect seriousness on the part of the legislators and the executive arm of government. Fundamentally, the focus of the Federal Government’s proposal in the budget is to make practical impact in areas that matter most to the Nigerian people (Leadcapitalng, 2012).

The making of national budget which is built around the powers of appropriation (as provided for in sections 81 and 82 of the CFRN, 1999) is one of the knotty issues that are defining, in most controversial terms, the relationships between the executive - legislative arms of government in Nigeria. It has introduced some new and derogatory terms in legislative lexicon necessitating clinical analyses of who appropriates and manages the national economy and how best the powers are exercised. This paper thus examines the powers of the legislature in appropriation while interrogating its authority to alter, increase and or reduce proposed allocations to headings and sub-headings in budget estimates laid by the executive arm. It further analyses the rationale for the powers of appropriation and determined whose role it is to appropriate while tracing the responsibilities of the two arms of government in budgetary processes in Nigeria.

Conceptual Clarifications

Budget and Budgeting Process

Budget is an economic process which converts state development plans and priorities into a programme of action (Onyekpere, 2016). It is usually enunciated to checkmate the insatiable wants of man with a bid to regulating and moderating expenses along income (revenue) in accordance with national interests. The budget can thus be likened to a plan, a template, which provides the opportunity for evaluation at the end of the financial year. It is a framework that links specific spending objectives with their associated costs. The budget is a finished product that merely describes in quantitative (financial) terms the resources, which an individual organization intends to spend or commit to various activities within a given fiscal cycle, and the benefits derivable from the outlay (Ariyo, 2000).

For Suleiman (2015) budget can be defined as "a document from the government that sums up its revenue and expenditure for a fiscal year, which runs from January 1 to December 31". It is a financial plan which spells out government's estimated revenue and proposed expenditure for a fiscal year. According to Chartered Institute of Management Accountants (CIMA) a budget could be defined as a plan stated in quantitative monetary terms which is prepared and approved prior to a defined period of time usually showing planned income to be generated and, or expenditure to be incurred during that period and capital to be employed to attain a given objective. It in the perspective of Horngren, Stratton, Sutton and Teall (2004) shows a quantitative expression of a proposed plan of action by management for a specified period and an aid to coordinating what needs to be done to implement the plan. The budget is an official statement a government makes about how much it expects to earn, spend and what taxes are necessary for the next year. Summarily, Vintage (2014) submits that budget is the sum of money allocated for a particular purpose reflecting the summary of intended expenditures along with proposals for how to meet them. Usually ministries, departments and agencies (MDAs) translate their services through budget as it has to do with financial plan or estimate of proposed income and expenditure for a particular period normally a year. It is the translation in financial terms of government policies; a fiscal estimation of what government plans to spend, where it plans to spend it on and how it intends to source the funds. Although the success or failure of any government is always measured on the basis of the provision or neglect of the welfare of the people, the budget is an essential document for development. It is therefore a policy tool which aims to achieve the short, medium and long term development goals of a country under an administration.

Usually based on the Medium Term Fiscal Framework (MTFF) which shows how government projects its revenue, expenditure, borrowing and fiscal balance for the next 3 years; the Medium Term Revenue Framework (MTRF) that refers to a document which contains the detailed income statement of the government over the next 3 years; the Medium Term Expenditure Framework (MTEF) is a document that is prepared by the Budget Office of the Federation giving details of the total sum that the government plans to disburse within 3 years. The MTEF also shows payments that are shared across the key expenditure heads and the difference between expected revenue and expenditure. In line with MTFF, MTRF and MTEF, the Medium Term Sectoral Strategies (MTSS) are released to guide the MDAs in defining their targets.

Budget and Budgeting Process in Nigeria

Budget process in Nigeria involves the budget planning, enactment, implementation and monitoring. This process revolves round the executive and the legislative arms in the democratic system. A constitutional legal framework for budget control by the legislature from the pre-appropriation to actual expenditure and finally the post-appropriation control guides the practice respectively. There is a general understanding that the method is constrained by unnecessary delays, incompetence resulting from capacity gaps from both the Legislative and Executive operators of the process, role conflict issues between the legislatures and Executives, outright corruption, etc. (CISLAC, 2007). Budget process therefore refers to the procedure by which governments create and approve a budget. It begins with the government articulating its vision and plans for the economy to the Federal Ministry of Finance and the Budget Office of the Federation, in order to be captured in the budget. The plans give details on government agenda on how to boost growth through infrastructure improvement, poverty reduction, among others (Suleiman, 2015). Budget undergoes some processes before it becomes both a law and an economic tool. The process involves all the executive and legislative processes, that is, collection of estimate from the various government departments to the defense before the various committees of the legislatures and debates in the floor of the houses, the passage into law and the final implementation and monitoring.

