

COURSE GUIDE

PSM 804 OPERATIONS OF THE LEGISLATURE

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INTRODUCTION

PSM 804 Operations of the Legislature is a one semester course, of two credit units. It is available to all M.Sc. degree students offering Public Sector Management. The course consists of 13 study units covering such issues as the constituents of the legislature, evolution of the parliamentary system, functions of the legislature, powers of the legislature, operational machinery, the legislative process, the role of the bureaucracy in the legislative process, legislative side in appropriation bills etc.

The course guide tells you in a nut shell, what the course is all about, how you can benefit optimally from the course material and also the relevant textbooks to consult.

WHAT YOU WILL LEARN IN THIS COURSE

This course has been designed to acquaint you with the general operations of the legislature in Nigeria and some other main democratic states in the world. It will help you to appreciate the specific functions of the second arm of the government and how that function contributes to the operations of democratic governance. It will give you an understanding of the relationship between the three tiers of government in Nigeria as well as the peculiarity of each sector. You will also be able to understand the mutual relationship in a dynamic Nigerian environment.

COURSE AIM

The aim of the study is to enable you understand the proceeding of the legislative arm of government in a democratic state as well as appreciate its contributions to accountable and representative governance.

COURSE OBJECTIVES

At the end of this course, you should be able to:

- describe the operations of the legislature
- explain the relationship between the three tiers of government in Nigeria.

WORKING THROUGH THIS COURSE

You are expected to patiently read through the whole units and consult the recommended texts and other related materials. Each unit contains

self-assessment exercise and tutor-marked assignments. These are designed to help you have a good understanding of the course.

COURSE MATERIALS

The major components of the course are listed below:

- Course guide
- Study units
- Textbooks
- Assignment File
- Presentation schedule

STUDY UNITS

There are four (4) Modules with thirteen (13) study units in this course. These are listed below.

Module 1

- Unit 1 Conceptual Issues
- Unit 2 The Constituents of The Legislature
- Unit 3 Evolution of the Parliamentary System

Module 2

- Unit 1 Functions and Importance of the Legislature
- Unit 2 Powers of the Legislature

Module 3

- Unit 1 Operational Machinery of the American Government
- Unit 2 The Legislative Process
- Unit 3 Role of Bureaucracy in the Legislative Process
- Unit 4 Legislative Side in Appropriation Bills

Module 4

- Unit 1 The Constitutional Provision of the Legislature
- Unit 2 The Legislature as Representative of the People
- Unit 3 Committee System in the Legislature
- Unit 4 The Legislature In Nigeria

TEXTBOOKS AND REFERENCES

There are some recommended books for further reading at the end of each unit. You are however, encouraged to read other related books on the subject matter.

ASSESSMENT

Your assessment in this course will be based on Tutor-Marked Assignments (TMAs) and written examination. The TMA carries 30% while the written examination carries the remaining 70%. The exercise at the end of each unit should be done as this will aid your understanding of the unit, in particular and the course in general.

TUTOR-MARKED ASSIGNMENT

There are thirteen study units in this course. Each unit should be completed as scheduled. A time table has been designed for you indicating the required weeks to complete the course. There are self-assessment exercises as you go through each section within a unit; and at the end of the unit is the tutor-marked assignment which is meant to help you evaluate your understanding of the material. Answer the questions and submit as indicated on the time table.

FINAL EXAMINATION AND GRADING

At the end of this semester, you are expected to sit for an examination which will reflect what you have learnt in this course. As said earlier, the examination will carry a total of 70%, while the TMAs will carry the remaining 30%. You are advised to study very hard for your examination.

PRESENTATION SCHEDULE

The time table for the course is a guide that will help you organise your time better. Study it and plan appropriately.

HOW TO GET THE MOST FROM THIS COURSE

The Open and Distance Learning (ODL) system is not the same with the conventional system of learning. In the open and distance learning model, the course material is designed and written in such a way that it replaces the conventional lecturer/lecture room situation. Thus, a student can read the text and work through the course material at his/her own pace and at a time and place that is convenient for him/her.

FACILITATORS/TUTORS AND TUTORIALS

There are certain hours of tutorials provided in support of this course. You will be notified of the dates, times and location of these tutorials, together with the names and telephone number(s) of your tutor, as soon as you are allocated a tutorial group.

Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you may encounter. You must mail your tutor-marked assignments to your tutor well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible. Do not hesitate to contact your tutor via telephone, e-mail, or through the discussion board if you need help.

You should try as much as possible to attend tutorials. This is the only opportunity to have face-to-face contact with your tutor and to ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefit from tutorials, prepare a question list before attending to them. You will learn a lot from participating in discussions.

SUMMARY

This is an interesting course designed to enable you understand legislative functions within a larger political system. It is linked with other institutions in various ways. It is within the legislature itself that the process of reconciling the demands of competing groups and choosing among alternatives may be influenced as much by outsiders as by legislators. We wish to reiterate that the knowledge from this course will equip you adequately to serve in a professional capacity in any governmental institution. We wish you the best.

**MAIN
COURSE**

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MODULE 1

Unit 1	Conceptual Issues
Unit 2	Constituents of the Legislature
Unit 3	Evolution of the Parliamentary System

UNIT 1 CONCEPTUAL ISSUES**CONTENTS**

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Meaning of Legislature
3.2	The British Legislature
3.3	The American Legislature
3.4	The Nigerian Legislature
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

In this unit, you will be introduced to what the legislative arm of the government is all about. In your day to day activities, you may have encountered many terminologies without actually understanding their meanings. The aim of this unit, therefore, is to identify and explain the various and relevant concepts that will inform discussions in this study. This is aimed at enhancing a clearer understanding of the various issues raised in this course material.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- explain the term legislature.

3.0 MAIN CONTENT**3.1 Meaning of Legislature**

This refers to the second arm of government, whose membership is usually chosen through elections. It is that part of the government put in

place to perform legislative functions. The legislature is given different nomenclatures in different countries. In Nigeria, for instance, it is known as the National Assembly, in Britain, it is called the Parliament; while in the United States of America it is referred to as Congress.

The composition of the legislature varies from country to country. Some have unicameral system- which means a single house of legislature; while some have a bicameral legislature (two houses). They have fixed tenure and are charged with the responsibility of making laws as well as changing, and repealing existing ones. The Legislature in Nigeria and USA comprises the Senate and the House of Representatives; but in Britain, one house is called the House of Commons, while the other is called the House of Lords.

The House of Representatives is called the Lower House, while the Senate is called the Upper House. The United States of America, Britain and Nigeria all have what is termed bicameral legislature. The case of United States of America and Nigeria is similar in that they both have the Senate and the House of Representatives, while Britain differ with one house named the House of Commons and the other the House of Lords.

Nigeria has 36 states and each of these states has its own legislature which is called House of Assembly. Here, the legislature is unicameral as opposed to what obtains in the Federal legislature which is bicameral in nature. The state legislatures are elected by the people of the state themselves.

3.2 The British Legislature

The British legislature, technically, consists of the Crown, the House of Lords, and the House of Commons- referred to as the Parliament. The House of Commons is the main legislative chamber- with an elected membership of 646 persons, and the maximum life of a Parliament is five years. The House of Lords known as *peers* is made up of the following arms.

- The lords spiritual (senior bishops of the Church of England)
- Lords temporal (lay peers that include law lords (senior judges), who may be either life peers or hereditary peers.

Here, members are not directly elected; they may retain their seats for life, with the exception of lords spiritual, who must resign from the House of Lords when they retire from their church positions. Life peers are appointed by the monarch. The House of Lords is the upper law-making chamber of the British legislature.

3.3 The American Legislature

The legislature in the United States of America is referred to as the Congress; and it is composed of two chambers with equal powers. The Senate has 100 members-two senators representing each of the 50 states; who must be, at least, 30 years old and are elected for six years. Also, eligible member must have being a citizen for nine years, and a resident of the state from which he or she is elected.

The House of Representatives is made up of 435 members divided among the states- in proportion to each state's population. Every state is represented by at least one seat, and representatives are elected for two years; to be eligible, a member must be 25 years old. Also, he/she must have being a citizen for, at least, seven years; and must be a resident of the state to be elected from.

The Upper House of the United State's bicameral legislature is called the Senate. The lower house is called the House of Representative -and together with the Upper House, they form what is called the Congress. Their powers are established in Article One of the U.S. Constitution. Each American state is represented by two senators- population notwithstanding. The Senate has more powers than the House of Representatives; some of their powers include- trial of federal officials impeached by the House, appointment of cabinet secretaries, federal judges, other federal executive officials, military officers, regulatory officials, ambassadors, and other federal uniformed officers.

3.4 The Nigerian Legislature

In Nigeria, the legislature is part of the machinery of governance- across the federal, state, and local government levels. They are known as 'law-makers'.

Laws made at the federal level go by the tag- *Acts*; while legislations made by local governments are termed *By-laws*. Officers in the judicial and executive governments are sometimes statutorily empowered to make laws generally termed *Regulations*.

