



LAW AND EDUCATIONAL FUNDING IN NIGERIAN EDUCATION SYSTEM

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Abstract

Nigeria is grappling with many kinds of developmental problems. One of such problems is poor and erratic financial base to start and sustain the developmental sector but most importantly on the misuse of law in education and abuse of financial rules and regulations put in place for guiding and ensuring the orderly and proper utilization of law. Therefore, this paper undertakes to find out how different laws made in Nigeria from colonial period (1882 – 2023) till date have affected organization and management of education and funding practices in Nigeria. The paper discussed the concept of law, colonial ordinances, sources of funds, education law, importance of education law to an administrator, others are funding at different levels of education as well as importance of funds in implementing education programmes as well as problems and prospects were discussed among others. The researchers observed that law and educational funding have not been given the necessary attention it deserves by successive governments from colonial era till date but suggested with concern that stringent measures should be taken on education laws and systems of funding education in Nigeria for more positive impacts that will affect education at all levels qualitatively and quantitatively. The paper concluded that more needs to be done and suggestions were illustrated.

Keywords: Law, Ordinances, Education and Funding.

Introduction

No human programme be it in education, private sector, army or industrial organizations, can succeed without laws and funds for execution of its activities. Programmes may be good on paper, but may come to a standstill if there are no law and funds for proper implementation. Likewise in all levels of education (nursery,

primary, secondary and tertiary institutions), laws and funds are needed to guide education personnel, provision of physical facilities and equipment as well as instructional materials. Hence, there is need for effective laws and funding system in education sectors because if there is none, attaining standard and implementation of set goals based on the



present education laws and funding system may be an elusive venture. Therefore, there is need for strong laid down rules and funding system that will lead to quality teaching and learning in Nigeria. This implies that, the achievement of quality teaching and learning (education) to a high extent depends on quality laws made, their utilization and proper funding management system.

The Concept of Law

The concept of law in any given society cannot be over looked. This is because laws are needed for the proper regulation of human and governmental activities. Without laws in any human conduct, there is likely to be a state of anarchy, lawlessness and absence of rule of law and orderliness in society. This means that, all segments of human activities and persons are directly or indirectly affected by the law, if peace and stability is to be achieved in society, there must be existing, strong and functional law guiding the establishment. A layman understands law as rules and regulations made by those in power of authority (state) for the proper conduct and regulation of a community or society. According to Onu (2013); Peremode (2014), laws are rules or body of rules and regulations to which actions are confirmed. In other words, laws provide a framework for group actions and relationships upon which human activities are controlled. Thus, laws can regulate, permit, prohibit and control negative and positive behaviors of human beings in society in order to achieve human cohesions or harmony in the society. Law can curtail the liberty of an individual in society; hence laws can have both negative and positive effect on individual and the society in which he lives. In otherwise, it is

the law that determines how a society or an organization is going to be governed.

In our country (Nigeria), law is written in a constitution which we call the constitution of the Federal Republic of Nigeria. It contains rules and regulations which governs ones conduct socially, emotionally, mentally, economically and politically. Law of the constitution can be written (statute law) as in Nigeria or unwritten (common law) as in Britain. According to Afianmagbon and Nwokocha (2011), law can be called criminal law or civil law. According to them, civil law deals with disputes between private people and business people while criminal law deals with crimes against individuals and society in general. Therefore, the concept of law in any given society, organizations and individuals is geared towards guiding them in order to achieve their aims and objectives or purpose of establishing it. This brings us to the issue of desirable characteristics of law in general.

Characteristics of Law

Law has different characteristics as perceived by different scholars. Fuller (2009) identified the following characteristics as desirable to law of any country or organization if it is to function optionally:

- It must have general rules or standards of conduct
- It must be subject to public criticism on publication.
- Reliance of the laws on retroactive law must be reduced to the barest minimum.
- The wordings of the laws must be clear and of standard that is it must not be vague but straight to the



point for all to understand and digest.

- The contradiction must be less
- It must be such that the society can obey.
- It must be dynamic and not static and
- It must be in conformity with declared rules and regulations.

Nigerian educational laws from colonial era (1882 – 1960): During the colonial era, schools in Nigeria were mainly established, organized, managed and funded by the foreign missions that established them. As the mission gained converts, private and community participation in the funding of education became regular, hence the need to have laws to regulate its conduct. This leads to the enactment of different laws which the colonial masters called Ordinances laws. The promulgation of Ordinances and Codes to govern educational activities and programmes in Nigeria started in 1882. The 1882 Education Ordinance was applied in four British Colonies of Lagos, Gold coast now Ghana, Gambia and Sierra Leone. It has a single inspector whose duties include:

- establishment of local education board whose duty is to give advice,
- allocation of grants for school buildings,
- payment of teacher's salaries and allowances and establishment of government school in which religion should not be part of the curriculum of instruction.

