



HEARING AND DETERMINATION OF PETITIONS BY THE NIGERIAN NATIONAL ASSEMBLY PUBLIC PETITIONS COMMITTEES

<https://www.nasspublicpetitions.org>
<https://www.senateethicsandprivileges.org.ng>



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PETITIONS

A petition is a formal request for action by the National Assembly to redress rights violations, administrative breaches, or infractions allegedly committed by public officers, authorities, corporate organizations or even individuals. Complaints, grievances are forwarded to the Public Petitions Committee by way of petitions.

Who Can Send Petitions to the National Assembly?

Anybody (individuals, corporate organisations, groups, or communities) can send a petition to the National Assembly, which may be submitted in person or through a representative such as a legal practitioner, or parent or guardian in case of a minor.

The person(s) making a petition is called the petitioner(s) while the person(s) or body that the petition is made against is called the respondent(s).

By virtue of the provisions of sections 88 and 89 of the 1999 Constitution which allows the National Assembly to hear petitions only on issues or bodies over which they have legislative powers and public funds they have appropriated, public agencies and officials are usually the respondents in petitions.

Writing Petitions to the National Assembly

There is no special format a petition to the National Assembly must take. However, like every formal communication to the National Assembly, it is expected that a petition is typewritten and intelligible.

- The Petition should be addressed to the President of the Senate or Speaker of the House of Representatives, as the case may be.
- The Petitioner must not use foul or insulting language.
- The Petitioner(s) must present their statement of grievance or complaint and indicate his/her prayers(s) or request at the end.
- The Petitioner must clearly sign and date the petition indicating his/her name, signature and address as well as the name(s) and addresses of the persons his/her complaint is against.

- Sufficient copies of the petition with attached relevant documents must be made available for presentation and sent to the Committee secretariat.
- A Petition can be written by a petitioner himself or by another person on his/her behalf such as a legal practitioner. However, it is very important that the petitioner attend the public hearing to defend the petition.
- Petitions should be written in English but if it is written in a language other than English, it must be accompanied by a certified translation, including contact details of the translator.

A petition must first be presented by a lawmaker on the floor of the Senate or House of Representatives. Afterwards, the chamber in question refers it to the Committee on Public Petitions for investigation after which it conducts a hearing on the matter.

In hearing and determining petitions, the Committee is guided by its rules and procedures but importantly by principles of natural justice and may adopt any procedure that is most convenient and expeditious in handling petitions such as Alternative Dispute Resolution, conciliation and mediation.

Presentation of Petitions

- Every petition to the Senate or House must be sponsored and presented at the Chamber by a Senator or member of the House of Representatives. This means that only a law maker can present a petition.
- Only Petitions presented on the floor of the chamber and referred to the committee on public petitions can be processed and handled by the committee.
- Petitioners may locate either a lawmaker representing their Zone or Constituency or any other lawmaker to sponsor and present their petition.
- Petitioners who do not know who their representatives at the National Assembly or who have difficulty accessing them can address their petitions to the President of the Senate or Speaker of the House of Representatives as the case may be. The Presiding Officer or Chairman of the Committee may assist the Petitioner in getting a lawmaker to present the Petition on the floor of the House on the Petitioner's behalf.
- There is no cost for presentation of a petition or filing of any other process.

Procedure for Considering Petitions

There is no hard and fast rule for hearing petitions even though there is usual procedure followed.

- Upon receipt of the Petition, the committee fixes a date for hearing and communicates the date to the Petitioner(s). The Respondent(s) is also informed of the petition against them, and a copy forwarded to them.
- The Parties i.e., the Petitioner(s) and Respondent(s), are required to submit and exchange written briefs detailing their arguments or positions on the petition. Usually, the petitioner first writes his/her brief, files sufficient at the secretariat and also serves same on the respondent. The respondent does the same.
- The Committee may request the Petitioner to provide any document(s) or materials where it deems necessary for the proper determination of the case.
- During the hearing of the petition, the Petitioner is first given the opportunity to present his/her case and the Respondent is also given the opportunity to present his/her response
- The Committee may interview or ask questions simultaneously or after their presentations.
- The Committee may give the Parties the opportunity to interrogate each other.
- The Committee can adjourn hearing on any petition where it is satisfied that the interest of justice would be served in the circumstances.
- The Committee has the right to procure evidence, require evidence be given on oath, summon any person in Nigeria to give evidence or produce a document; as well as issue a warrant to compel attendance.
- As part of investigations, the committee may decide to carry out a physical visit to the locus in quo i.e., the location or scene of an event.

Note that **Section 89 of the Constitution** empowers the Committees to:

- 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;
- Require such evidence to be given on oath;
- Summon any person in Nigeria to give evidence or produce a document; and

- Issue a warrant to compel the attendance of any person who fails or refuses to appear, order payment of costs incurred in compelling such attendance and also impose a fine in consequence.

Also note that section 4 of the Legislative Houses (Powers and Privileges) Act provides that:

“A committee of a Legislative House authorized by the standing orders thereof or by a resolution of the House to send for persons, papers and records may order any person: (a) to attend before it and to give evidence; or (b) to attend before it and to produce any paper, book, record or other document in the possession or control of such person.”

The investigative power of the National Assembly is however limited to exposing corruption, inefficiency or waste in the execution or administration of laws or to enable it to make or amend laws within its legislative competence. As such, they cannot just summon or investigate anyone or any institution without cause.

See **section 88(2)** of the Constitution.

Conclusion and Resolution of Petitions

After a hearing is concluded and the report prepared by the committee, the report is presented to the chamber in question for consideration and adoption of the recommendations made. It should be noted that the Constitution does not authorise the Committees on Public Petitions or any other committee of the National Assembly to make laws or pass resolutions on matters brought before them for consideration.

Committees may only make recommendations to the Senate or House on such matters for consideration and adoption. When the committee reports back to either chamber on investigated petitions, the committee chairman leads the debate and explains why the committee's recommendations should be adopted. The chamber may then pass a resolution on the petition adopting the committee's recommendations. The resolutions are communicated to the parties, and it is expected that the affected agencies will implement the resolutions thereafter. Where this does not happen, the matter may be referred to the committee on legislative compliance for further legislative action.



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