

**EXECUTIVE AND LEGISLATIVE RELATIONS IN A DEMOCRATIC
SYSTEM. A CASE STUDY OF EDO STATE 2008-2011**

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MAY, 2024

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**RESEARCH PROJECT SUBMITTED TO THE DEPARTMENT OF
POLITICAL SCIENCE, FACULTY OF SOCIAL SCIENCES, UNIVERSITY
OF BENIN, BENIN CITY IN PARTIAL FUFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF BACHELOR OF SCIENCE (B.Sc)
DEGREE HONOURS IN POLITICAL SCIENCES**

MAY, 2024

CERTIFICATION

We the undersigned, hereby certify that this work was carried out by **Ihensekhen Uyi** with the Matriculation Number: **SSC1909553** and confirmed to be adequate in scope and value for the award of a Bachelor Science (B.Sc.) Degree in Political Science of the University of Benin, Nigeria.

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DEDICATION

This work is dedicated to God Almighty for His wisdom, unending love protection and loving kindness.

ACKNOWLEDGEMENTS

With all unreserved gratitude wish to sincerely appreciate first and foremost the Trinity for everything they did and are doing with and without my knowledge particularly for the gift of life guidance and direction during my stay here in the University of Benin. I give you all the thank.

Secondly, I cannot forget to than my Parent Mr. John Ihensekhen Iriogeb for His financial benevolence prayers and words of encouragement and my late mother Mrs Philomena IHENSEKHEN. I miss you dearly continue to rest on.

To my siblings Mrs. Paul Imade, Miss Miracle, Master Alex, God bless you all.

To my relatives, uncles and Aunties, Mrs. Joy Sylvester Mr. Fidelis, Mr. George, Mrs. Goodluck. I thank you all for all your supports. I can never forget you. For your encouragement, prayers and support. Thank you very much.

Thirdly, I thank my project supervisor Dr. John Osazuwa who took his time to supervise and go through my work. Sir thank you very much. I remain very grateful to the Academic and Non-Academic Staff, particularly the H.O.D Dr. Charles Eghweree, thanks you very much for all your understanding. Support and direction during my stay here, May God continue to bless and uplift you.

I thank all my friends and colleagues that supported me all through my stay in this institution.

Lastly, I will continue to thank God Almighty and well wishers, those I remember and i cannot remember due to space I thank you all. May God continually bless you.

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ABSTRACT

The basis of this research was to conduct an investigation on the relationship between the legislature and the executive in the democratic system of Edo State. The investigation carries out in the course of this work revealed that indeed there exist a relationship between the legislature and the executive arms in the Edo State administration. The result from the research conducted between the legislature and executive where cordial at some point conflictual at other instance. But there was more conflictual, which brought about stability in the democratic system in Edo State.

CHAPTER ONE

INTRODUCTION

1.1 Background of study

Since the period of terminal independence Nigerians have made effort to show, perhaps not successfully that there exist. In Nigeria on democracy which is based upon the principles of government by consent. This is evident from the fact that the 1960, 1963, 1979, 1989 and 1999 constitution recognized and enshrine the theory and the practice of the separation of powers into the executive, the legislative and the judiciary, each of which tried to play its appropriate role in the mechanism of democratic government (Nnamdi 2009)

The three organs are distinct but interdependent parts of an organic whole. The result is that though the legislative has the power to make laws, this power is limited by the judiciary (or judicial review). Though judicial reviews the courts ensure that the relations between the central spot and the component state as well as laws made by the administrative tribunals and other delegated bodies are in accordance's with constitutional provision. The president (i.e. representing the executive and can be impeached by the legislative if he acts contrary to the provisions of the constitution. The legislative also has the power to deny the executive funds if it is found at to be prudent in its spending.

It is undeniable that Nigerian democracy is under attack. A number of issues, namely the gladiatorial contest between the legislative and executive branches of government at the federal and state levels, have threatened to stifle Nigeria's democratic consolidation, order, or system. The national debate over the 2000 appropriations bills, the anti-corruption bill, and the Niger Delta development commission bill has become increasingly evident due to disagreements between the legislative and executive branches of government.