This Ordinance and Code brought sanity into educational activities of the missionaries, thereby checking

discrimination and help in building of more schools (Okunamiri, 2008). The 1887 codes and ordinance were mainly for colony of Lagos. It made provisions for grants-in-aid and supported the principle of partnership in education. The board consisted of the governor and three nominees and differentiated between grants to infant, primary, secondary and industrial schools. A priority was also made for scholarship for poor children to attend school. The 1887 code and ordinance were replaced in 1903 when the Protectorate of Northern Nigeria and Southern Nigeria were established so as to take care of the political entity. Although most of the provisions of 1887 were retained but new ones were injected in the curricular of instruction of primary and secondary school such as industrial work, payment of grant – in – aids to all schools based on average attendance in school and annual examination instruction. A department of education was established in the southern and northern Nigeria in 1903 and 1910 respectively.

By 1908, the Protectorate of Lagos and Southern Nigeria were merged into one and became known as Colony and Protectorate of Southern Nigeria. An educational code and ordinance were passed in 1908. A code of principle to cover western, central (Lagos) and eastern provinces into one territory was drafted. The new provincial boards were left to prepare and regulars the conduct of schools under its jurisdiction based on the peculiar conditions in the area. The education department has a Director, four Superintendents of schools and three Europeans. The political evolution of 1914 which led to the amalgamation of North and Southern Protectorate brought in 1916 code ordinance. Schools then were allowed to conduct its activities according to its



native laws and customs and dressing. Government exercise some measure of control in them while teaching and learning were based on the needs of the students, teachers ratio to the students were adequate and all the schools whether owned by government or missions were mandated to operate with common objectives and purpose.

The 1919 code and ordinance gave more power to Inspectors to inspect all schools and recommend actions to the education board if found wanting. The 1922 – 1925 Phelps – Stokes Commission of Memorandum on Education as observed by Fafunwa (1982) and Afianmagbon and Nwokocha (2013) highlighted the need for the statements to be taught in their native language, native curriculum, vocational and technical education to be introduced in school, religious and moral education be incorporated in schools, grants in aids to be based on examination performances of students, private schools should be given equal treatment as government schools while teachers from rural schools should be encouraged to teach in their schools. The 1926 ordinance was enacted by the colonial masters to curb the unlimited expansion of school and the unhealthy rivalries among interest groups in education at that time. This led to the establishment of Achimota College in Ghana and Yaba College of Medicine and Yaba Higher College in 1927, 1930 and 1934 respectively. The ordinance brought about the recognition of teaching profession, registration of teachers, setting up of the board of education and appointment of supervisions of schools.

The Memorandum on the education of African communities in 1935 generated reactions from Nigerians and other Africans because it said that African education

should focus on the transmission of dynamic culture based on cultural values and material culture alongside other social development programmes in Africa. The reaction was raised because ethnic group is needed to be mobilized to take more active part in the building of schools and African tradition to be challenged, it recommended that government funding of education, adult education mass education, provision of funds for universal basic education and welfare plans be effectively co-ordinate (Mgbodile, 2004). In 1948, a central education board and four regional education boards were established for Lagos, West, East and North. Directors of education were appointed for the regions while local education committed and authorities were set up to check standard and place sanctions on erring voluntary schools. This ordinance set the pace for regionalization of education in Nigeria. In 1952, the Macpherson's Constitution paved the way for regional government. The Western region floated the Universal Primary Education in 1955 while the Eastern region followed suit in 1957 but cancelled the idea in 1955 because of lack of proper planning, funds and logistics while the Northern region failed to do so. Finally, in 1959, the Ashby Commission on Higher Education in Nigeria highlighted the needs of the country for the next twenty years (1960 – 1980). For the first time in our history, Nigeria sat down in a table to decide their future education plans. It examined the present structure of our educational system then and gave advice on its practicability. The report paved way for the establishment of indigenous universities at Nsukka, Zaria, Ibadan, Ile-Ife and Lagos.