Law-makers may be identified almost in every arm, level and facet of governance in Nigeria; it is the members of the formally established legislative platforms, especially at the federal and state levels of government that are officially recognised as legislators. At present, Nigeria operates a bi-cameral legislature at the federal level consisting of the Senate and the House of Representatives while a unicameral legislature (House of Assembly) operates at the State level.

4.0 CONCLUSION

In this unit, you learnt that legislature is that arm of government that performs legislative duties. It consists of the elected representatives of the people. Their primary function is to make laws for peace, order and good governance of the federation or any part thereof. Their functions are usually spelt out in the constitution of the country. We shall examine the constituents of the legislature in the next unit.

5.0 SUMMARY

In this unit, you learnt what the legislature is all about. We examined unicameral and bicameral legislature. You were also exposed to the workings of the British legislature, the American legislature and the Nigerian legislature. It is hoped that this introductory aspect of legislature will aid your understanding as we go further in the course.

6.0 TUTOR-MARKED ASSIGNMENT

Write short note on the following:

- i. Congress
- ii. House of Commons/ House of Lords
- iii. Parliament
- iv. Bicameral legislature
- v. Unicameral Legislature
- vi. Senate.

7.0 REFERENCES/FURTHER READING

Ademolaken, L. (1988). *Politics and Administration in Nigeria*.Ikeja: Perfect Printers Limited.

Arowolaju, B.& Omolayo, S.(1987). *Elements of Government: An Introductory College Text on Political Science*. Lagos: Friends Foundations Publishers Limited.

Maduabum, C.P. (2008). *The Mechanics of Public Administration in Nigeria*. Lagos: Concept Publications Limited.

UNIT 2 THE CONSTITUENTS OF THE LEGISLATURE

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main content
 - 3.1 Constituent of the legislature
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

In the previous unit you learnt about the conceptual clarification of the legislature. In this unit, you will learn about the constituents of the legislature. The legislature is not an island on its own. It is linked with other institutions; and its activities often reflect the inter-relationships of these other institutions. As we go further, you will notice that the legislature functions within a larger political system. You will also observe that it is a link between the executive and the electorate.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- highlight the real constituents of the legislature
- describe what happens within this constituents.

3.0 MAIN CONTENT

3.1 The Constituents of the Legislature

The legislature is that arm of government which is mostly concerned with law-making. It is instrumental in the establishment and maintenance of the legal order. The legislature receives and settles conflicts, sets priorities and makes legitimate policies. It equally adopts existing rules for the society. The legislature is quite vibrant in the affairs of any country. Legislatures in modern states are quite different in status, powers and the functions they perform in their various constituencies. These variations depend on a number of factors such as:

- i. politico-cultural circumstances in which the constitution has developed

- ii. the constitutional structure (whether unitary or federal, rigid or flexible)
- iii. the party system; and
- iv. the system of representation.

The legislature is a vital arm of government which has been put in place to move the society forward. The executive, political parties, the laws of the land, the morals and customs, as well as the general public are all complementing or competing with the legislature. The legislature may work in harmony with the executive officials or choose to work against them- for whatever reason.

The legislature is not an island. It functions within a larger political system. It interacts with executive officials who help shape its agenda. Interest groups make claim upon it and the judiciary can examine or pronounce its constitutionality. Oftentimes, the legislature finds itself in critical situation where it is sandwiched between the executive and the electorates. It feels the yearnings of the people, shapes them into political agenda, transforms them into policies and thereafter passes them to the executive for implementation. It has to be noted, though, that the executive does not always have to wait for the legislative mandate as not all issues require legislative license. If this is the case the executive may proceed to act- irrespective of the conception of the legislature.

The executive may also veto the statute where concepts and perceptions differ. In some instances, the legislature may counter this by mustering the stipulated majority to thwart the action of the executive and proceed to enact the statute. The legislature and the executive may disagree or co-operate- as the case may be; but whether they co-operate or disagree with each other depends on the circumstances. They are free to disagree or dispute as neither has absolute control over the other. However, in extreme cases, the legislature may use the instrumentality of the law to make the executive comply with administrative acts.

4.0 CONCLUSION

In this unit, you have been exposed to the constituents of the legislature. The part it plays between the executives and the electorate was brought to the fore. The roles of the legislature in shaping the political agenda and formulation of policies before sending same to the executives for implementation and administration has been made known to you as well. It has been stressed to you that the legislature is the highest law making institution in a democratic setting; but that notwithstanding, it has to apply decorum and dignity in carrying out its affairs so as to move the country forward and avoid unnecessary bottlenecks.

5.0 SUMMARY

In this unit, you learnt the constituents of the legislature and the vital roles they play. It should be noted that within this constituency, there is the possibility that reconciling the demands of the competing groups and choosing among alternatives may be influenced- as much, by the interest groups as by the legislators themselves.

6.0 TUTOR-MARKED ASSIGNMENT

The legislature acts as a conduit between the executive and the electorate. Explain.

7.0 REFERENCES/FURTHER READING

Acton, L. (1999). *Essentials of Government for Schools*. Ikeja: Tonad Publishers Limited.

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Burns, J.M. et al. (1984). *Government by People*. Eaglewood Cliffs. New Jersey: Prentice-Hall Inc.

UNIT 3 EVOLUTION OF THE PARLIAMENTARY SYSTEM

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Evolution of the Parliamentary System
 - 3.2 The Development of British Parliament
 - 3.3 The Development of the American Congress
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Parliament refers to a democratic government's legislature. The word is derived from the French word *parlement*. *Parler*, in French, means 'to speak,' while *parlement* is a 'discussion'. Parliament in the modern usage means the body of people who would meet to discuss the affairs of the state. The parliament of England was the legislature of the Kingdom of England. It was reputed that William of Normandy brought feudal system to England in 1066 which he used to seek the advice of the council of tenant-in-chief and ecclesiastics before making laws.

In 1215, the tenants secured '*Magna Carta*' (this connotes the official documents which bore the political and legal rights of the English people, and which formed the basis for the modern English law) from King John which established that the king might not levy or collect taxes (except the feudal taxes which they were accustomed to) unless he got the consent of his loyal council. This gradually developed into what is known today as parliament. As you go through this unit, you will get to know how the parliamentary system evolved as well as the elements that influenced the development of the parliament. You will also learn about the British parliament, as well as the American Congress.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- describe the evolution of the parliamentary system of government, the elements that influenced its development.
- compare and contrast the British parliamentary system and the American Congress.

3.0 MAIN CONTENT

3.1 Evolution of the Parliamentary System

The word “parliament” comes from the French word “*parler*”, which means “to talk” or “to discuss”. The term “parliament” first occurred in 1236 in England. It connotes the king’s closest advisors who are called the “council”. English parliamentary procedure developed not to facilitate talk, but to facilitate decision-making. Although the British model of parliament, known as the Westminster model, is held up as the “mother of all parliaments”, it is unique in that it developed, over time, from tradition, as opposed to being democratically enacted by way of a constitution.

The legislatures are called parliaments and they operate under a parliamentary system of government. In this set up, the executive is constitutionally answerable to the parliament. The institutional structure of parliament is such that both the legislative and the executive arms of government are closely integrated, independent and responsible to the electorate. A country may have both titular and effective heads but it is the effective head of government that is answerable and responsible to the electorate during his term of office.

In Britain, the parliamentary government is dual in structure- the dignified and the effective parts. The Queen and other royal institutions represent the titular or the dignified parts; while the Prime Minister and his cabinet as well as the parliament (the Prime Minister is the leader of the majority party in the lower house of parliament) constitute the effective part of the government. The Prime Minister (PM) holds his or her office as long as the "confidence of the house" is maintained. If members of the lower house lose faith in the leader for whatever reason, they can call a vote of no confidence and force the *PM* to resign.

This can be particularly dangerous to a government when the distribution of seats is relatively even; in which case a new election is often called shortly thereafter. However, in case of general discontent with the head of government, his replacement can be made very smoothly without all the complications that it represents in the case of a presidential system. The courts and the judiciary are free from political control, but not totally from parliament. Parliaments, usually, consist of chambers or *houses*, and are usually either bicameral or unicameral although more complex models exist. Now, the development of the parliamentary system can be traced to the following.

- The need for taxes to have the consent of the taxed (the Magna Carta, 1215).
- The custom of summoning to the royal council, not just barons but elected representatives of towns and counties.
- The convenience of dealing with petitions at enlarged meetings of the king's council.
- It was a device to reflect the idea that the king should consult with his subjects.

3.2 The Development of British Parliament

Parliament was not an institution, at first, but an event. In 1215, the tenants-in-chief secured Magna Carta from King John, which established that the king might not levy or collect any taxes (except the feudal taxes to which they were hitherto accustomed), save with the consent of his royal council which gradually developed into a parliament. During the quarrel between King Henry III and his barons, the Oxford Parliament (1258) forced Henry to accept rule by a baronial committee. The barons' leader, Simon de Montfort, summoned representatives of towns to Parliament for the first time in 1265.