For some observers, these developments are transient and normal in the process of working towards a stable democratic system) in Nigeria. As one government functionary put these are all necessary tensions that characterized the functioning of the democratic process; it is healthy in so far as it shows that both the legislative and executive are alive to the unconstitutional responsibilities not to yield ground our principles such tension should therefore be seen as positive energies, which will be used to transform the landscape of our democracy (Dorgu, 2000).

There is some truth in this position as it is to be expected that in the system of check and balances, the executive act, periodic and episodic tensions are therefore to be expected as divergent constituency and pressure group interest intrude into the political process. However in the fragile and plural. Social order of Nigeria, where such tensions degenerate into personality and ego wars, the consequences for the stability of the system could be incalculable (Beuly, 1968).

The expansion of democratic space and system maintenance depends critically on executive legislative harmony, as the success of the system is predicated on mature democratic spirit and behavior of its operators". A good relationship between executive and the legislative is necessary because the absence of it brings government to a standstill. (Ojo, 2006)

The legislature has the enormous power to limit the executive's capacity and scope for arbitrary and oppressive actions against the people because "most executive acts violating or interfering with private right or interest require to be authorized by law made by the legislature." This creates a need for checks and balances, even though the legislative and executive branches are independent of one another. This is because the executive branch's function has been observed to be prone to arbitrary use. Both arms function as watchdogs on one another, according to the words.

Nevertheless the executive is not simply a cog in the wheel of the system. The doctrine of separation of powers is also complemented by the principle of checks and balances. This implies that: The execution of law usually involves the exercise by the executive of discretion whether or not to do so and he may refuse to execute or enforce a law that he considers oppressive. Moreover, the fact that the legislature had no control over the execution of its law and control therefore prevent them being enforced against its members many deter it from passing oppressive laws knowing that

the executive may enforce such oppressive laws equally against the legislators themselves as against other citizens

According to the 1999 constitution, the president, state governors, and local government chairman represent the executive branch, which is solely in charge of formulating and implementing national policy, including carrying out legislative mandates and overseeing overall government. Nevertheless, the legislature also has the authority to advise, coordinate, and communicate with the executive branch, as well as to approve and oversee the execution of projects and programs. during the course of performing these tasks. It stands to reason that collaboration between the executive and legislature is essential for the stable and efficient governance of the nation (Ben 1968).

1.2 Statement of Problem

In May 1999, Nigeria changed from military rule of nearly thirty years to democratically elected government. The first problem of the newly elected government was uncordial relationship between the executive and legislative arms of government but at the federal, state and local government levels.

The intensity of one executive legislature squabbles at the federal, state and local government levels were alarming to the extent that they threatened the elementary task of governing and satisfying the aspirations of Nigerians who just came out of despotic rule by the military. Also some neutral observer both in and

outside the country identifying the problem threatening the co -existence of the arms of government as well as society at large as lack of experience and focus because of long period of military rule or the usurpation of civilian rules by military coup d'etat in the country.

Other problems of executive and legislative disharmony, disagreement and tension can be attributed to the greed, self-centeredness of representatives. This so because as professors E. Finer puts it, "the ambition of the senator or the representative, is opposed to that of the president" because the future of the senator or representative is "bound up with deferring to his locality not with representing the nation" secondly the representative wants stay indefinite (Finer, 1985)

The manifestation of self-centeredness is obvious in areas like favouritism, nepotism, godfather, estheticism in the quest for political office and position.

1.3 Objective of the Study

1. To identify the meaning of legislative and the executive arms of government.
2. To know that legislative as executive arms of government invalid
3. To know their relationship (i.e. the executive).in a democratic system.
4. That finally, to show head the relationship between the legislature and executive has brought about performance and stability in a democratic system.

1.4 Significant of Study

The rationale behind this study is that the legislature executive must strive to live or co - exist peacefully. Also if these arms off government are more amenable to the principle of separation of power those other countries looking up to Nigeria will find it practicable and easier to adopt. And it is hoped with this adoption will come a more responsible and responsive government.

Also with this study the relations between the legislature executive arms of government other contending issues associated with governance in e,g Nigeria such as bad leadership corruption injustice could be prevented or brought to the barest minimum.

Finally, it will give the researcher an opportunity to contribute to study material, useful to governments, government agencies politicians, scholars, educationists and other researchers as reference material.