In summary, the analysis of the different Codes and Ordinances is to show how important laws in education had



affected our country's development, politically and socio-economically, positively and negatively from (1882 – 1960) when we gained our political independence from our colonial master (the British). The analysis equally shows how the British colonial masters were able to fund education, regulate the establishment of schools and promulgate laws on staff recruitment, payment, scholarship, granting of aids to schools and sanction to be applied to erring voluntary schools. The appointment of director in school, principals, headmasters, training and registration of teachers show the extent governments then were able to use Codes and Ordinance to organize, manage and administer schools during the colonial era. This goes to show how important laws are in governance of the country's educational system. During military era, education laws in Nigeria from 1966-1976 and 1985-1999 were referred to as decrees while those of the civilians were referred to as Acts of Parliament, edicts and bye-laws.

1970s-2013 Acts, edicts, bye-laws, and decrees on education by both the military and civilian rules were often hastily formulated, without adequate planning hence they are hardly implemented. Those implemented do not succeed because of time, frequent change of government, lack of funds, depth of qualified personnel corruption, lack of political will and transparency. For any education law to be successful in Nigeria, the actors must realize that education programmes formulated takes time to mature, experiment on and implemented. If they continue to formulate policies without action oriented programmes, they will end up in generating confusion and instability in the entire education system in Nigeria. That

is why those making the education laws should be careful and well guided.

The Concept of Education Law in Nigeria

The essence of law is to enforce the rules, policies and regulations of people and government for compliance. Education laws according to Maduagwu (2020) are simply those laws that have been enacted specifically for the purposes of organizations, management, administration and control of the education system in Nigeria. According to Ogbonnaya (2015), people who operate the education laws in the education enterprise are citizens of Nigeria, governed by the laws of the land, whether criminal or civil law hence they are expected to comply with laws designed exclusively to regulate what they can do or not to do in the process of teaching, learning and management. Thus, education laws are necessary because educational establishment and institution is a social organization with many individuals and groups as stake holders. In the views of Maduagwu (2020), the reason why education laws are important is because there are many complex aims and objectives for it to achieve and numerous diverse interests, expectations, and aspirations for it to satisfy societal needs. Hence, the need to regulate social interaction and behavior became imperative in law. This means that, education law can be regarded as one aspect of the vastly complex system of social control. That is why Shiaka (2021) defined it (education law) as those areas of jurisprudence which focus on educational activities, the operation of public and private elementary, secondary and tertiary institutions. Whatever definition that is ascribed to it, the fact still remains that, education laws are laws made for the betterment and



operations of educational system to guide their conduct and behavior in education services delivery.

Sources of Education Law

Education law can come from different sources. In the views of Shiaka (2021), educational laws sources in Nigeria include the following among others-

- The constitution of the Federal Republic of Nigeria 1999 as amended
- Rules and regulations of the organization such as school rules.
- Judicial precedents. That is interpretation from law courts.
- Administrative / executive orders.

These are rules and regulations made by an administrator or an executive of an organization to guide the conduct or behavior of its personnel or staff while, legislation are laws made by National or staff Assembly. They include Acts of parliament, edicts and bye – laws.

Importance of Education Law to an Administrator

Education law according to Okunamiri (2008) and Maduagwu (2020) is an important and indispensable tool necessary for the survival of school administrators and teachers in the task of organization and management of schools. It is an indispensable tool aimed at helping students and staff of educational institutions to:

- understand the legal aspects of education and when to apply it for the betterment of the students and the society in general.
- help teachers to know and appreciate the general principles and provisions of education laws.

- know the rules and regulations guiding its application in handling issues of order and discipline in schools.
- assist teachers to be aware of their legal and other obligations to their employer, their follow teachers and their students.
- learn the basic principles of law and develop some degree of competence, skills and knowledge in applying or using it to enhance or solve education needs, expectation and aspirations.

The Concept of Educational Funds

Fund refers to a sum of money saved or used or made available for a particular purpose or action. According to Ogbonnaya (2018), fund can be called money or financial resources which can be in form of physical cash, credit facilities, bank draft, overdraft, travelers cheque, bank credits, taxes, rents, rates, bills, earnings, income reserves or profit made on goods and services. Funds are in two categories, namely short – term or long term. Short term funds are funds needed for a short period of time which must be useful in a short while to be used in a school or educational institutions and even to an individual. The short term funds if delayed for a long period of time may not be useful to the school or individual concerned, hence it may be termed, long term fund. Long term funds are funds raised for a longer period of time up to two to three years or even more for a particular purpose which could come in form of building classrooms or purchasing of laboratory equipment in school. Funds according to



Graveir (2017) can be grouped into two:- thus, internal and external funds. The internal funds he noted are available within the school system or organization while the external funds are outside the school compound or organization example aids to schools or commercial bank loans.