The so-called Model Parliament of Edward I (1295) contained all the elements of a mature Parliament - bishops and abbots, peers, two knights from each shire, and two representatives from each town. In 1341, the Commons met separately from the nobility and clergy for the first time, creating an Upper Chamber and a Lower Chamber, with the knights and burgesses sitting in the latter. This Upper Chamber became known as the House of Lords from 1544 onward, and the Lower Chamber became known as the House of Commons, collectively known as the Houses of Parliament. The Act of Union 1707 merged the English Parliament with the Parliament of Scotland to form the Parliament of Great Britain. When the Parliament of Ireland was abolished in 1801, its former members were merged into what is now called the Parliament of the United Kingdom.

3.3 The Development of the American Congress

During the 17th century and most of the 18th century, representative assemblies in Great Britain's American colonies wielded broad powers of taxing, spending, and public policy. Assemblies operating under written charters governed local governments, companies, and even churches. The Congress that emerged from these colonial legislatures was the sole organ of government under the nation's first charter- the Articles of Confederation, which governed the country from 1781 to 1788.

In the early 20th century, a constitutional amendment pressed by the House of Representatives and many state legislatures resulted in the 17th Amendment, ratified in 1913 which specified that senators be elected directly through a popular vote, modifying the founding fathers' elitist design of the Senate which gave senators who were then chosen by the legislature six-year term of office.

4.0 CONCLUSION

In this unit, you learnt that the parliamentary system of government acts as checks and balances, the essence of which is to curb the excesses of any of the functionaries of government. There is the integration and the fusion of the executive and the legislature in the parliamentary system. There is also an issue of a 'vote of no confidence' which can lead to the resignation of the head of government or dissolution of parliament.

5.0 SUMMARY

In this unit, you learnt about the parliamentary system of government and the elements that influenced the development of parliamentary system. The unit also examined the British parliament and the American Congress. In the next unit, we will treat the functions and importance of the legislature.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Write short note on the British parliament.
- ii. What are the factors that influenced the development of the British parliament?

7.0 REFERENCES/FURTHER READING

Almond, G. & Powell, G.B. (Jr.) (1966). *Comparative Politics: A Developmental Approach*. Boston: Little Brown and Company.

Collins, J. (2008). "British Parliament". Microsoft® Encarta® 2009 [DVD]. Redmond, WA: Microsoft Corporation.

Ward, W.E.F. (1972). *Government in West Africa*. (4th Revised Edition). London: George Allen and Unwin Limited.

MODULE 2

- Unit 1 Functions and Importance of the Legislature
- Unit 2 Powers of the Legislature
- Unit 3 Evolution of the Parliamentary System

UNIT 1 FUNCTIONS AND IMPORTANCE OF THE LEGISLATURE**CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Legislative Functions
 - 3.2 Oversight Functions
 - 3.3 Elective Functions
 - 3.4 Investigative Functions
 - 3.5 Judicial Functions
 - 3.6 Other Functions
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

The primary function of a legislature is enactment of laws which is a fundamental means of legitimising rules in a political setting. The legislature in accordance with laid down rules and procedures debates and passes bills into laws. The bills may emanate from the government, public or from the members themselves. The legislature may hold bicameral sessions. In this case, bills may originate from either of the two houses- except money bills which should originate from the lower house (House of Representative or House of Commons as they are called in Nigeria and Britain, respectively).

Government bills are passed easily in the Cabinet system because members of the Cabinet are also members of the legislature and majority of the members belong to the ruling party. They rarely vote against the government except in extreme cases which may warrant a 'vote of no confidence'. In this instance, the Prime Minister may advise the Queen to dissolve the parliament or the government resigns. The Presidential system is quite different from the parliamentary system. Here, the

members of the legislature are expected to vote according to their conscience without any fear of party discipline. Members of the ruling party may vote against government bills and members of the opposition party may equally vote for the government bills. The executive usually depends on the importance of the bill, his lobbying capacity the popularity of the head of government, promise made, and so on, to get its bills passed.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- state the legislative functions of the legislature
- explain the oversight functions of the legislature
- describe the elective, investigative and judicial functions of the legislature.

3.1 Legislative Functions

Here, let us consider some important ones

- The legislature represents citizens, constituencies and groups.
- The legislature writes, debates, and pass bills (proposed laws), which are then passed on to the president for approval.
- The legislature proposes new constitutional amendments through a two-thirds vote of both chambers, which then must be ratified by three-fourths of the states.
- No statute may become law or be altered or repealed, nor may taxes be levied, without the consent of the legislature.
- The legislature educates the public through debates on national issues and policies.
- The legislature is a veritable training ground for future leaders.

3.1 Oversight Functions

Here, the legislature:

- supervises the executive and judicial branches of government
- controls the activities of other branches of government through legislative investigation committees.

3.2 Elective Functions

In this case, the legislature:

- selects public office holders or ratifies their appointment
- elects the country's chief executive (Prime Minister) from the ranks of the majority party in the parliament in the United Kingdom and other Westminster-styled systems, legislatures.

3.3 Investigative Functions

These include the following:

- Activities of the executives are constantly scrutinised by the legislature, and any President or Governor could be removed by the legislature, if found guilty of any act of gross misconduct or any act which contravenes the constitution.
- The legislature controls public funds and expenditure.
- It investigates pressing national issues

3.5 Judicial Functions

Let us take a look at the following.

- The House of Lords is the highest court of appeal in Britain's judicial system.
- The legislature approves or rejects the nomination of judges.
- They enact laws guiding the operation of the courts.
- It approves budgets, including the salaries of judges.
- They contest election results.
- They bring impeachment actions against public officials and tries all cases of impeachment.
- They can expel their own members.

3.6 Other Functions

These include the following:

- The legislature takes equal responsibility with the president in framing and shaping foreign policy.
- The legislature helps set the national political agenda.
- The United States' Senate, for instance, acts as an advisory panel to the president in revising legislation drafted in the House.

- Congress also meets in joint session to count electoral votes for presidential elections.
- Senate committees and sub-committees hold hearings, conduct research, and supervise the executive branch.
- the daily tasks of members of Congress, again for instance in America, include:
 - a. meeting with constituents to discuss issues and assisting with problems
 - b. attending committee meetings
 - c. meeting with government officials and lobbyists
 - d. studying and discussing legislation
 - e. managing the congressional office and staff
 - f. working with party leaders to build support for bills
 - g. overseeing how agencies are carrying out laws
 - h. appearing publicly outside the state or district to address issues.

4.0 CONCLUSION

The legislature is a very strong arm of government. It brings out the beauty of democracy. It is indeed the binding force of the three arms of government in a democratic setting. It can be regarded as the pivot around which the democratic system of government revolves. Legislature is people-oriented and check-mates the activities of the executive and other arms of government. It concerns itself with laws - which is the instrument of governance and ensures that these laws are people friendly and developmental in nature.

5.0 SUMMARY

In this unit, you were taken through the functions and importance of the legislature. The very important duties and functions performed by the legislatures have been made known to you. Their powers over other executive officials in other to check their excesses have been brought to the fore. Their functions bring out the very beauty of democratic government, without which it ceases to be a democracy. In the next unit, you will learn about the powers of the legislature.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Briefly describe the functions of the legislature in relation to the executive and the electorate.
- ii. The judicial function of the legislature should best be handled by the judiciary. Discuss.

7.0 REFERENCES/FURTHER READING

Federal Republic of Nigeria. (1999). *Constitution of the Federal Republic of Nigeria*. Abuja: Government Press.

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UNIT 2 POWERS OF THE LEGISLATURE

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Powers of the Legislature over the Prime Minister and the Cabinet
 - 3.1.1 Power to Approve Treaties
 - 3.1.2 Legislative Powers
 - 3.1.3 Control of Government Spending
 - 3.1.4 Investigation and Oversight Functions
 - 3.2 Other Powers
 - 3.3 Limitations of the Powers of the Legislature
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

A legislature is a deliberative assembly vested with the power to pass, repeal and amend laws. The laws so created by them are known as statutory laws or legislation. Legislatures are known by different names in different countries, namely- parliament, congress, senate etc. It is advocated that for the maintenance of political and civil liberty, government should be divided into three distinct branches, namely- the executive, the legislature and the judiciary. Each of these arms is expected to confine itself to the exercise of its own functions and not meddle with the functions of the other branches or arms.

As we mentioned earlier, the law-making powers of the government are vested on the legislatures who are elected solely for that purpose by the people. In this unit, we are going to see how the legislature exercise the powers vested on them by the electorate. It should be noted, however, that each arm of government acts as check on the other, and that no single group of people controls the total machinery of the state.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- describe the powers of the legislature in the parliamentary and the presidential system of government

- explain the limitations of the powers of the legislature.

3.0 MAIN CONTENT

3.1 Powers of the Legislature over the Prime Minister and the Cabinet

In the Westminster system, the prime minister holds power at the will of the parliamentary majority party or coalition. Parliament can decide to issue a vote of no confidence, which removes the prime minister and cabinet from office. The American congress can impeach the president and other federal officials for treason, bribery, and other serious offences.

3.1.1 Power to Approve Treaties

The Senate exercises the powers to approve treaties between the United States and other countries.

3.1.2 Legislative Powers

The Legislature has all legislative powers in the national and state governments. It has the power to adopt the budget and other money bills.

