

LESSON NOTE FOR WEEK EIGHT (8)

TOPIC : ORGANS OF GOVERNMENT

DEFINITION OF THE EXECUTIVE ORGAN OF GOVERNMENT

The executive is the organ of government responsible for the implementation, execution or enforcement of laws and policies made by the legislative arm of the government. The executive sees to it that laws made in a country are obeyed.

COMPOSITION OF THE EXECUTIVE

1. Federal Level: At the federal level, we have the following: president or prime minister, secretary to the government of the federation, ministers, permanent secretaries, directors, etc.
2. State Level: At the state level we have, governor, deputy governor, head of service, secretary to the governor of the state, commissioners, permanent secretaries, directors etc.
3. Local Level: At the local level, we have, the chairman, vice chairman, secretary to the local government directors, head of department etc.

FUNCTIONS OF THE EXECUTIVE

1. Execution of Laws: It is the executive arm that executes or implements the laws made in the legislature by making sure that they are obeyed.
2. Giving Assent to Bills: The head of the executive arm signs or gives assent to bills before they can become laws.
3. Provision of Welfare Services: It is the executive that performs the main function of the government which is provision of welfare services to the citizens.
4. Maintenance of External Relations: The executive maintains external relations, signs treaties etc with other countries especially friendly ones.
5. Making of Budget: It is the executive that prepares the total proposed financial expenditure and revenue of the government in every new financial year.
6. Appointment of Judicial Officials: The executive appoints the Chief Justice of the federation and other high ranking officials of the judiciary.

CONTROL OF THE EXECUTIVE

1. The executive cannot act ultra vires; that is beyond its legal capacity.
2. Actions of the executive could be challenged in the law courts and such acts could be declared null and void.
3. In a presidential system of government, some appointments and decisions of the executive have to be approved by the legislature.
4. A president can be impeached in a presidential system of government.
5. In the parliamentary system of government, a vote of no confidence can be passed on the executive.
6. Conventions or norms, wars, crises and calls for state of emergency can control the executives.

THE LEGISLATIVE ORGAN OF GOVERNMENT

Meaning of Legislature Legislature is the organ or arm of government that is assigned the function of law making. The legislature is given different names in different countries like National or State Assembly in Nigeria, Parliament as in Britain, Congress as in United States etc. The legislature can also be one or two houses depending on the country.

FUNCTIONS OF THE LEGISLATURE

The following are the functions of the legislature:

- 1. Law Making:** Making of laws that direct and guide the affairs of the nation.
- 2. Amendment of the Constitution:** It is also the duty of the legislature to amend the constitution of a country.
- 3. Approval of Appointments:** Another function of the legislature is to approve the appointments made by president or prime minister of a country.
- 4. Removal of the President:** The legislature has the power of impeaching the president of a country when acting outside the constitution
- 5. Approval of Budget:** The legislature checks and approves the national budget prepared by the executives.
- 6. Executive control:** The legislature has the power to check and control the activities of the executive.

TYPES OF LEGISLATURE

A. Unicameral Legislature This is where there is only one legislative house or chamber. Countries that operate it are Greece, The Gambia, Kenya, Israel and Bulgaria.

B. Bicameral Legislature This refers to a legislature with two legislative houses or bodies. This type of legislature is adopted in countries like Britain with House of Common which is the Lower House and House of Lords which is the upper house. In USA and Nigeria, there are House of Representatives which is the Lower House and the House of Senate which is the Upper House.

THE STAGES OF PASSING A BILL INTO LAW

Meaning of Bill A bill is a proposed law to be discussed in the parliament in order for it to become law. For a bill passed in the parliament to become a law, the President or Head of State has to give his assent that is sign the bill.

TYPES OF BILLS

- 1. Appropriation Bill:** This bill emanates from the executive arm. It is the total estimates revenue and expenditure of government in a financial year.
- 2. Public Bill:** This bill comes from the executive arm of government; it deals with matters affecting the country.
- 3. Private Member's Bill:** This is a bill introduced into the parliament by a member of such house or parliament.

4. Money Bills: This has to do with specific project involving expenditure coming from the executive.

Stages of Passing a Bill into Law in Parliament

The various stages of passing a bill into law are;

1. First Reading: This is when the draft of a bill is presented to the clerk of the house by a minister or a member of the parliament. The clerk has to notify the lawmakers about the bill. Then he reads out the title of the bill to them. This will then be printed out in leaflets and distributed to all the members of the parliament to study.

2. Second Reading: At this stage the person that brought the bill to the house will explain to the house the purpose of the bill. Members of the parliament will then debate or argue for or against the bill whether it should be read a second time. It will be put to vote and if more members vote for the bill, it will move to the next stage and if not, that will be the end of the bill. No amendment at this stage.

3. Committee Stage: At this stage, a bill that has passed the second reading is referred to a committee of the house. This committee will examine the bill page by page and amended is proposed and also voted for.

4. Report Stage: This is reporting back of all the different committees to the House. The reports and the amendments of the committees are made know to the House.

5. Third Reading: At this final stage, thorough look would be taken on the bill in order to correct certain errors connected with the drafting or amendment. If it's voted for, it is then moved to the Upper House, where the same process as in the Lower House will be made.

6. Assent: The bill is then sent to the president for his signature before it becomes a law

THE JUDICIAL ORGAN OF GOVERNMENT

Definition of the Judiciary The Judiciary is the third organ of government that is responsible for interpretation and application of the laws when they are broken or violated. It is made up of Judges and the courts of law. **The Nigerian Court System** The Nigerian court system is headed by the Supreme Court which is the final court. The next is the Court of Appeal. Besides, we have the High Court and the Sharia as well as Magistrate Court. The Customary Court handles customary cases. **The Nigerian Court System** The Judiciary is also made up of the following: Chief Justice of the Federation, the Supreme and Appeal Court Judges, Federal High Court Judges, State High Court Judges, the Magistrates, the Alkalis and the Quadri.

FUNCTIONS OF THE JUDICIARY

1. Interpretation of laws: This is the major function of the judiciary as it interprets the laws made by the legislature and that of the constitution.

2. Dispute Adjudications: It settles disputes between aggrieved parties, individuals, corporate bodies, government and others.

3. Punishment of law breakers: The judiciary makes sure that people obey the law and any offender is punished according to the dictates of the law.

4. Guardian of the constitution: The judiciary guards and protects the constitution of the land from violation by anybody or government agencies.

5. Protection of citizens' rights and liberties: The court protects the rights of the citizens from being infringed upon and this is why the judiciary is regarded as the last hope of the common man.

7. It gives advice to the president: The judiciary acts in the capacity of adviser to the president on legal matters such as the application of prerogative of mercy or power to give state pardon to criminals and political detainees.

9. Administrative functions such as granting divorce, performing marriages, administering oaths and swearing affidavits, management of estates on behalf of the minors (children below eighteen years)

Meaning Independence of the Judiciary

Independence of the judiciary means the judiciary that is insulated from the control of the other two organs of government. It refers to the impartiality of Judges, absence of external control and lack of bias in the administration of justice by the courts.

ASSIGNMENT

In an orderly manner, state the hierarchy of the Nigerian court system