In Nigeria, educational funding are basically those funds made available by government, foreign donors and commercial banks and grant-in-aid for the execution of educational projects in schools (Adesina, 1981). Their availability is very crucial for the payment of staff salaries and allowances, purchasing of instructional materials and equipment, physical facilities repairs and provision of statutory and non-statutory records in schools. If an institution lacks funding from the federal, state and local education authority, the moral of the teaching and non-teaching staff would be at the lowest ebb. For a school to achieve its set goals (aims and objectives), it must be adequately funded.

Educational Funding in Nigeria at the Primary Schools

Funding of our educational institutions in Nigeria at all levels depends on the state of the nation's economy and the scale of premium placed on education by various school administrators as well as the federal, state and local educational authority. During the colonial period from 1882 – 1959, it was the Christian missionaries that funded primary education in Nigeria with Government helping only to ensure there is peace. It was in 1870 – 1876 that Lagos settlement administration according to Ogbonnaya (2018) set aside three thousand pounds (£3000) as aid to church schools. According to him, it gave out thirty pounds (£30) each to church missionary society, the Roman Catholic Church and Wesley Methodist Church to

assist them in the organization and management of their respective school. From 1874 and 1876, three hundred pounds (£300) was shared annually among churches, schools and increased to \$600 in 1887. Local communities in Nigeria started participation in the funding of education in Nigeria when they started appreciating the importance of western education. Within a short time, the scope and complexity of granting aids to schools increased. By 1912, those mission schools that excel in standard in terms of examination results, organization, management and population received government grant-in-aids.

According to Fafunwa (1974), government participation in primary school education funding increased more and more at the primary school levels. By 1818, Fafunwa (1974) and Adesina (1983) noted that the figure rose to 4.3 percent, declined to 3.3 percent in 1883 and climbed to astronomical height of 16.9 percent in 1951 – 52. Since then, they noted that the cost of education in Nigeria continued to rise due to government substantial allocation to education in its annual budget. The education Act No. 17 of 1952 provided for the establishment and use of local education authorities in the management of primary education in the country so that they can assist in the raising of funds for primary education. The first and third Federal National development plan, spanning the period (1962 -68) according to Adesina and Ogbonnaya (2002) gave grants to the regions for primary education representing 19.10% of the total cost. In the second national development plan, education was upgraded to the 2nd position and was allocated 13.5% or #77.8 million out of the #2 billion total national investments Akinyemi (1983) noted. According to Etuk (1983), Education budget at this time



ranked 5th in the hierarchy of Federal Government priorities. The third National Development plan witnessed the highest capital allocation to primary education. A total of 12.10% of the total investment of ₦25 billion was allocated to education. This can be said to be the best period in Nigerian history when 'education' was given its rightful position.

The shifting of responsibility of education to the local education authorities by the 1979 Constitution and the implementation of Okigbo Revenue Allocation and Fiscal Commission Formula which reduced Federal government allocation of education from 71% to 55%. In the views of Ogbonnaya (2018) this led to the end of Federal Government financing of education in Nigeria alone. Despite the decision to transfer 65% of the calculated cost of primary school salaries to the National Primary Education Funds and states and local education contribution of 35% as well as other expenses of running primary education based on decree No 31 of August, 1988, Local Governments by mid-1991 continued to complain of inadequate funds to pay primary school teachers. This according to Ogbonnaya (2018) and Okunamiri (2018) prompted the Federal Government to increase the allocation to Local Government to 15.20% in the 1992 budget. It is worthy of note that, despite the increase in Local Government allocation to education, the quality and quantity of infrastructural facilities and equipment in most primary school (chairs, tables, textbooks, classrooms) continue to decay.

Secondary School Education Level

In secondary schools the actual government involvement in the funding of education started in 1859 when fifty pounds (£50) was given by Captain J.P.L. Davies to

mission schools to buy textbooks and equipment in Lagos areas. Before then, it was the sole responsibilities of the missions who own these schools to fund and run their schools. The 1882 ordinance witnessed great improvement in education as provision was made for maintenance and financing of schools established by colonial government. The 1887 ordinance Fafunwa (1974) noted, saw an increase in government aid to secondary education. The grant – in aid increased from one thousand six hundred and seventy-three pounds (£1673) in 1891 to three thousand four hundred pounds (£3,400) in 1895. The 185.4 per students per annum he noted was however tie to 80% percent attendance to school while the school fees was £4.18s per annum (Adesina, 1984). In 1903, a new education department was created which revised the method of granting aids to schools to include tone of the school, state of building and equipment, teacher's qualifications and record keeping. The competition was stiff which resulted in many schools not being able to meet the criteria hence the grant they received became less and less annually.