3.1.3 Control of Government Spending

The legislature controls taxing and spending policies of the government. In Britain, all tax laws and all laws authorising government spending begin in the Lower House—the chamber that most closely represents the people.

3.1.4 Investigation and Oversight Functions

The legislature has authority to investigate and oversee the executive branch and its agencies. It has the power to summon senior officials to answer questions from members. It also has the power to order audits of agencies of government. It equally has power to hold hearings on matters of general public concern and to air grievances of citizens.

3.2 Other Powers

Article I, Section 8, of the United States Constitution, for instance, lists a wide range of congressional powers, including printing money, maintaining a military, and regulating interstate and foreign commerce.

The Senate must confirm the President's appointment of ambassadors, federal judges, diplomats, cabinet members, and many other government officials. Congress has the authority to declare war and provide funding for soldiers and weapons, but the president serves as the commander-in-chief of the armed forces.

3.3 Limitations of the Powers of the Legislature

The Constitution and the Bill of Rights bar Congress from passing some types of laws such as creating a national religion or interfering in lawful religious practices. Infringement on certain basic freedoms such as freedom of the press, speech and association is also prohibited.

The Congress cannot impose "cruel and unusual" penalties on law-breakers. The judicial branch, sometimes, interprets laws in ways not intended by Congress. The courts also shape laws by deciding whether they conform to the Constitution. The president has power to veto legislation, which Congress can override only by a two-thirds vote of both chambers. The House of Lords can delay financial bills for only 30 days and all other bills for not more than one year.

4.0 CONCLUSION

You must have seen how the law-making powers of the government are vested in the legislature- elected by the people, solely, for that purpose. The unit has also examined how the legislature exercise these powers vested in them by the electorate. You also learnt that each arm of the government- the legislature, the executive and the judiciary- act as check on the other, and that no single arm of government controls the total machinery of the state. There lies the beauty of true democracy.

5.0 SUMMARY

In this unit, you learnt about the powers of the legislature in the parliamentary and the presidential system of government. The powers the legislature has over the Prime Minister and the Cabinet in the parliamentary system and the President or executive in the presidential system of government has been made clear to you. The unit also examined all the various powers exercised by the legislature in a political setting. Limitations of the powers of the legislatures have been examined as well.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Explain, in detail, how the legislature curtails the excesses of the executive.
- ii. Enumerate and discuss the limitations of the powers of the legislatures.

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UNIT 3 EVOLUTION OF THE PARLIAMENTARY SYSTEM

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Evolution of the Parliamentary System
 - 3.2 The Development of British Parliament
 - 3.3 The Development of the American Congress
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Parliament refers to a democratic government's legislature. The word is derived from the French word *parlement*. *Parler*, in French, means 'to speak', while *parlement* is a 'discussion'. Parliament in the modern usage means the body of people who would meet to discuss the affairs of the state. The parliament of England was the legislature of the Kingdom of England. It was reputed that William of Normandy brought feudal system to England in 1066 which he used to seek the advice of the council of tenant-in-chief and ecclesiastics before making laws.

In 1215, the tenants secured '*Magna Carta*' (this connotes the official documents which bore the political and legal rights of the English people, and which formed the basis for the modern English law) from King John which established that the king might not levy or collect taxes (except the feudal taxes which they were accustomed to) unless he got the consent of his loyal council. This gradually developed into what is known today as parliament. As you go through this unit, you will get to know how the parliamentary system evolved as well as the elements that influenced the development of the parliament. You will also learn about the British parliament, as well as the American Congress.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- describe the evolution of the parliamentary system of government, the elements that influenced its development.

- compare and contrast the British parliamentary system and the American Congress.

3.0 MAIN CONTENT

3.1 Evolution of the Parliamentary System

The word “parliament” comes from the French word “*parler*”, which means “to talk” or “to discuss”. The term “parliament” first occurred in 1236 in England. It connotes the king’s closest advisors who are called the “council”. English parliamentary procedure developed not to facilitate talk, but to facilitate decision-making. Although the British model of parliament, known as the Westminster model, is held up as the “mother of all parliaments”, it is unique in that it developed, over time, from tradition, as opposed to being democratically enacted by way of a constitution.

The legislatures are called parliaments and they operate under a parliamentary system of government. In this set up, the executive is constitutionally answerable to the parliament. The institutional structure of parliament is such that both the legislative and the executive arms of government are closely integrated, independent and responsible to the electorate. A country may have both titular and effective heads but it is the effective head of government that is answerable and responsible to the electorate during his term of office.

In Britain, the parliamentary government is dual in structure- the dignified and the effective parts. The Queen and other royal institutions represent the titular or the dignified parts; while the Prime Minister and his cabinet as well as the parliament (the Prime Minister is the leader of the majority party in the lower house of parliament) constitute the effective part of the government. The Prime Minister (PM) holds his or her office as long as the "confidence of the house" is maintained. If members of the lower house lose faith in the leader for whatever reason, they can call a vote of no confidence and force the *PM* to resign.

This can be particularly dangerous to a government when the distribution of seats is relatively even; in which case a new election is often called shortly thereafter. However, in case of general discontent with the head of government, his replacement can be made very smoothly without all the complications that it represents in the case of a presidential system. The courts and the judiciary are free from political control, but not totally from parliament. Parliaments, usually, consist of chambers or *houses*, and are usually either bicameral or unicameral

although more complex models exist. Now, the development of the parliamentary system can be traced to the following.

- The need for taxes to have the consent of the taxed (the Magna Carta, 1215).
- The custom of summoning to the royal council, not just barons but elected representatives of towns and counties.
- The convenience of dealing with petitions at enlarged meetings of the king's council.
- It was a device to reflect the idea that the king should consult with his subjects.

3.2 The Development of British Parliament

Parliament was not an institution, at first, but an event. In 1215, the tenants-in-chief secured Magna Carta from King John, which established that the king might not levy or collect any taxes (except the feudal taxes to which they were hitherto accustomed), save with the consent of his royal council which gradually developed into a parliament. During the quarrel between King Henry III and his barons, the Oxford Parliament (1258) forced Henry to accept rule by a baronial committee. The barons' leader, Simon de Montfort, summoned representatives of towns to Parliament for the first time in 1265.

The so-called Model Parliament of Edward I (1295) contained all the elements of a mature Parliament - bishops and abbots, peers, two knights from each shire, and two representatives from each town. In 1341, the Commons met separately from the nobility and clergy for the first time, creating an Upper Chamber and a Lower Chamber, with the knights and burgesses sitting in the latter. This Upper Chamber became known as the House of Lords from 1544 onward, and the Lower Chamber became known as the House of Commons, collectively known as the Houses of Parliament. The Act of Union 1707 merged the English Parliament with the Parliament of Scotland to form the Parliament of Great Britain. When the Parliament of Ireland was abolished in 1801, its former members were merged into what is now called the Parliament of the United Kingdom.

3.3 The Development of the American Congress

During the 17th century and most of the 18th century, representative assemblies in Great Britain's American colonies wielded broad powers of taxing, spending, and public policy. Assemblies operating under written charters governed local governments, companies, and even churches. The Congress that emerged from these colonial legislatures

was the sole organ of government under the nation's first charter- the Articles of Confederation, which governed the country from 1781 to 1788.

In the early 20th century, a constitutional amendment pressed by the House of Representatives and many state legislatures resulted in the 17th Amendment, ratified in 1913 which specified that senators be elected directly through a popular vote, modifying the founding fathers' elitist design of the Senate which gave senators who were then chosen by the legislature six-year term of office.

4.0 CONCLUSION

In this unit, you learnt that the parliamentary system of government acts as checks and balances, the essence of which is to curb the excesses of any of the functionaries of government. There is the integration and the fusion of the executive and the legislature in the parliamentary system. There is also an issue of a 'vote of no confidence' which can lead to the resignation of the head of government or dissolution of parliament.

5.0 SUMMARY

In this unit, you learnt about the parliamentary system of government and the elements that influenced the development of parliamentary system. The unit also examined the British parliament and the American Congress. In the next unit, we will treat the functions and importance of the legislature.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Write short note on the British parliament.
- ii. What are the factors that influenced the development of the British parliament?

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MODULE 3

Unit 1	Operational Machinery of the American Government
Unit 2	Role of Bureaucracy in the Legislative Process
Unit 3	Legislative Side in Appropriation Bills

UNIT 1 **OPERATIONAL MACHINERY OF THE AMERICAN GOVERNMENT**

CONTENTS

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Structure of the Congress in the U.S.
3.2	The Sergeant-at-Arms
3.3	The Clerk of the House
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

Congress is the legislative branch of the government of the United States of America. The legislature is the branch that makes laws. Congress has two chambers, the House of Representatives and the Senate. The House has 435 representatives, one from each of 435 districts in the United States. The Senate has one hundred senators, two from each of America's fifty states. Among the things the representatives and senators do daily is the making of law. Others include meeting with lobbyists, people working for businesses or interest groups that want Congress to pass certain laws. They also work on the national budget- America's plan for raising money through taxes and spending it on governmental programs.