1.5 Hypotheses

1. There is no significant relationship between the practice of democracy and legislature and executive relations.
2. There is a significant relationship between the executive and legislature.
3. The crisis between the legislature and executive arms in Nigeria's nascent democracy is a function of inexperience of both arms of government and also lack of commitment to service.

1.6 Scope and Limitation of Study

This study focuses mainly on legislature /executive branch of government in Edo state. The work is narrowed down to their origin, development their relations that exist among them and other problems. Similarly, the developments and problems discussed are in terms of how they related or work together and administration i.e. how they brought about effective running of the affairs of the state while the implication of development on the local and state cultural and even the entire environment are at completely ignored. Also the study was limited to Edo state house of assembly. The major limitation of the study range from the difficulty in reconciling the relations between the legislative and executive at the federal, state and local levels and how these arms at the various levels has worked together harmoniously in a democratic system to bring about development in this country. The difficulties faced at instance of gathering data despite all these problems an alternative method of information were evolved in order to make the research a result oriented one.

1.7 Research Methodology

The method applied in this study is secondary method based on simplified content analysis as well as descriptive interpretation of documents relevant to the subject matter. First I seek to outline the expectation of democratic institution in respect relation between the executive and legislative arms of government and from proceed cases of crisis in the democratic setting in Edo state

1.8 Population of Study

The area of consideration of research works shall be Edo state house of assembly, being the focal point of legislative procedure. A notable member of Edo state house assembly's members staffs and the public within the complex will be interviewed to validate responses and unstructured questions or interview shall be also adopted. The research adopted this style because of the unpredictable nature and responses of some legislators.

1.9 Definition of Terms

The Legislature: is the arm of government that is charged with the responsibility of making laws for good governance of the country. The legislative powers of the federal government are rested in the National Assembly which consist the senate (upper chamber) and house of Representative (lower chamber). The legislature powers of the state are rested in a unicameral legislative called house of assembly.

The legislature elects speaker who presided over the house and assisted by the deputy speaker in the absence of the speaker and the deputy speaker the house may elect member for that purpose to preside. The quorum of house of assembly shall be one third (1/3) of all the member of the house.

Constitution: On the other hand, a constitution is a body of rules written or unwritten by which a state is governed. It could also be defined as the locality of the rules and

regulation, with legal and non legal which contains order regulate and question the government of a given country.

A constitution can be seen as the bedrock of legality of a polity. It defines the boundaries of the political entity, the powers and functions of its political leaders as the rights and obligations of its citizens.

Checks and Balances: this also is a major principle of a governmental system whereby each department of government exercises a check upon the actions of the other. In order words each arm of government act as watch dog on the one another's actions for example the president as the chief executive arm checks the legislature by using veto power to delay the passage of bill into law while the executive arm cannot get finance except the legislature approves it (Eyiwere 1992).

1.10 Organization of Study

For simplicity and understanding of this research work. It is divided into fuse chapters.

Chapter one examines the background of the study, statement of problems, objectives of study, significance of study, hypothesis, scope and limitations of study, research methodology, definition of terms and organization of study.

Chapter two deals essentially with literature review on the understanding of the relationship between the legislature and executive in a democratic system in Nigeria and theoretical framework.

Chapter three talk about the methodology, origin and development of democracy in Nigeria, some problems and basic principles of democracy. It also includes the typologies of executive and legislature.

Chapter four focuses totally on the legislative executive relation in Edo state.

Chapter five will summarize work with findings, conclusions and recommendations. After which bibliography will end this research work.

CHAPTER TWO

2.1 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

In this chapter, one will be concerned with the review of related literature which has the following sub-headings.

- i. The meaning of legislature executive and democracy.
- ii. The doctrine of separation of power and checks and balance.
- iii. The functions of executive and legislature.
- iv. The legislature / executive relations in the second republic, third republic in a democracy system.

1. The Meaning of Legislature, Executive and Democracy

The legislature is the law making branch of government which has an important role to play in a modern democratic system. An elective legislature can and must act as the constituents and by extension, the public watch dog of the executive arm.

It is the branch of government that is mandated and authorized to "check executive excesses." As a representative assembly of the people the legislature has a duty to them and accountability from government and monitor its activities and ensure that they are done in agreement with to law and due process (Osaghae, 2003:1).