In the Northern part of Nigeria, the financial burden to the students and parents were less because government wants to reach out to the "pagan" areas of the province. Hence, the students were exempted from paying school fees while in the Southern part, the situation was different as parents and students spend money on education than their Northern counterparts. This situation has not change much in recent times. In line with above, Okunamiri (2018) and Ogbonnaya (2018) reported that Southern students paid from one pounds, sixteen shillings £1.16 to seven pounds, ten shillings \$7.10s for day students and five pounds, twenty-five



shillings £5.25 to twenty three pounds, ten shillings £23.10s for boarders in 1903. The 1926 Education Code and the 1944 Ten Years Education Plan tried its best to change the face of education in Nigeria even though the plan was seriously affected by lack of funds. The 1947 Constitution tried to decentralize the administration of education in Nigeria while the 1951 Constitution further gave responsibilities to Federal and Regional government on secondary school education. Out of £412.5 million budgeted by federal government in 1962 -68, £29.2 million was marketed for education while £0.944 million or 3.2 percent was earmarked for establishment of new secondary schools in the country. This shows the level of government involvement in the funding of secondary school education in Nigeria.

Higher Education Level

Government funding of tertiary education in Nigeria started in 1934 when a total of £40,000 was given to Higher College, Yaba. Government contributed £30,000 while Alfred Jones an English man paid £10,000, £6,000 was for building while £4,000 was for equipment when the college was opened, no fees were charged but in 1934, students paid £50. Fafunwa (1977) reported that although the fee policy of government was a generous one, government still goes ahead to select students for scholarships. Government shoulders 90% of both the student's school fees and staff salaries. 95% of the college staff then were Europeans. In 1934/35 academic year, government voted £9,567 for the college and increased it to £10,118s in 1938 with teacher's salaries amounting to £7,955s. The second Higher Educational Institution in Nigeria was Universities College, Ibadan in Oyo State in 1945. The University was financed by Nigerian

Government and United Kingdom Government. The source of funds for the school was the student's school fees, government annual grants and interest on endowments. The establishment of University College saw the birth of other Universities at Nsukka, (1960), Zaria (1962) Ife (1962) and Lagos (1962). In early stages each of them were financed by their respective regional governments except Lagos that was financed by the Nigerian government before the Federal government took over the schools. In years 1962 to 1964, the total amount spent by the regional governments was £1,225,800 but in 1966 it rose to £3million. The bulk of the finances were from agricultural products before the Federal Government gave them grant of £1,777,500 between the years of 1962 to 1964. The National Universities Commission (NUC) was established in 1962 to regulate the conduct of these Universities, Ogbonnaya (2018) noted.

In summary, the funding, organization and management of primary and secondary education in Nigeria started with the Christian missionaries who built and established them. Gradually, government started involving itself in the organization and management of education at these two levels. Their involvement was in setting standards and later in financing its activities. Communities, individuals and local education authorities later took the center stage. Higher education was a different ball game altogether as government right from its inception took over its organization management, finance, maintenance and establishment of infrastructural facilities and equipment. Through the period of its transition from colonial to independence, government uses codes, ordinances, Act of parliament,



edicts, bye-laws and decrease to run and fund educational institutions in Nigeria.

The Tertiary Level (Colleges of Education, Polytechnics and Universities)

Colleges of Education Level

College of education are educational institutions established to give professional training to teachers by producing highly motivated, contentions and efficient classroom teachers for our primary and secondary schools (FRN 2004). It is established by federal, states, missions and private individuals. It has a Governing Council who determines the types of investment to embark upon in order to raise revenue. The National Commission for Colleges of education (NCCE) through decree No3 of 1989 advice the Federal and States Ministry of Education on laid down minimum standards and approves guidelines on the accreditation in all Colleges of Education in the country. It is headed by an administrator called Provost and it runs through by committees. Their sources of revenue for funding of its programmes include:

- Award of contracts and maintenance of capital assets.
- Holding public lectures, printing and publishing articles for sale, stickers.
- Receiving gifts from any charitable organization and mounting of Arts exhibition and cultural displays.
- Research and institution award fellowships
- Block grant from federal and government

- Grant-in-aids by government through the annual budgetary allocation.
- Fees and changes on services rendered.
- Loans within Nigeria and investments in securities.