Members of congress do casework, helping voters from their districts or states with governmental problems. They also spend time campaigning for re-election. Congress equally operates miscellaneous offices, such as the Library of Congress that performs services for the government. As you study further in this unit, you will understand how the American Congress is structured, as well as the functions of key officials in the Congress.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- discuss the structure and the internal operations of the U.S. Congress.

3.0 MAIN CONTENT

3.1 Structure of the Congress in the U.S.

Under the constitution, the vice-president of the United States is officially the president of the Senate; but in practice, the vice-president comes to the chamber only for important ceremonies and to cast tie-breaking votes. The Senate's majority party appoints its most senior member to assume the vice president's leadership duties, taking the title *President pro tem* (temporary president). The Senate is organised into 16 permanent committees, which in turn have other sub-committees.

The average *U.S.* Senator sits on three to four committees and about six sub-committees thereby working on a wide range of issues. The majority party is expected to nominate the Speaker, who is then confirmed by a vote of the entire house, which almost always follows party lines. The house' majority and minority parties each choose floor leaders and whips to organise party members. The Speaker of the house leads the House of Representatives, scheduling debates, assigning bills to house committees, and appointing members to special committees.

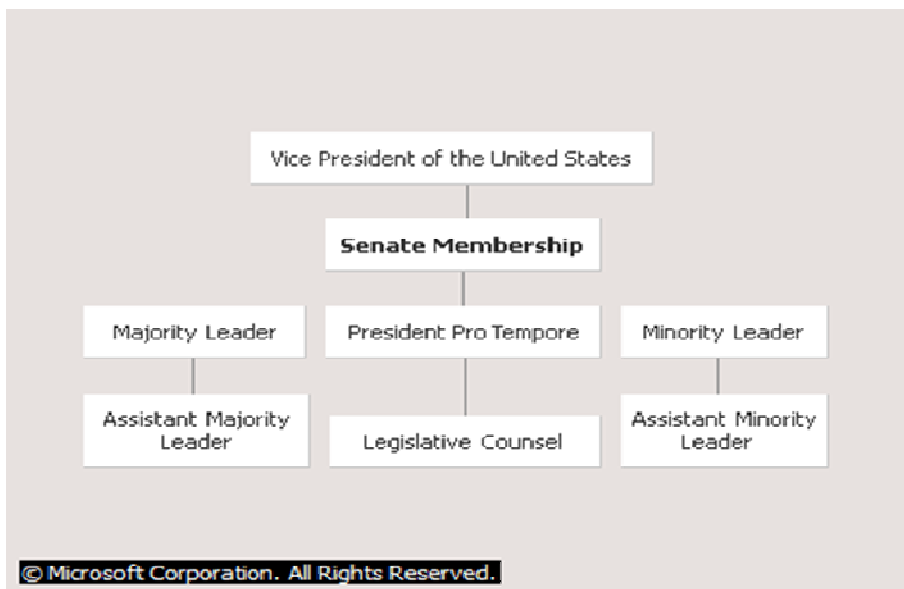


Figure.1.1 Structure of U.S. Congress.

3.2 The Sergeant-at- Arms

The Sergeant-at-Arms, is not a representative, but is elected to the position by the membership of the House, to ensure that the chamber works smoothly. He/she is expected to maintain order in the house under the supervision of the Speaker, and is nominally responsible for summoning members onto the floor when a quorum is necessary. He arranges for joint sessions of congress, visits from foreign dignitaries, and other ceremonial events. He carries the mace that symbolises the power of the office.

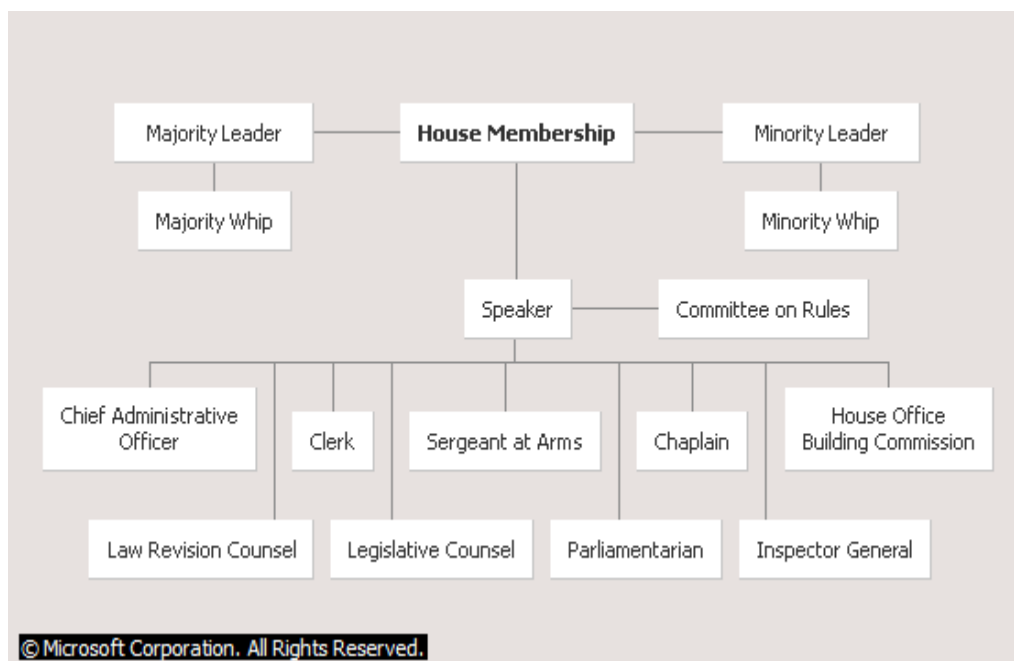


Figure 1. 2: Operational Machinery of the US Congress

3.3 The Clerk of the House

The Clerk of the House is elected by the house membership to manage the day-to-day legislative activity of the chamber. He records the results of floor votes and documents the approval of bills. He supervises research for members and certifies that members have been elected according to the provisions of the constitution. He oversees enforcement of laws regulating house ethics and elections.

4.0 CONCLUSION

In this unit, you learnt that the Congress is the legislative branch of the government of the United States of America. This branch makes the laws that the government uses to govern the people. It has two chambers, the House of Representatives and the Senate. The House has 435 representatives, one from each of 435 districts in the United States, while the Senate has one hundred senators, two from each of America's fifty states. In this way, the states and the districts are fully represented in the affairs of the country.

5.0 SUMMARY

In this unit, the structure of the Congress in the United States has been critically examined. The functions of some officials such as the Sergeant at Arms and the Clerk of the House have been made known to you too. You will study about the legislative Process in the next unit.

6.0 TUTOR-MARKED ASSIGNMENT

- i. Examine the impact of the Congress on the American government.
- ii. Compare and contrast the American Congress with the British Parliament.

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UNIT 2 THE ROLE OF BUREAUCRACY IN THE LEGISLATIVE PROCESS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 The Role of Bureaucracy in the Legislative Process
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

Bureaucracies are associated with large institutions where people with specialised knowledge are organised into clearly defined hierarchical structures or offices. Each of these structures have specific mission. In this unit, we examine the role of bureaucracy in the legislative dispensation. It is pertinent to know that Bureaucracy provides the personnel that support the activities of the legislature as well as the administrative back-up for legislative functions.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- explain the roles and importance of bureaucracy in legislative proceedings.

3.0 MAIN CONTENT

3.1 The Role of Bureaucracy in the Legislative Process

Bureaucracies are regarded as formal rules and procedures to guide behavior in an organisation. There are clear chains of command in which each person has only one boss or supervisor. Appointment and advancement are based on merit rather than on inheritance, power or election. In a pure bureaucratic organisation, people are often frustrated as they seem to be treated as numbers instead of individuals. Individuals are seen as simply one case among many others without any sensitivity to the distinctiveness of their particular situation.

Bureaucratic treatment is based on general rules and policies, rather than on who we are as individuals or on circumstances of individuals. Treating everyone the same is in the public interest and it ensures that treatment of people is not discriminatory or abusive. An organisation where things do not work normally or where there are bottlenecks in getting things done unless one has the 'right connections' should not be attributed to the officials being "bureaucratic" but that the officials are not being "bureaucratic" enough. The modern state cannot exist without large bureaucratic agencies to implement its programmes.

Modern democratic governments are, necessarily, bureaucratic entities and the success of modern government can also be considered as the success of government bureaucracies as well. If government is successful or good, then such can be attributed to a good bureaucracy which is the machinery that makes the government successful. Without bureaucracy, modern democratic government could not, possibly, fulfill all the crucial roles it plays in the society such as economic, social, health, security, justice, education, environmental etc. Above all, bureaucracy provides personnel support to the legislature. It also gives administrative back-up for legislature to function effectively. After all, it is the bureaucratic class that sees to the implementation of government policies.

4.0 CONCLUSION

Bureaucracy is an important political safeguard of the modern democratic state. A good bureaucracy breeds good government and vice versa. Credit for good government should be given to the agencies that make government programmes and policies work. Without bureaucracy, modern democratic governments could not possibly fulfill all the crucial roles it plays in society.