The checking of "executive excesses" is an uphill task which requires some tool to embark upon these tools may be in form of legislative reform, some alteration

is existing standing order and procedures. The legislature is the branches of government statutorily charge with role of lawmaking. Perhaps every government in the world claims to govern the people in their own interest. But nearly all would also claim that it govern the way its people desire. Early in history legislators were the symbol of democratic struggle against arbitrary government there was a time legislatures suffer gradual decline primarily because of the strength of the executive power and incompetence and corruption of legislators themselves. The hostilities towards executive were replaced with a growing trust in executive power.

Indeed, by the 1950s Kenneth Wheare, came to the conclusion that the century belonging to the executive government (Osaghae 2003: 1). However, legislatures are unique when it come to passing laws and making policy.

The executive branch of government is made up of prime ministers, cabinets, presidents, and other political figures who occupy the highest positions in the administration. The executive is the dynamic center of the regime, determining priorities, making choices, and overseeing their execution. It is possible to rule without an assembly or judicial branch, but it is impossible to rule without an executive branch. The political executive, which sets policy, must be distinguished from the bureaucracy, which implements it. Unlike appointed officials, members of the executive are chosen politically, usually through elections, and are subject to removal in the same manner. The executive is in charge of all government operations. The political executive forms

the top tier of government, it directs the nations affairs, supervises the execution of policy, mobilizes support for its goals and offers crisis leadership. (Hague rod and Martin Harod, 2004).

The term executive simply means the person or persons in whom the power of the state is vested. In the conception Selassie, in whom the high magistracy of the state is vested (Selassie, 1974:1).

The executive arm refers to the implementation organ of government. It indeed, the centre of government from time immemorial, making and enforcing binding rules and allocations through executive decisions have been the primary functions of government (Burns, Petalson et al. 1984:326: Edosa and Azelama, 1995:43). Thus for the purpose of this study, we conceptualize the executive as including the head of government, his vice, (deputy) the ministers (commissioners) of the government who superintend specific sectors of government business, and the coterie of 20 advisers and aides to these officials, including top officers in the public service (Roberts 2002:6).

Democracy is from the Greek word "demos kratos" the literal meaning of this concept is "kratos" power to the "demos" people. According to C.B. Mcpherson, democracy is merely a mechanism for choosing and authorizing government or some other way getting laws and political decision made".

According to Prof. Dicey, "democracy is a form of government in which the governing body is comparatively large function of the entire nation". According to

Hean, a democratic state is one in which the people as a whole exercise sovereign authority, retain ultimate control over affairs, and choose what kind of governmental apparatus to erect. Democracy as a form of state is primarily a means of selecting, supervising, and overthrowing a government, rather than just an amide of it (Mahatan 1988).

Some of the theories of democracy are: the classical/liberal theories of democracy, the Elitist theory of democracy, the pluralist theory of democracy and Marxist theory of democracy.

The current century has seen the greatest development of the elitist theory of democracy. Its primary focus is on the realities of the western liberal democratic political system and democratic institutions. It gives a synopsis, defense, and explanation of the current political structures found in western democracies. The need to preserve equilibrium and stability in capitalist liberal societies gave rise to this theory. Its goal is to propose the political structure that is most appropriate for the current order, not to alter the socioeconomic conditions that currently exist. Suzzanne Keller defines elites as minorities distinguished from the majority by their dominance in one or more of these diverse distributions.

Popular modisonian and populist theories are other names for the classical liberal theory of democracy. Robert Dahil believes that there was never such a theory. According to Pateman, "the idea of a classical theory of democracy is a myth."

Mepherston, however, believes that the nineteenth century saw the emergence of the classical theory of democracy, which was created to accommodate the social classes that separated society. John Locke also added to the understanding of classical democracy. He considered popular consent to be the foundation of political power. His argument was that the people control political power through their government.

2.2 The Function of the Executives and Legislature

Dr. Gerner says the following categories—military, judicial, legislative, and diplomatic—can be used to discuss the roles of the executive branch.

In terms of diplomatic duties, their importance is growing daily as the world grows smaller. As a result, we need the appointment of ministers, ambassadors, and personal representatives by the various governments. They are the means by which governments negotiate with other nations and sign treaties and agreements. The executive branch of government in England has the authority to negotiate treaties; parliament does not have to approve them.