Polytechnics

Like College of Education, they are established by decree No. 33 of 1979. They are governed by the Governing Council and Rector is the head of institution while the National Board for Technical Education (NBTE) regulates its activities by setting minimum academic standards for accreditation by the (NBTE) based on its guidelines. Its activities are based on committees. According to Okunamiri (2018) it generates its revenue from:-

- Federal and states government by way of annual or monthly subvention.
- Games in aids and research.
- Endowment funds and donations.
- Alumni Association and legacies.
- Fees and user charges.
- Sale of its works if arts and academic
- Publication, printing and fellowship award.

Universities

It is regarded as centers for excellence and academic pursuits. The head of the institution makes laws for the Universities. The National Universities Commission (NUC) determines the minimum academic standard and set out guidelines for its activities. It receives directives from Ministry of Education on behalf of Federal and State Government. It



is headed by a vice-chancellor and a chairman of its Governing Council. Its general activities is based on committees. Their sources of revenue for funding and implementation educational programmes include:

- Guest Houses and hostels.
- Annual government subventions
- Budgetary allocation from federal and state government
- Fees and user charges
- Arts exhibitions and cultural displays
- Research activities and collaboration in form of affiliation.
- Foreign aids and loans.
- Grant in-aids from government,
- World bank, spirited organizations and philanthropists organization.
- Endowment fund/chairs
- Charitable organization
- Proceeds from farming activities, bakery scholarship and
- Alumni Association to mention but a few.

In summary, the sources of funds, for funding educational activities and implementation, if efficiently and effectively use, can be useful in the organization, management and administration of schools throughout the country. It will help heads of institutions to construct and build damaged physical facilities and equipment, instructional materials and training of educational staff. Colleges of education, polytechnics, universities and their governing councils can determine the type of investment that

can yield them positive results. Funding of education in Nigeria, at primary, secondary and tertiary institution has a legal basis derived from Acts of parliament, edicts, by-laws and decrees.

Sources of Education Funding For Implementation of Educational Programmes in Nigeria

The Federal Republic of Nigeria National Policy on Education (FRN, 2004, 2013) described primary education as education given to children aged 6 to 11 years. It also describes this level of education attainment as the bedrock of Nigerian education system because it lays the foundation for our future generation of leader. It is therefore important that its funding, sources of funding and implementation of educational aims and objectives in primary should not be joked with by the Federal, states and local educational authorities. It is headed by a Headmaster. Primary schools in the country as of today are owned, funded, organized, managed and administered by local educational authorities, missions, individuals and philanthropists organizations. Since education is regarded as the fundamental human rights of cities of the country by the 1999 Federal Republican Constitution, it means government at all levels are legally bound to provide education for its citizens . In other to carry out its activities efficiently and effectively, the sources of funding of primary education and its implementation mechanism must be spelt out. The legal sources of financing primary education in Nigeria according to Hamza (1993) and Ogbonnaya (2018) include:-

- proceeds from school farms
- federal government and local government council's share of monthly federation account



- States government grant – in – aids
- Local education government revenue's on taxes, rents, licenses etc.
- Community and Parent's Teachers Association (PTA) participation on education through levies
- The use charges, donations, loans and external credit facility from World Bank.

At the secondary education level, both the federal and states government share the responsibilities of organization and management of education at this level even though the private sectors always come in, in one way or the other. This is because education at this level according to FRN (2004, 2013) is described as the form of education children receive after primary education and before tertiary stage. This it noted is because it prepares students for useful living within the society in preparation for higher education. It is headed by a principal. The Principal sources of funding and implementation of educational policies and objectives include amongst others at the federal unity schools the sources of funding include;

- Annual budgets, fees and charges.
- Internally generated revenue.
- Soft loan negotiated through various bilateral agreements.
- Education tax and crude oil production.
- External credit loans and direct taxes.
- Occasional donations by philanthropist organizations and

wealthy individuals in the societies, sale, interest and customs and exercise.

- Parents Teachers' Associations and loans on posts and telegraphs.
- Alumni Associations popularly known as old Boys and Girls Association
- In the states own secondary schools, the sources of funds is by legislation and it comes through the following means
 - proceeds from farm activities.
 - Endowment funds
 - Donations and legacies
 - User fees and borrowing
 - Domestic borrowing
 - External loans and federal government special grants – in – aids and financially,
 - State government budgetary allocation which the federal government contributes through monthly revenue allocation formula.