5.0 SUMMARY

In this unit, we discussed the bureaucracy and its roles in the modern legislative government. We examined the truth about bureaucracy and realised that government or any meaningful organisation needs bureaucracy for things to work. An unsuccessful organisation cannot be attributed to too much bureaucracy, but rather to lack of it.

6.0 TUTOR-MARKED ASSIGNMENT

Where things go terribly wrong in bureaucracies, it is often because they are not acting bureaucratically enough. Discuss.

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UNIT 3 LEGISLATIVE SIDE IN APPROPRIATION BILLS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Legislative Side In Appropriation Bills
 - 3.2 Presentation of Estimates to the Legislature
 - 3.3 Approval of Money by the Legislature
 - 3.4 Passing Appropriation Bill
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

In the last unit, you studied the role of bureaucracy in the legislative process. It was noted to you that bureaucracy is essential in organisations and that an organisation that does not function effectively is traceable to the absence of bureaucracy and not as a result of its presence. In this unit, you will study the legislative side in appropriating bills. British Broadcasting Corporation dictionary defines a bill as a formal statement of proposed new law that is discussed and voted on.

According to Raskin (1978), as cited in Maduabum (2008:623), an appropriation bill is a financial proposal of estimates of revenue and expenditure of what government is doing as well as what they intend to do in future. Constitutionally, the “appropriation bill” is the basis of the executive’s blue print or plans of running the government within the relevant fiscal year. Let us examine the appropriation bill process itself, from the presentation of estimates by the executive, through all the processes the bill will undergo to the final passage of the appropriation bill itself.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- explain the legislative process for appropriation bills
- state the stages for passing of appropriation bills

3.0 MAIN CONTENT

3.1 Legislative Side in Appropriation Bills

The 1999 Constitution of the Federal Republic of Nigeria mandates the president to prepare and submit- for each financial year, estimates of revenue and expenditure of the federation for the next year before the National Assembly in a form of a bill known as Appropriation Bill. There are two sides to this appropriation bill, the budgetary side which emanates from the executive and the legislative side.

3.1 Presentation of Estimates to the Legislature by the Executive

The appropriation bill process starts from the executive who is vested with the power- according to Section 59, subsection 1-4 of the 1999 Constitution, to plan, formulate and transmit budgetary requests and information and present same to the National Assembly for the purpose of legislative deliberations. The same constitutional provision empowers the National Assembly to make laws relating to appropriation bill presented to it. Ippolito as cited in Maduabum (2008:624) explains that the bill will contain the following.

- a. An account on how fund has been spent in the past
- b. A plan of estimated receipts and outlays
- c. A discussion of importance and priorities that the President assigns to various programmes and government activities containing his recommendations on programmes, needs etc., and
- d. Requests to the National Assembly to provide authority through the legislation to spend public money.

The President, in compliance with the constitutional provision, presents the appropriation bill to a joint session of the Senate and the House of representatives. Thereafter the bill will pass through first reading (debate) in both houses of the National Assembly. In this case, legislators are given the chance to study the draft bill and consult their respective constituencies and supporters. After the first reading, observations are made and noted but there is no amendment at this stage. Thereafter, the house adjourns after the day's session and when they reconvene, the bill can only be allowed to go for the second reading through a motion to that effect.

The bill may go to third or more readings and debates before it enters into the committee stage. It is during the committee stage that the various issues raised on the bill are thoroughly examined and seriously debated. Here, members are given the opportunity to speak more than

once on an issue, unlike when the bill was at the teething stage on the floor of the house. Also, at this stage, heads of agencies and parastatals are invited to appear before it to defend their budgets. The Senate and House Committee are given deadlines within which to submit their reports to their separate houses (Maduabum: 2008).

After submitting these reports, the chairmen of appropriation committees present their reports along with the amendments to the various houses. The House is not mandated to accept these reports as they can, on the contrary, reject, amend or accept all or parts of the amendments. After all the amendments and corrections have been made, the corrected and amended bill is sent to the National Assembly for final reading and voting. It is pertinent that the appropriation bill be passed by both Houses of the National Assembly before it is sent to the President for his assent.

If there is a disagreement between the two houses, a joint committee comprising members of the two houses is set up for the purpose of reconciling their differences after which the bill is passed and subsequently sent to the president for his assent.

If in respect of any financial year it is found out that the amount appropriated by the appropriation act for any purpose is insufficient or a need has arisen for expenditure for a purpose for which no amount has been appropriated by the act, a supplementary estimate showing the sums required shall be laid before each house of the National Assembly as a supplementary appropriation bill.

3.3 Approval of Moneys by the Legislature

No money can be withdrawn from the consolidated revenue fund of the Federation except to meet the expenditure that is charged upon the fund by the constitution or where the issues of those moneys has been authorised by an appropriation act or supplementary appropriation act. No moneys shall be withdrawn from any public funds unless such moneys has been authorised by an act of the National Assembly. Neither should any money be withdrawn from the consolidated revenue fund or any other public fund of the federation, except in the manner prescribed by the National Assembly.

3.4 Passing Appropriation Bill

The Constitution of the Federal Republic of Nigeria states that appropriation bills shall be passed by each of the houses of the National Assembly before being forwarded to the President for assent. When the

bill gets to the president's desk, he shall, within 30 days, give or withhold his assent. If he raises an objection to any aspect of the bill, it will be sent back to the National Assembly for reconciliation. Then a joint meeting of both houses is summoned and after a careful deliberation of the president's objections or observations, the house may accept or reject the president's objections/observations by a two-third majority vote of members at such joint meetings.

Where the President withholds his assent (on a bill as finally amended by both houses) within 30 days of its second presentation, the bill shall become law and the assent of the President shall not be required any more.

4.0 CONCLUSION

Appropriation bill accords the legislature formidable power to shape the outcome of public policies (Nwankwo: 79). Harris (1965:8) affirms this assertion; according to him, the power of the legislature over expenditure is probably the most important single control over the various (executive) departments. It is through this appropriation bill process that the legislature exercises its most effective oversight functions of departments, agencies and programmes of government. Also, through the appropriation bill process, the legislature uses the potential budget to effect those obligations of divided interests and channel them in the right direction in order to move the economy and the country in the desired direction.

5.0 SUMMARY

In this unit, you learnt about the legislative side in appropriation bills. The power of the legislature to check the excesses of the executive was brought to the fore. You would have noticed that when the legislature uses its power in the appropriation bill process correctly, this will go a long way to move the economy and the country in the right direction.

6.0 TUTOR-MARKED ASSIGNMENT

- i. List and explain the legislative process in appropriation bill.
- ii. Express your views about the legislative process in Nigeria.

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MODULE 4

Unit 1	The Constitutional Provisions of the Legislature
Unit 2	The Legislature as Representative of The People
Unit 3	The Committee System in The Legislature
Unit 4	The Legislature in Nigeria

UNIT 1 THE CONSTITUTIONAL PROVISIONS OF THE LEGISLATURE**CONTENTS**

1.0	Introduction
2.0	Objectives
3.0	Main Content
	3.1 The Constitutional Provisions of the Legislature
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Reading

1.0 INTRODUCTION

A constitution is a formal document having the force of law by which a society organises itself, defines and limits its powers as well as prescribes the relations of its various organs within itself and with the citizen (Maduabum, 2008:199). The 1999 constitution provides the legislative powers of the legislature and the exercise of this legislative power gives them the mandate to thwart the excesses of the executive as well as those of others that are involved in the affairs of the government.

There is also another important function which the legislature performs which is seen as an essential element that is sufficiently employed by the constitution. This is called an oversight or surveillance function of the legislature. This means the exercise of constitutional powers by the legislature to check or control the exercise of executive powers of the other arms of government or to make the executive accountable and responsible to the electorate through their representatives in the legislature. It also promotes rational and efficiency in the formulation and administration of public policy reaps party advantage and advances the cause of individual legislators, interest groups and other stakeholders in the polity.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

discuss the constitutional provisions of the legislature, as well as the oversight or surveillance functions it performs.

3.0 MAIN CONTENT

3.1 The Constitutional Provision of the Legislature

Constitution, according to many authors, is generally perceived as the composition and powers of organs of the state that regulates the relations of the various state organs to one another and to the private citizens. Bangboye (2003) sees it as the entirety of the government of a country; the collection of rules and regulations which establish and regulate the affairs of the country. According to Black's Law Dictionary as quoted in Maduabum (2008), constitution is defined thus:

“Constitution is the organic and fundamental law of a nation, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organising the government and regulating, and limiting the functions of the different departments and prescribing the extent and manner of the exercise of powers. It is a charter of government deriving its whole authority from the governed.... agreed upon by the people of the nation as an absolute rule of action and decision for all departments and officers of government in respect of all the points covered by it ... and in opposition to which any act or ordinance of any such department or officer is null and void.”

From the above definition, we can deduce that the constitution lays down the basic principles of government, prescribes the functions and powers of government, regulates the exercise of these powers and above all derives its authority from the people. The current 1999 constitution is the constitution that guides and regulates the affairs of the Nigerian state. Chapter five of the 1999 constitution deals with the legislature which is the sovereign organ of the state power vested with the power of law-making (see Sect. 47-129).