The executive branch of government is responsible for national defense. The executive must keep up an effective and powerful enough air force, navy, and army to protect its borders from foreign attacks. The state's very existence is in danger if the executive disregards this role.

True, the judiciary needs to be independent, but this shouldn't imply that the executive branch doesn't carry out any judicial duties. The executive appoints judges

in the majority of nations, and this system is favored over alternative ones. The executive not only issues pardons and reprieves but is also involved in the administration of the legal system. Despite their separation, the executive has significant influence in the legislative branch. In a parliamentary system of government, the legislature is called to order, its schedule is established, and the bills that will be passed into law are chosen. The executive drafts those bills as well. The executive proposes legislation and sees it through to completion. A bill approved by the government can be reviewed by the president.

The main function of the legislature is to enact laws. The people express their will through the laws that they create. the country's legal system. The laws that are passed by the legislature have an inevitable impact on the lives of the people who live in that country. A legislature handles money matters. It is in charge of the spending plan. Without legislative approval, no money can be spent and no taxes can be imposed. The legislature exerts control over the executive branch through its power over the purse.

There are various ways in which the legislature checks and balances the executive. In a parliamentary system of government, only individuals who have the legislature's trust may form a ministry; once they do, they are required to step down. The legislature has the authority to pass a vote of no confidence in the executive branch and to move motions for adjournment and cut motions. The legislature has the

authority to form commissions of inquiry to look into the operations of particular government agencies. According to Pro. Laski "the real function of legislature is to watch the process of administration to safe-guard the liberties of private citizen".

The legislature also has the authority to try cases involving impeachment; one house initiates the process, and the other determines whether the accused is guilty or not. The Indian parliament has the authority to alter or amend a specific constitution by adhering to a specific procedure, as is the case with other countries where the legislature is granted the authority to do so. In certain nations, the legislature serves as an electoral board; in Switzerland, members of the legislature choose the members of the multiple executive branch (Mahadan, 1988).

2.3 The Doctrine of Separation of Power and Checks and Balances

The idea of the separation of powers was first popularized by a French lawyer by the name of Boran Montesquieu. In 1748, "The spirit of laws" was published. He underlined that liberty and the separation of powers are inextricably linked.

These are the words that Montesquien famously said. "There can never be liberty when the legislative and executive branches are combined in one person or in one body of magistrates. This is because there is always a possibility that the same monarch or senate will pass and implement oppressive laws and enforce them in an oppressive manner. Again there is as liberty if the judiciary power be not separate from the executive and the legislative. The view of Montesquieu was that the stability

of English constitution was due to the fact there was a separation of powers in that country.

There are checks and balances in place in both the presidential and parliamentary forms of government. The executive is in charge of the legislature in a parliamentary system. However, a vote of no confidence in the executive branch can be passed by parliament to force it to resign if it exercises excessive power. Lawmakers also have the authority to call out the shortcomings in the executive's actions. The administration, however, has the authority to dissolve the legislature and call for fresh elections in France. Both arms are checking each other in this.

B.O. Nwabueze states in his valuable work "Presidentialism in Concern Wealth Africa." He claims that the legislative and judicial branches will yield to the powerful executive branch when essential mechanisms like the "separation of powers" and "checks and balances" are disregarded. As a result, the president would often arrogate authority to himself, using it to stifle criticism and infringe on people's rights. He contends that personification of rule results from the concentration of power in the person's hand, undermining democracy and its tenets. The theory of power concentration put forth by Hobbes and Machiavelli is refuted by this argument. In the hands of a lone person. It is not advisable to have a strict division of powers in governance, as positive and progressive interactions between the various branches of government require interdependence. This strengthened the case for the concept of

checks and balances, which was advanced by James Madison, an American statesman who believed that the separation of powers prevented any one of the three departments of government from controlling or having all authority over another branch. Even so, a system of checks and balances must be in place to keep them connected.

How justice Kayode Esq argued that separation of power serves the and of democracy when he posited. And so, eventually by conduct, American settled with the notion of separation of powers. That it should be most dangerous for the given of the low both to executive the law and interpret it. Equally dangerous would not it be for the executive, who execute to make the law he is to execute nor would it be right for him, either in interpret it. It would be undemocratic for the judiciary, which has the law, which it has the judiciary, which has the law, which it has the duty to interpret. This in short is separation of powers and it is democracy (Ojo, 2006).