Preparation of budget primarily involves identification and setting of developmental goals. That is, it involves setting budgetary thrusts and policies based on the development plan. At the Federal level, the responsibility of the president for the preparation and submission of budget is well established. At the state level, it is the statutory responsibility of the governor to prepare and submit the budget. In the local government, the Chairman forms the government and invariably has complete control over budget preparation but assisted by the finance committee and departmental heads. Although in most occasions, the process varies from state to state, the budget process at the local government level commences with a call circular from the Executive Committee consisting the Chairman, the supervisory councilors and other officials (Secretary, treasurer, head of personnel and legal advisers). They call on all relevant departmental heads to prepare estimates for the fiscal year. Subsequently, the head of departments prepare estimates of expenditure in line with the goals and the estimates of revenue expected as well as the sources. As soon as the process is concluded, each department hands its own estimates to the treasurer or finance head.

Budget process goes through 4 critical processes of drafting, legislative approval, implementation and; monitoring and evaluation. At drafting, the Executive arm of the government usually represented by the President or Governor in a Presidential system of government is mandated by law to produce and submit projections of earnings and disbursements for the fiscal year to the National or State Assembly respectively. Preparing the budget involves first reflecting on past performance and setting goals for the future, in particular goals for the coming year to advance the government's policies. According to sections 81 and 121 of the Constitution of the Federal Republic of Nigeria 1999 (CFRN, 1999), the President shall cause to be prepared and laid before each House of the National Assembly (NASS) at any time in each financial year estimates of the revenues and expenditure of the federation for the next financial year while the Governor performs about the same functions at the state and submits to the State House of Assembly.

Hence, government revenue trends, policies and payment issues for the fiscal year are stated in the Budget. In addition, it gives a detailed spending plan as it creates its financial activities in order to provide important goods and services like education, healthcare, power, roads and security to the people. As a fiscal policy tool, the Federal Budget influences many facets of the economy, for instance prices of goods and services, interest rates, exchange rate and the rate of growth of the economy. The Budget office of the Federation (BoF) then produces the Fiscal Strategy Paper (FSP) that summarizes government's complete budgetary policy. The FSP also includes the macroeconomic structure, major assumptions, earning estimates and disbursement projections. The Paper details the strategy objectives of Mr. President or Governor and is produced in conjunction with other MDAs, like the National Planning Commission, Central Ban of Nigeria (CBN), National Bureau of Statistics (NBS), etc. The Federal Ministry of Finance (FMOF) submits an outline of the budget to the President, who will then present same to FEC for their consideration and approval.

Legal Frameworks for Budgeting in Nigeria

The legal framework for budgeting refers to those body of laws, administrative manuals and policies that guide and regulate the budgeting process in Nigeria (Onyekpere, 2016). These laws shape and define the spheres of different actors in the executive and legislature, provide requisite timing of certain acts and the power of oversight and responsibility to account for public finance management. These guiding laws, regulations and subsidiary legislations are found in the Constitution, the Finance (Control and Management) Act, the Fiscal Responsibility Act, the Appropriation Acts, Financial Regulations, Treasury circulars from the Federal Ministry of Finance (FMOF) or the office of the Accountant General, Administrative Manuals and documents bearing on budget matters, Annual Budget Call Circulars, etc (Onyekpere, 2016; Dogara, 2016). At that, the Organization of Economic Cooperation and Development (OECD) (2004, p. 21) posits that "budget-related laws are adopted to introduce budget reforms – perhaps as a result of a budget crisis; to change the balance of power between the legislature and the executive; to enhance macro-fiscal stability; to enhance transparency and accountability in the budget system". The whole essence of those network of rules and regulations is to ensure harmonious coexistence of the executive and legislature in the discharge of their statutory functions while guaranteeing the theory of separation of powers and striking balance wherein the organs serve as check upon one another in the interest of the state.