This constitution stipulates that there should be a National Assembly for the Federation which shall consist of the House of Senate and House of

Representatives. The Senate will comprise three senators from each state and one from the federal capital territory, Abuja. The House of Representatives will comprise three hundred and sixty members representing various constituencies. There is also the President and deputy President for the Senate, while the House of Representatives will have Speaker and Deputy Speaker respectively. These shall be elected from among the members of both houses.

The Constitution provides for the following functions and powers for the legislature.

Law making- this is the most essential function of the legislature in many countries, Nigeria inclusive. We have earlier discussed this legislative function.

Judicial function- they perform judicial function sometimes. They have the power to remove an official from office. They have exercised this constitutional right and impeached some state government executives. Appointment of public officer- they play leading roles in the appointment of public officers such as ambassadors, ministers, Attorney of the Federation.

Watchdog of the Executive- they act as checks and balances on the executive arm of the government. Sections 80 and 81 of the 1999 Constitution of the Federal Republic of Nigeria stipulate that it is the National Assembly that gives authorisation to the President and executives for all expenditures from the consolidated revenue fund. The legislature must consider the executive's budget and the appropriation bill passed before any money can be withdrawn from the constitutionally established funds and accounts to run the affairs of the government. The cabinet also gives periodic account of its activities to the legislature.

Financial power- They give approval to the financial proposal or budget sent to it by the executive. This gives the knowledge of the revenue accruable to the government as well as what aspect of this revenue is spent on the citizenry and what is spent on the developmental projects for the country.

Constitutional amendment- they are empowered by the constitution to amend the constitution of the country or initiate the amendment of the national constitution.

4.0 CONCLUSION

The legislature presents the symbol of representative democracy and ideally should function in a manner that will sustain enduring constitutional democracy, rule of law, accountability and good governance. The constitutional provision of the legislature demonstrates that the legislature's constituents representative nature makes them responsible to the people as they possess the sovereign will of the people. They also act as a veritable check and control on the executive excesses or misrule. In the discharge of their legislative duties, they also define the scope and limits of the exercise of executive powers thereby giving effect to the constitution.

5.0 SUMMARY

In this unit, you learnt about the constitutional provision of the legislature. The unit considered the vested power of the legislature in applying checks and balances in the course of performing constitutional duties. The Nigerian legislature appears inefficient in the exercise of checks and balances - in that, in most cases, the executive arm always have its way.

6.0 TUTOR-MARKED ASSIGNMENT

Discuss, in detail, the checks and balances of the legislature towards the executive arm of the government.

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UNIT 2 THE LEGISLATURE AS REPRESENTATIVE OF THE PEOPLE

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 The Legislature as Representative of the People
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

As discussed in the last unit, the constitutional and primary function of the legislature is to make laws for peace, order, accountability and good governance of the federation or any part thereof. In this unit, we will see the legislature in its true nature as the elected representatives of the people representing different constituencies.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

- describe the roles of the legislatures as the representative of the people.

3.0 MAIN CONTENT

3.1 The Legislature as Representative of the People

The legislature has the responsibility to constantly feel the pulse of the people, identify their problems, challenges and desires. They present the peoples' challenges as legislative proposals and create opportunities for their discussion through motions, resolutions and enactment of relevant laws to address these challenges.

It is the responsibility of the legislature to balance and harmonise the vast number and variety of demands of their constituencies. They also pursue the common good of the people by putting in place procedures and practices to harmonise the legitimate aspirations of every individual, group and interest in the country. Let us examine hereunder how the legislature performs their various functions.

Legislative functions

As discussed earlier, Section 4 of the Nigerian constitution states that the major function of the legislature is to make laws for the peace, order and good governance of the federation or any part thereof. After following their procedural, in-depth debate and discussions, they pass bills into law. It is these laws that are called “acts”.

Representative functions

When we critically examine the functions performed by the three arms of government, we notice that the legislature stands out as the nucleus or cord that binds the entire governmental system. Maduabum, (2008) describes it as a binding force and the pivot around which the system of governance revolves. As the elected representative of the people, they know the peoples’ worries, yearnings, and problems.

Having knowledge of peoples’ problems enables them to address these problems through debates, motions, resolutions and thereafter enact requisite laws. They project the common welfare of the people. It is the legislature that shapes democracy. They give meaning to democracy; and indeed, there cannot be democracy without the legislature. They bear the burden of furthering the cause of the government and ensure that they maintain their sovereignty and unity. They carry out these functions in a manner that is open, transparent, just, civilised and people friendly.

Oversight functions

The legislature acts as a ‘watch-dog’ or a check and balance over the executive and judicial arms of government. They constantly evaluate, review, monitor, supervise, query and, where necessary, censor the activities of the executive. In carrying out their duties, they are careful not to meddle with the affairs or functions of the executive. They ensure that the constitution and the enacted laws are applied judiciously in the execution of government business. They make sure that the states’ resources or funds are utilised as judiciously as possible. The above constitutes the oversight function of the legislature, as far as representing the people is concerned.

4.0 CONCLUSION

The legislature is true representation and representative of the people. Its actions are people-oriented as the members are the elected representatives of the people. They constantly feel the pulse of the

people, identify their problems and give effect to these problems through debates, motions, resolutions and enactment of requisite laws all for the common good of the people.

5.0 SUMMARY

In this unit, you learnt about the part played by the legislature as the true representatives of the people. The unit considered its legislative functions, representative functions and oversight functions.

In the next unit, you are going to study the committee system in the legislature. You will gain a lot of insight into the affairs of the legislature if you read this committee system very well.

6.0 TUTOR-MARKED ASSIGNMENT

The legislature is often called the ‘watch-dog’ of the government. In your own words, discuss the various reasons why the legislature should be addressed thus.

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UNIT 3 COMMITTEE SYSTEM IN THE LEGISLATURE

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Structure of Committees
 - 3.2 Membership of the Committees
 - 3.3 Functions of the Committees
 - 3.4 Operations of the Committee
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

In the last unit, you studied the legislature as the people's representatives. In this unit, you will be exposed to the committee system of the legislature; but before we do this we need to understand who the committees are and what they do. Committees in the legislature are delegates of the houses of parliament- i.e., the legislative council and legislative assembly. It is a vital tool which the parliament uses to legislate, gather information, carry out investigations, review administration and expenditure, monitor and review legislation. Members of the committees carry out responsibilities which are equal to the service in the house; but more importantly, they can perform functions which a house may not be well endowed to perform.

In the committee stage, members are given the opportunity to speak more than once on an issue unlike when it is at the preliminary stage of the deliberation on the floor of the house. Also it is at the committee stage that heads of agencies are invited to appear before the committee to defend their budgets. The house committees are given deadlines within which to submit their reports to separate houses.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- state the reasons for the appointment of committees in the parliament.
- discuss the structures and functions of the committees.

3.0 MAIN CONTENT

3.1 Structure of Committees

There are no standardised structures for the committees- as different countries have different structures for their committees. In other words, each country's parliament has different types of committees that are appropriate to the functions they are appointed to perform. They may consist of a specialised quasi-judicial body with only a few members; but where there are issues of national interest, the committee may involve the whole house. The U.S. senate has 16 standing committees, while the House of Representatives has 19 committees with sub-committees to consider narrower topics. The western Australian parliament has three major types of committees as listed below.

Committees of inquiry- this is appointed to inquire into subject of business before the relevant house or matters of public policy or government.

Domestic committees-this committee is established to consider the internal parliamentary administration of the house.

Committees of the whole house- this is the house, but in a less formal way. The 'Chairman of Committees' presides over this committee and conducts its affairs, but this is done with more flexible rules of procedure.

3.2 Membership of the Committees

In America, the Congress divides its workload among a number of specialised committees and subcommittees that are aided by professional staffs. They conduct most of their work through two major types of committees:

- the *standing committees*- this is usually permanent and takes responsibility for a particular subject area. They have power only to authorise government action and cannot commit funding to implement the policy. They supervise government agencies that fall under their area of specialisation.
- the *select or special committees*- this Committee write bills on a particular topic, conduct investigations, authorise and oversee the nation's intelligence-gathering operations, including the Central Intelligence Agency (CIA) and the National Security Agency.

The Senate also creates ad-hoc committees which is temporary and single-issue committees—to consider proposals. The

American Senate's growing workload prompted the chamber to replace the system of ad hoc committees with 12 standing legislative committees in 1816. On the average, the members of the American House of Representative work on two committees and three sub-committees. The majority party dictates how many majority and minority members sit on each committee. Political parties decide which committees their representatives will sit on.

Party committees plan party policy and recommend members for committee assignments. The Senate also creates joint committees in cooperation with the house which usually have equal number of members from the House and the Senate. Joint committees can conduct hearings but cannot consider legislation. They also establish select or investigative committees to conduct inquiries into specific scandals or problems. Select committees usually have temporary authority, and most of them lack the power to formally consider legislation.