2.4 Executive and Legislative Relations During the Second and Third Republic

Nigeria has mostly experienced executive dominance in the past. The executive controlled the formulation of policy in the first republic. In fact, a national newspaper was required to appear before the federal legislature in 1963 as an expensive, pointless talk show.

In fact, the Constituent Assembly had envisioned a legislature that would be empowered to make laws and an institution that would plan, the role of a "protector

and watch dog of the people's right against any encroachment from any quarters be such other branches of government or external interest." When the parliamentary system was to be replaced with a presidentialist regime in 1979, the main concern was how to strengthen the legislature so that it could function as an effective check on the executive as well as an active vigorous partner in making of public policy. In this context, the 1979 Constitution "granted the legislature the authority to remove the president from office on the grounds of grave misconduct, prohibited the courts from considering any case involving an actor facing impeachment, and delegated the task of defining grave misconduct to the legislature." Because the national assembly has not made full use of this combination of power, the danger it posed to the national government has not materialized. This was brought about by the party leaders' excessively whitening influence. Throughout the forty years of that government, party leaders such as Obafemi Awolowo of the Unity Party of Nigeria (UPN) and Nnamid Azikiwe of the Nigeria People Party (NPP) subordinated the individual aspirations of parliament members to their ambition to become president.

However, the tragic possibility of a sharp division of powers, particularly the concentration of power in the legislative branch, was demonstrated by the impeachment of Governor Balarabe Musa of Kaduna state. Musa was elected on the People's Redeeming Party (PRP) platform, but he was unfortunate to have a legislative branch that was dominated by the National Peace Party (NPN). In other states, the

executive branch was firmly established. Overall, then, the political bureau was very concerned about the unhealthy rivalry and competition for supremacy between the two houses of the national parliament between 1979 and 1988 and recommended a unilateral legislature as a solution to this problem. The bureau was also concerned about the danger of executive dictatorship, even though it was not strong enough to stop the bureau from toeing the line of the 1936 CA by reconfirming the presidential system or the "need for unity energy and dispatch at this point in our political history." The bureau recommended that ministers and commissioners (national and state cabinet members, respectively) be required to be special non-voting members of legislative houses in order to guarantee that the legislature functioned as an efficient check on the executive while cooperating with it. The Babangida government, however, rejected these later suggestions. For nearly a year, the national legislature coexisted with the unlibary during the inconclusive transition of Babangida. The 1989 constitution, which was meant to serve as the cornerstone of the third republic, stipulated the division of powers; however, Decree No 53, which was used to inaugurate the national assembly, diminished those powers. The decree placed the national assembly under the national defenses council, which was predominately made up of military officers. Up until the June 2, 1993, presidential election was canceled, there were exchanges between the national parliament and the executive branch that led to a humiliating drama within the legislature. The experience was much the same at the state level.

President Babangida gave state governors the power to ratify their parliament by decree 50, which led to this. We resolved our conflicts of interest by choosing our issues. This decree which breached the 1989 constitution, was a response to unsubstantiated claims by some governor that the legislators were demanding bribes or using blackmail to score cheap political points in performing their constitutional roles such as considering and confirming nominees for cabinet position and passing budgets. Armed with this decree, many governors constituted their cabinets and developed and implemented their budgets without regards to the legislature(Ojo.2006).

2.5 Challenges or Problems Faced by the Legislative and Executive

Term limits and shifting systems are drastically changing how many legislatures run their affairs and how leaders lead their constituents. Differences in size, tenure, leadership, and membership can have a significant impact on the composition of committees and staff. Each legislative assembly is distinct and has evolved over time to reflect the requirements, experiences, and expectations of its constituents. Neglecting term limits, party turnover, public pressure, and complex issues presented a brief challenge for the Nigerian legislature.