Appropriation and Appropriation Bill/Act

The 1999 constitution as amended provides for a presidential system and federal structure for the administration and governance of Nigeria. Chapter 1, Part 1 (4 & 5) of the constitution provides for the powers of the executive, legislature and the judiciary at all levels of government. The legislature at the central level is bicameral (comprising of the Senate and the Federal House of Representatives (see CFRN Sections 47 & 48) while at the component units it provides for a unicameral structure of state houses of Assembly (see sections 90 & 91). One of the basic and fundamental powers of the legislation is the power to make laws in relation to taxation of income, profits and capital gains (Mowoe, 2008 cited in Ekpu and Iweoha, 2017). Furthermore, sections 80(1) and 120(1) of the CFRN established the Consolidated Revenue Fund (CRF) at the federal and state government levels and by implication, no money can be withdrawn except by approval of the National and State Houses of Assembly as appropriate. By implication, Ozekhome (2016) avers that it is only the National Assembly that can appropriate funds to the estimates and plans presented by the executive, or authorize funds to be spent from the CRF at the central government level.

Appropriation bill is thus a money bill encapsulating a statement of income and an indication of the state's expenditure priorities for the year, usually initiated, prepared by the executive and sent to the legislature for approval in order to enable the executive arm of government to put public money to official use. Appropriation Bill when passed by the legislature gives power to the government to withdraw funds from the CRF for meeting the public expenditure during the financial year (The Economic Times, 2017). The appropriation bill is commonly referred to as the budget estimate until passed and approved by the legislature. Appropriation bill becomes an Act of the National Assembly when it is passed and approved by the National Assembly and assented to by the President.

Constituency Projects

The growth of representative democracy in our context has overtime generated some kinds of misnomer and confusingly redefined certain lexicons in legislative register. Perhaps for poor governance and perceived lack of accountability, the legislature in many emergent democratic states are enmeshed in actions usurping the powers of the executive by creating more platforms for electoral relevance. A legislator is primarily a lawmaker who represents a particular constituency or unit of the political system. He could have some other ancillary or consequential responsibilities that relate to monitoring the implementation of the budget as seen in oversight functions but not implementing the budget directly.

Constituency projects are thus one of such creations of the legislature that is designed to make members relevant and noticed by their constituents in the midst of governments irresponsiveness. Olugbenga (2015) defines it as any project that is conceived, designed or executed within a legislative constituency with the collaboration, input or influence of the legislator(s) representing that particular constituency in the legislature. The concept of constituency project has, from its inception in Nigeria, been controversial, hence rancour and disputes between the legislative and executive arms of government on the issue of inclusion of such projects in the budgets. Olugbenga observed that unending quest for inclusion of these projects in budgets have sometimes resulted in delayed passage and when the appropriation bills were eventually passed into law there were increased differences between the estimates submitted by the executive and the amount eventually approved by the legislature as the budget. Constituency project thus is a creation of the legislature in an emerging democracy that should be synchronized with the executive such that it would be provided for at the stage of initiation and preparation of the draft budget in line with the Fiscal Responsibility Act (FRA).

Budget Padding

The history of budgets in Nigerian constitutional and representative democracy depicts chains of designs and plot by both members of the executive and the legislature for real test of authority and powers. The constitution empowers the executive to initiate and prepare the budget estimate and lay same to the legislature for scrutiny and approval before monies could be withdrawn from the consolidated revenue fund but the arms have continually been involved in drives to outsmart one another. Ordinarily, padding connotes a practice in business that has to do with cushioning effects to ensure efficiency but in budgetary process the manner and the stage at which it is perfected constitutes the problem. According to DeLee (2017), budget padding is a means of "making budget proposal larger than the actual estimates for the projects" done by either increasing a projects expenses or decreasing its expected revenue. It is usually designed to provide project flexibility and carter for slack and or breathing room thereby paving ways for handling possible contingencies while ensuring the execution of planned projects.