3.3 Functions of Committees

There are numerous reasons for the appointment of Committees. Committees can handle issues in detail than the whole house. Party politics are brought to the barest minimal in a Committee than in the House. Committee is more competent to hand a complex matter and also assist parliamentary debate by clarifying issues and establishing common ground among members of different parties. Legislative committees oversee the executive agencies related to their area of specialisation.

Committees are more practicable than a house as they can perform functions which a house may not be well placed to perform. They carry out investigations, travel far and wide for inquires, seek expert advice etc. Committee provides different sectors of the community the opportunity to participate in law making and policy review. Before most laws can be carried out, they must receive an appropriation of funding, processed and brought to the floor by the House and Senate appropriations committees during congress' annual budget process.

The amount of money in the budget depends on the level of taxes and other revenues brought in by law, processed by the Senate Finance Committee and the Ways and Means Committee of the House. After a bill is introduced, the presiding officer—the Speaker of the House or the *President pro tem* of the Senate—refers it to a specialised committee to review the measure.

3.3 Operations of Committees

Much of a committee's work is handled by a sizable number of professional staff assistants and experts in technical areas, such as military weapons, farming, and international finance. They guide lawmakers—especially those who are new or inexperienced—through the web of issues handled by the committee. Most committees conduct much of their business through sub-committees, in which the subject matter of the committee is further broken down. Complex bills receive attention from several committees and subcommittees. A farm trade bill, for example, might be considered by the agriculture, commerce, and small business committees of the house.

Committee also reviews bills. This may involve hearings, staff research, revision, amendments, and then a final recommendation to approve or reject the measure. Hearings sometimes highlight support for a measure, but they can also point out flaws and spark conflicts within congress and the country at large. Hearings usually affect the committee's main decision, whether to report (recommend) the bill to the full chamber or to reject it entirely.

4.0 CONCLUSION

Based on the various issues discussed under this unit the following conclusions can be drawn.

There is no mandatory structure for the formation of committees, as this depends on the country and the situation before its parliament. Hence, parliaments have developed different types of committees that are appropriate to the functions they are appointed to perform.

Committees are more practicable forum than a house as they can perform functions which a house may not be well endowed to perform. The establishment of joint committee in a bicameral parliamentary system brings both houses of parliament together and strengthens debate on a bill before passage.

6.0 SUMMARY

This unit reflects on the committee system in the legislature. It has been noted to you that the committee system is very necessary in the house of parliament as it facilitates division of labour in the house of parliament. It has also been observed, from their numerous functions, that they carry out a great deal of detailed work for each of the chambers. Committees

are one of the tools to assist the house of parliament in their legislative functions.

6.0 TUTOR-MARKED ASSIGNMENT

Give reasons why committee system in the legislature should not be abolished.

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UNIT 4 THE LEGISLATURE IN NIGERIA

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 The Legislature in Nigeria
 - 3.2 Features of the Nigerian Legislature
 - 3.3 The Constitutional Provision of the Legislature
 - 3.4 Powers and Functions of the Legislature
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

This unit gives you an insight into the legislature in Nigeria. It comprises features of Nigerian legislature, compositions of the national/state legislature, their constitutional empowerment and the functions they performs. This unit will acquaint you with the happenings in the National Assembly as well as the State Assembly.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- describe the legislature as it is practiced in Nigeria
- state the powers and functions of the legislature and many more.

3.0 MAIN CONTENT

3.1 The Legislature in Nigeria

The legislature is the highest law making organ of any democratic government. The Nigerian constitution accords the national assembly with the status of law-making. The National Assembly is for the federation and is made up of two chambers- the upper house known as the Senate and the lower house which is known as the House of Representatives. This is also known as bicameral legislature.

The Senate has the Senate President as its leader, who is assisted by the Deputy Senate President- both of whom should be elected from among members. It is made up of three members, from each state of the

federation and one member from the federal capital territory bringing the total number of its members to 109. The house of representative is presided over by the Speaker of the house and is assisted by the Deputy Speaker. It shall comprise 360 members representing various constituencies in Nigeria. There shall be a clerk to the National Assembly.

The main function of the National Assembly is enactment of laws for the country. They can, by two-third majority vote, pass a bill which the President fails to assent into law. The Budget proposal by the executive arm of government has to be passed by the two chambers before they are implemented by the executive. All discrepancies in a bill are rectified by joint session of the two houses before its passage into law.

All appointments made by the President will get the consent of the legislature for it to be binding.

The legislature can summon any minister for questioning and can investigate any aspect of the country's administration; in this way, they serve as a check on the executive. In the event of any crisis in any part of the country, a state of emergency can only be declared by the President only when it has been approved by the National Assembly. The legislature functions within a larger political system and is linked with other institutions in various ways. In effect, its decisions often reflect such inter-relationships.

3.2 Features of the Nigerian Legislature

As mentioned earlier, a legislature is instrumental in the establishment and maintenance of the legal order; it makes and legitimises policies, and it is vibrant and ever ready to meet the needs of the society as they occur. It plays strategic and leadership role in the polity. The legislature is responsible for making laws for the good governance of the federation. Each of the houses of the assembly is made up of several specialised committees whose work is on vital aspects of national life. The constitution, states that all members of the assembly are required to sit for a minimum of 181 days in a year.

The National Assembly exercises their power to make laws through the bills passed by both the Senate and the House of Representatives and which must receive the President's assent. Any of the houses can originate a bill but a bill so originated cannot become law, until it has been passed by both houses and receive the President's assent. The constitution of the federation stipulates that when a bill is presented to the president for assent, he shall, within 30 days signify that he assents

or withholds assent. In the event that the president withholds his assent, such a bill can be passed into law by two-thirds majority in each house, and it automatically becomes a law, and requires no further presidential assent.

3.3 The Constitutional Provisions of the Legislature

The 1999 Constitution of the Federal Republic of Nigeria is the organic law of the country. It is supreme and all other laws of the land must conform to its statutes. Its supremacy over others presupposes that its provisions are binding on all authorities and persons throughout the federation. The constitution states that the legislative powers of the Federal Republic of Nigeria shall be vested in the National Assembly of the federation. The National Assembly consists of a Senate and a House of Representatives and shall have power to make laws for the peace, order and good governance of the federation or any part thereof. The matters which the National Assembly shall legislate on are contained in the exclusive legislative list; and the constitution provides for 68 of such items. Some of these are accounts of the federation, immigrations, military, defense, arms and explosives, railways, pensions, copyrights etc.

The constitution also provides that the legislative powers of a state of the federation shall be vested in the House of Assembly of that State. Just like in the case of the National Assembly, the State House of Assembly is vested with the power to make laws for the peace, order and good governance of the state or any part thereof, and in accordance with any matter provided for in the constitution. The laws made by the State House of Assembly must be in consistent with the laws made by the National Assembly for it to be a valid law. In the situation where this is not so, the laws made by the National Assembly will supersedes that of the state. In other words, the laws made by the National Assembly will prevail while that made by the State Assembly becomes a nullity.

Under the constitution, the National Assembly and the State House of Assembly are both empowered to have enormous control over public funds under their respective domains. They can both establish Consolidated Revenue Funds. Withdrawal of money from this fund is subject to the constitutional provision thereof. The constitution provides for the cases where money can be advanced from this fund but when this happens, such advance must be replenished by the supplementary appropriation bill to replace the amount thus advanced. The constitution creates the position of Auditor-General; his/her appointment is done by the president or the governor on the recommendation of the Civil Service Commission, subject to the confirmation of the National

Assembly- as the case may be. It should be noted that he is independent of either of the two Houses and he can only be relieved of his duty by the legislative arm of the government; and this too must follow due process as stated in the constitution. He is constitutionally empowered to audit any aspect of government business or agencies or government officials and to submit such reports to the legislature.

3.4 Powers and Functions of the Legislature

The Nigerian legislature is constitutional and empowered to carry out the following functions.

It is responsible for making laws that govern the Federal Republic of Nigeria.

Exercise power and control over the budget and other public funds
Has oversight functions and power to conduct investigation on issues and activities of the other arms of the government.

- Controls appropriations
- Approves treaties and federal appointments
- Can override executive vetoes of legislation with a two-thirds vote in each chamber.
- Can impeach and remove the president
- Can deny confirmation to executive appointees or to treaties with foreign governments.
- Possesses oversight powers
- Senate approves appointments of judges
- Possesses power to impeach and remove judges
- Controls appropriations to federal courts

4.0 CONCLUSION

This unit, which is the last for this course examined the legislature in Nigeria. We discussed its features as well as the constitutional provisions for them both at the national and the state levels. We also enumerated their powers and functions.

5.0 SUMMARY

We have come to the conclusion of the course with this unit. From the knowledge you acquired in the entire units, you will notice that the course dealt specifically with the operations of the legislature. You will have observed too that the legislature in Nigeria is similar to the legislature in the United State of America. You might also have noticed

the interesting relationship between the legislature and the executive arm of government. From the knowledge garnered in this course you will agree that the true beauty of democracy lies in the operations of the legislature.

6.0 TUTOR-MARKED ASSIGNMENT

Explain the role of the legislature in shaping the agenda of the government.

Explain eruditely the assertion that the legislature brings out the beauty of democracy.

7.0 REFERENCES/FURTHER READING

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