Relationship between Education Law and Funding

The relationship between education law and funding cannot be over-emphasized, for without laws in all organization including education there will be chaos in the institution and without adequate funding the system will not be functional. Therefore, their relationship could be in positive or negative form and includes the under listed among others—

1. The different sources of education funds which are into law are used to provide financial support to the school and students for the purpose of education. Support are provided at local, state and federal level and also by foreign donors which can



- come as a physical cash, facilities, bank loan, grants in aids and profits in form of retained earnings or reserves.
2. The promulgation of decree no 23 of 1975 which back up government to take over the regional primary, secondary and tertiary institutions governing council and altering of the position of a visitor to take school from being ceremonial to that of someone who can intervene in the daily administration of the school leads to poor funding of these institutions because they are not empowered to seek for external loan or grants without the approval of the federal ministry of education. This affects their powers to acquire money to fund their institutions.
 3. The promulgation of decree no 23 of 1975 also vested the power to appoint and remove the vice chancellors, rectors and new provosts among others by the head of state instead of Joint Committee of Council (JCC) and senate of these institutions on behalf of the school governing council. This makes the sole administrators appointed to be powerful and takes decisions which normally affects tertiary institution, community because their interest and allegiance is to the person that appointed them without cause to think of the community in terms of payment of allowances on welfare of staff and how to boost the staff like provision of research grants and professional training of staff which will lead to poor funding since opportunity were not created for them to generate funds.
 4. The promulgation of decree no. 23 of 1975 which also eroded the powers of tertiary institution governing council as statutory employers and powers of the senate of a tertiary institution as the highest decision making body to oversee academic matters affected by tertiary institution autonomy and powers to fund its activities
 5. The enactment of 1999 constitution and decree no 31 of 1988 as amended which gave power to government to fund primary school education commission
 6. The financing of Universal Basic Education Board Act of 2004 Part 111 stated on financing of Universal Basic Education by the federal government
- This shows that having too many laws on education only succeed in generating confusion and instability in the entire education system in Nigeria. What we need therefore is an education law with sufficient funds that is functional and dynamic geared towards the achievement of national growth, development and integration and can be only achieved if adequate funds are adequately allocated.

Importance of Funds in the Implementation of Education Programmes

The federal Republic of Nigeria National Policy on Education revised in (1981), (2004) and (2013) acknowledged education as an instrument per excellence for effecting national development. That is why it regarded education as an indispensable instrument for solving the social, economic, political and technical problem of the nation. To achieve this, the



FRN National Policy on Education listed the objectives of Primary Education amongst others to be; inculcating of permanent literacy, numeracy, communication skills, laying sound basis for scientific and reflective thinking, citizenship education and character and moral upbringing. For Secondary Education it listed the broad aims to be, preparation for useful wing within the society and for higher education. For Tertiary Education it includes among others; the acquisition of developmental skills and inculcating of valued orientation for survival of individual members of the society. Based on this, it is clear that the achievement of these laudable- aims and objectives can only survived through provision of funds for the implementation of educational programmes.

This is because funds are important for the employment and payment of staff salaries and allowances in education sector. Funds are important for meeting the needs, aspirations and expectations of students and the entire Nigerian society (Ogbonnaya: 2018) Funds are necessary for organization, management, administration and organization of workshops, seminars, conferences, in-service training, in-house training and on-the-job-training of staff in education sector both academic and non-academic staff to enhance their development and growth in the organization. According to Okunammiri (2008), funds are necessary for the provision of infrastructural facilities, equipment and instructional materials. It is also necessary for its maintenance especially the damage ones. Finally, funds are necessary for provision of educational technological center, bookshop complex, farms, textbooks, journal, periodicals pamphlets, posters, newspapers, micro-

teaching laboratory, science and home economics workshops, reference books etc. In summary, the cost of purchasing these materials shows how important funds are for the implementation of educational programmes and objectives in the country using the different laws made from the Acts of parliament, edicts, bye-laws and decrees as a guide.