However, the rationale for padding in business maybe laudable but damaging in the public sector. It provides latitude for perfection of malpractices and fraud in government. Padding a budget sets an antecedent that creates room for those concerned to corner public fund by advancing the excess of project cost to themselves or their cronies. Budget padding thus relates to figure addition by way of inflated budgetary estimates, with obvious intention to convert same to personal/group monetary gains if passed into law. Hence, Ozekhome (2016) sees padding as "something added unnecessarily or dishonestly". It deals with disagreeable inclusion of figures into the budget estimate at whatever stage in the budgetary process. At this, the poser is who pads and how?

Theoretical Framework

The study is situated within the purview of the institutional theory of organization wherein the organs of government especially the legislature in the emerging constitutional and representative democracy in Nigeria is facing some critical challenges in asserting its real posture and discharging its constitutionally assigned functions. Mainly for long period of military interregnum and overarching culture of despotism, the legislature and judiciary, as structures of governance, have been underdeveloped while the executive organ epitomized by the President (head of state) had assumed much powers. The President exercises real executive powers and wields unimaginable influence especially where more than two-third of the successive presidents since the return to civilian rule in 1999 are former military leaders.

Institutional theory according to Scot (2004) is a theory on the deeper and more resilient aspects of social structure that considers the processes by which structures, including schemes, rules, norms, and routines, become established as authoritative guidelines for social behavior. Different components of institutional theory explain how these elements are created, diffused, adopted, and adapted over space and time; and how they fall into decline and disuse. In a more comprehensible manner, Kraft and Furlong (2007) see institutional theory in the perspective of "Policy-making that emphasizes the formal and legal aspects of government structures."

Furthermore, Thomas and Masoud (2008) posit that Institutional theory is a theoretical framework for analyzing social (particularly organizational) phenomena, which views the social world as significantly comprised of institutions – enduring rules, practices, and structures that set conditions on action. Institutions are fundamental in explaining the social world because they are built into the social order, and direct the flow of social life. They are the constants that determine the rules of variation. Institutions condition action because departures from them are automatically counteracted by social controls that make deviation from the social order costly. These controls associate nonconformity with increased costs, through an increase in risk, greater cognitive demands, or a reduction in legitimacy and the resources that accompany it. Thomas and Masoud also contend that institutions are situated within specific social contexts and condition action within those contexts. Theory views actions and roles from the perspective of structures that initiate and perform them hence the perception that the executive initiate, prepare and lay draft budgets before the National Assembly which has the responsibility of scrutinizing and approving same to authorize withdrawals from the consolidated revenue fund of Nigeria as clearly stipulated by the 1999 CFRN. The theory further provides cognitive frameworks for social actors, and these frameworks both constrain and enable action. Institutional contexts constrain action by enacting rules that are often invisible, having a taken-for-granted status among actors in that context. At the same time, these contexts enable action by making the world understandable and actions meaningful.

Who Appropriates and what?

In accordance with two cardinal principles of power relations in a democracy (checks and balances and separation of powers), the CFRN made the National Assembly the watchdog of public fund by granting them authority to scrutinize and approve budget estimates. The implication is that the legislature has the powers to guard the purse (through the CRF) and appropriate to ensure that the executive manages the economy in a manner that would promote good governance and welfare of the federation. The budget thus offers significant ground for the legislature as the most representative arm of the government to ensure that the interest of the people is guaranteed in governance. By laying the budget proposal in the form of money bill (appropriation bill) to the National Assembly as provided in section 80 of CFRN, the executive through the President is deemed to have identified and articulated all key areas of priority to the administration, the party and the citizens bearing projections and design for how best to manage and steer the economy and people over a period. The figures contained in the proposal are not sacrosanct or final and cannot be until approved by the legislature (Gbajabiamila, 2004). Constitutional democracies have variously provided for the power of the purse vis-à-vis limits but practical extent has continually constituted a bone of contention between the executive and the legislature especially in developing societies.

Who prepares the Appropriation Bill?

On who initiates and prepares the budget estimate, the CFRN in sections 81 and 121 empowers the President and the State Governors to draft appropriation bills and lay it before the National/State House of Assembly at any time, in each financial year. The Nigerian financial year runs from January 1 to December 31. This provision which failed to stipulate timeline within which period the President or Governor should lay the budget occasioned the usual late presentation of the budget (appropriation bill) by the executive and subsequent late approval by the legislature.

Who Pads and at what Stage?

According to Ozekhome (2016), inclusion of figures by members of the National and State Assemblies that are generally introduced, debated and agreed upon into the budget estimate do not constitute padding. To Dahiru (2016) budget padding is an invention of the executive that has existed around the organ of government. The strands of powers across the plethora of offices that make up the entire bureaucracy of public service and political office holders (involving commissioners, directors and ministers) for and on behalf of the executive are engaged in bloating and enlargement of votes, virements and allocations to headings and sub-headings designed to pave way for guaranteed implementation and sometimes personal benefits from estimated projects and programmes. All insertions and dishonest additions are done and perfected through the bureaucratic lines and forwarded to the legislature through the head of the executive.

What is more, Ozekhome (2016) contends that the legislature does not pad and ordinarily cannot pad budgets since they have the powers of appropriation that empower them to alter and change figures in the estimate submitted by the executive. He however argues that "padding can only occur in the National Assembly if figures are smuggled in, after the finance committees at the various appropriation committee (Finance Committee, Budget Committee and the National Planning Committee) have agreed. "If after they have agreed on certain figures debated and approved by the House itself at a plenary session, someone manages again to smuggle in some figures, then that could be padding," Thence, padding at the National Assembly amounts to further unauthorized external additions, subtractions and multiplications smuggled into the National/State Assemblies harmonized appropriation bill before transmitting back to the President or Governor. Invariably, Ozekhome believes that the NASS plenary cannot pad since they serve as the watchdog of public purse and must authorize all withdrawals from the consolidated revenue fund.

The Politics of Appropriation: Wither the Executive or the Legislature

The persistent altercations between the executive and the legislature over annual budgets since 1999 describe the extent of internalization of militocracy and dictatorial regimes in Nigeria. It significantly describes the psychic destruction that rulership by decrees, overlapping institutions and structures of governance are capable of bestowing on a people. By virtue of Sections 59, 80 and 81 of the Constitution, the National Assembly reserves the powers to appropriate funds to the estimates and plans presented by the executive and authorize releases from the consolidated revenue fund. How the legislature performs this watchdog role is of critical importance to most democracies. Hence, there are 3 traditions on what the legislature is capable of doing in the form of appropriation from the review of several constitutions.

I. Budget - Making Legislatures

   The budget- making legislatures have unlimited constitutional powers to amend the draft budget of the executive;

II. Budget - Influencing Legislatures

   A budget influencing legislature can amend, or generally, influence the revenue and expenditure estimates without affecting the general outcome of government fiscal operations. For example, in Germany the parliament is not constrained to amend the draft budget, except for the constitutional requirement that they must balance revenue with expenditure. These amendments must be convened to the federal executive before the final voting;

III. Legislatures that has no effect on the draft budget

The third tradition refer to those legislatures that cannot affect the budget presented to it. This is commonly practiced by the Westminster type of parliaments. Examples of such practices are in U.K., Australia, Canada, and India. Here, amendment of draft budget amounts to vote of no confidence on the Cabinet.

Furthermore, based on Section 59 of the Constitution, the National Assembly is empowered either to reject or approve draft budgets. This implies an unlimited power of amendment as guaranteed by a further stipulation by the constitution where if the President or Governor withholds assent, the appropriation bill is passed into law with two-thirds majority of the members of the National Assembly after 30 days of the approval. Again, since the budget estimate gets to the legislature in the form of a bill it is still subject to express and inherent legislative powers and these powers do not in any way imply the passage of a bill exactly in the form presented. Also, the legislature is not expected to be a mere rubber stamp for the requests of the executive. It is in a position to scrutinize, make inputs, make reasonable additions and subtractions from the head by head expenditures (Onyekpere, 2016)..

The foregoing provisions have far reaching implications. It invariably grants the National Assembly the latitude to use their discretion in order to ensure good governance as in Section 4 of the CFRN, hence, where for instance the NASS has proven reasons to believe that a particular estimate falls short of what is required in the budget or that a particular head has been over-bloated by estimates, it may increase, decrease, cancel and or refuse to allocate any fund to such head as initially proposed by the executive (Ozekhome, 2016).