Problems of Educational Laws and Funding in Nigeria

Laws are important for the survival of any organization be it schools or industries without laws, people will not be guided or regulated in their conduct, behavior and achievements of set goals and objectives. In education, the greatest problem facing it is how to utilize effectively the various laws made to enhance educational development. This is because these laws are many and tend to move to one direction without clear purpose. The second problem is that the interpreters and users of the educational laws are not makers of the law. Some of them lack the knowledge and skills of educational organization, management, planning and administration or the concepts and theories of education. Hence, they end up in interpreting and implementing education law on how they understand it instead of allowing the real practitioners to air their views. Thirdly, most of the laws are so vague and cumbersome that it ends up at the table of the makers who are mostly politicians who have vested interest to protect instead of the welfare of the students, staff and the general public. Fouthly, the frequent change of government in the country affects the overall implementation and feeding of education in the country. For example, some government may have the political will to fund an important educational policies on



Universal Basic Education Scheme while others many favour restructuring of the entire education curriculum to favour their section. Another noticeable problem is the issue of who should fund education in the country. Some government officials who are in power may tell you it is federal government and states while others may say it is the responsibilities of the parents, students and their respective communities and not that of government forgetting that education according to the Federal Republic of Nigeria 1999 constitution made it an eligible right of every citizens of the country. This tends to hamper the implementation of education aims and objectives.

Fund management and administration is another major problem in terms of financial disbursement of funds generated or allocated to education sector. The laws on this are usually rigid and not flexible. Some laws states the states, local educational authorities and federal government the while others still say, it must be based on federal character, equality of states, school enrolment figures, geographical location, population and revenue generated from each states. This confusion in the interpretation and implementation of education laws poses a lot of problems to the operators of the system.

Another problem is lack of statistical data to implement education matter. The use of inaccurate data to execute education programmes is a big problem. This has resulted in most education programmes being lopsided due to inability of education manager to do proper planning, organization, coordination and evaluation of its activities based on inaccurate statistics obtained which includes and not limited to training and

development of staff, provision of infrastructure and equipment as well as equipment repairs and maintenance.

Finally, corruption, embezzlement, nepotism and favoritism in appointment to key education position in the country poses a lot of problem to the implementation of educational law. Some of the appointees are mediocre in education matters while others divert education funds for other purposes using educational laws to suit their purpose.

In summary the problems of educational laws and funding are too numerous to mention but the outstanding ones boards on its implementation, organization, management, planning and administration to suit the needs, expectations and aspirations of the general public and the entire society at large.

Prospects

Despite all the short coming noticed in the organization, management, planning and administration, education laws and funding in Nigeria has come to stay. This is because the laws had contributed immensely towards the upliftment of education in general. In the area of implementation of educational aims and objectives, the laws have helped administrators in building infrastructural facilities and equipment, provision of instructional materials, personnel and in training and development of the staff. Starting from colonial codes and ordinance down to military decrees and civilian Acts of parliament, edicts and bye-laws it has also assisted successive government in power to achieve what it set out to do for the benefit of the people, as it affects education and national development.

Conclusion

The Importance of laws in human activities cannot be over emphasized. This is because no organizations can survive



without a law governing its conduct or regulating its activities. The educational codes and ordinances promulgated by the colonial masters were geared towards the betterment of Nigerian educational system. Although at that time it benefited the missionaries and government of the day more, the fact still remains that it helped in the educational development of the country. The ones enacted by the military and the civilian government in Nigeria from independence till date also were geared towards the needs, aspirations and expectations of the people. The greatest problem facing the laws is how to implement it for the good of the people in the society. The implementation plan is hindered by lack of funds corruption and improper planning as well as execution of the projects. The sources of funds for education purposes were also affected by the socio-economic and political situation in the country which affected its smooth implementation in the country. Despite the set-back, education laws and funding have come to stay as the main mover of the country's economy as products from education sectors have contributed immensely towards the socio-economic and political development of the country.

Suggestions

The following recommendations were made to see that laws made towards funding are well utilized for the benefits of all in the society through:

1. Government should allocate more funds, without adequate funds to education, different policies enacted will be difficult to manage and implement
2. Adequate utilization of the laws made on funds allocated to education, the institution mapped out for any fund must have the

amount, this among others should motivate and develop students interest in teaching and learning and on any innovative and interesting programmes in education.

3. Teachers in all levels of education should be well motivated in terms of salary and other allowances so as to enable them discharge their duties effectively towards law and funds management
4. There should be regular grant to the state by the federal government for payment of salaries and other short terms activities
5. Educational research funding should be implemented
6. Teachers should be sponsored for workshop, seminars, and refresher courses to education laws and funds management so as to update their knowledge and be well remunerated, this will make them to impart into our children happily.

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