What is more, the issue of whether the NASS has powers to remove or add new headings and projects into the budget estimate has elicited heated debates. It generated varied perspectives but the tradition and concept of Budget - Making Legislature which subsists mainly in presidential democracies grants the legislature unlimited powers over appropriation. Although no court of competent jurisdiction has adjudicated the issue, the relevant sections of the constitution and other subsisting rules on the budget process do not seem contradictory. Refer to sections 80(2 - 4) wherein it is clearly stipulated that funds cannot be withdrawn from the CRF or other public funds of the federation without legislative approval. The CFRN in section 80(4) as aptly contended by Dogara (2016) requires that all legitimate federal expenditure must be in the manner prescribed by the NASS and not the Executive. The use of the word 'manner' connotes some form of discretion on the part of the NASS.

Findings and Observations

1. That the Constitution did not make specific provision(s) about whether the National Assembly (the legislature) can increase or reduce the budget proposal as laid by the executive;
2. That by virtue of sections 58, 59, 81 and 82 of the 1999 constitution of the Federal Republic of Nigeria as amended that the legislature (National and State Assemblies) have the power of appropriation;
3. That the power of appropriation to the National Assembly is a check measure on the possible arbitrariness of the Executive to guarantee the provisions of the theory of separation of powers;
4. That the Executive by virtue of Section 80(1) of the CFRN is empowered to initiate, prepare and lay the budget proposal before the legislature (National/State Assemblies) for approval;
5. That the Legislature in the exercise of the power of appropriation can increase, reduce and sometimes remove votes allocated to headings/sub-headings but CANNOT create nor initiate new budgetary headings;
6. That the Executive at the national government manages the national economy and vice versa;
7. That in the absence of strategic planning, most of the annual budgets have been padded in the broader sense of the usage of the concept;
8. That the constituency project budget as provided in the annual budgets since 2004 have been in breach of the Fiscal Responsibility Act;
9. That budget proposals could be padded at various stages at the executive and legislative ends;
10. That budget padding is a manifestation of widespread corrupt tendencies amongst the political elites and contra indication of a defective budgeting and planning process;

11. That successive Nigerian governments have been involved in late submission of budget proposals;
12. That the preparation of successive annual budgets have not involved thorough review of the performance and fundamentals of preceding fiscal year's budgets;
13. That the Executive have not always consulted the other arms of government as well as the ruling political party in the preparation of the annual budget proposals;

Recommendations

a) The government should immediately work out a sustainable development plan with short, medium and long term approaches that has broad national consensus (in accordance with Fundamental Objectives and Directive Principles of State Policy) for the nation;
b) Urgent review of the legal framework (Section 81(1) of the CFRN which authorizes the President to present the budget proposal 'at any time' within the defined fiscal year to a definite timeline that could guarantee timeous laying by the executive and expedited consideration and approval by the legislature;
c) All budget proposals should henceforth conform with the provisions and dictates of the development plan, the MTEF, MTSS and the Fiscal Responsibility Act which in turn should be detailed enough to contain projects contemplated within 2-3 year foreseeable timeframe with estimated costing along expected revenues;
d) Projects selection for the budget proposal should above conforming with the national character of the country, be need based, transparent and technically driven with proper justifications;
e) Budget preparation should involve massive and strategic consultation of major stakeholders across the arms of government and governance institutions. The Executive should ensure adequate engagement of the leadership of the National Assembly and the ruling political party to ensure that both the manifesto, key principles upon which the party won elections are provided for and general welfare of the citizens are promoted;
f) The operation of financial year as contained in Section 318 of the CFRN should immediately be redefined to ensure that appropriation bills last for normal 12 calendar Months that make a year. This would take care of mass uncompleted/abandoned projects by granting adequate timeline for implementation of the budget. The National Assembly

on its own should be encouraged to institute a mechanism that would facilitate rolling over of key projects that were not completed in one financial year into the following years budget;

Conclusion

It is observed that budget padding is a manifestation of widespread corrupt tendencies amongst the political elites and contra indication of a defective budgeting and planning process orchestrated by overdeveloped executive arm of government in Nigeria. All in all, the power of appropriation is with the legislature which should not just scrutinize but debate and agree on estimates from the Executive in order to authorize withdraws from the Consolidated Revenue Fund in a manner that would ensure good governance of the entire Nigeria.

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