Both the national assembly and the house of assembly must meet for a minimum of 181 days annually, according to sections 63 and 104 of the Federal Republic of Nigeria's 1999 constitution. The Nigerian legislature meets for four sessions each term. Legislative members find it challenging to win reelection. Finding

the cause of this is not difficult. There is a widespread belief that holding public office is the fastest way to amass wealth and that participation in public life can positively impact an individual's life circumstances. Only then would someone of that caliber take into account the likelihood that others might benefit from the same opportunity, obstructing the legislature's ability to achieve its initial objectives. Term limits force inexperienced lawmakers to return to office unnecessarily, which puts them at a disadvantage when it comes to lobbyists and bureaucrats (stanffer, ophiem tony 1996: 304).

Party turnover also has an impact on the legislature. In the 2003 general elections, the People's Democratic Party (PDP) was victorious because no one wanted to stay in the opposition, particularly when party officials were not in a position to engage in political patronage. As a result, it becomes harder for the parties impacted by defection and cross-commentation to maintain representation in the legislature; in fact, such a party might never be able to carry out its platform.

Access to the legislature and the legislative process is now easier than ever. The main reason why some constituents force their representative to submit a request for a contract award is that they are unaware that the legislature might never become heavily involved in such programs. The public is now under constant pressure to keep legislators in check as a result of the increased level of public scrutiny, particularly from the media, of their actions and agenda. Legislative bodies across the nation are

now placing a high priority on raising public awareness of the importance of fostering public trust and confidence in the legislature, as well as helping the public understand its role.

The most complex policy issues pertaining to internally generated revenue and the derivation principle—which arises from the federal nature of the constitution—must also be addressed by the Nigerian legislature.

The executive must overcome certain obstacles. Legislation is typically proposed by the executive and adopted by the legislature with or without revisions. This is the standard practice in a democratic setting. The governance process is shaped by these powers.

There is pressure to increase the authority and discretion of the office and its occupant due to the performance expectations placed on the executive. An additional challenge confronting the executive branch is that, in order to meet public expectations and draw lessons from other countries, the branch at all levels of government must uphold certain principles of good governance, such as political prudence, national cohesion, political stability, and complete political sensibility.

2.6 Theoretical Framework

For better understanding of this work we shall take a look at the system theory. David Easton who was the first to analyse politics from the point of view of systems analysis and presented in his famous work, *Political System* (1953).

"Political system is that system of interactions in any society through which binding or authorization allocation are made and implemented," according to David Easton's starting point. Therefore, the political system's environment is formed by the binding or authoritative allocation that sets it apart from other social systems both inside and outside of society.

According to David Easton, the environment continuously sends a stream of events and influences into the political system, shaping the circumstances in which its actors must operate. Nonetheless, there is a two-way relationship that exists between the political and social systems; the former take in inputs from society and convert them into outputs. The demands and support from society that the political system receives first come in the form of input, which is then converted within the political system to make outputs.

This is followed by what is known as the feedback mechanism, through which effects and consequences of the outputs are put back into the system in such a way as to effect subsequent of the system. A political system is a complex cyclical operation with a dynamism of its own it has a purpose of its own toward which it tries to move though at every — it may have to face problems of stress and maintenance and may have to through regulatory process inputs consist of(a) demand (b) supports. A demand according to easton is "an expression of opinion that at an authoritative allocation with regard to a particular subject matter should not be made by those

responsible for doing so. Along with the concept of demand, there is this concept of over land. Due to either because the demands are excessive in quantity or through few in number, very exactly in their nature. Time factor is also important.

Easton talks on four types of regulatory mechanism

1. Gate keepers at the boundary of the political system design to regulate the flow of wants into the system.
2. Established cultural and social cultural by norms that set a criteria for the articulation of political demand
3. Development of communication channels.

without which it cannot survive. The political system may decline as a result of its failure to deliver the goods. If substantial proportion of the members of the political system remains dissatisfied for a length of time with the achievement of the political system in terms of their achievement of the political system in terms of their demand and wants may threaten to withdraw their support either partially or completely political clearance and adopt itself to stress by generating diffuse support through a sense of legitimacy.

From the point of view of Easton, the legislature and executive are political systems because there is high level of interaction between them. They make laws that are binding on the citizens of the country and those laws are implemented or executed

by the executive body and it is the ability to make these laws and implement them that distinguishes these system.

The constitution in as democratic system stipulate the powers of the legislature and the executives and these clearly spelt out limitation of their powers influence and shape the way legislators and the executive acts.

According to Easton a two way relationship exist between the political system and the social system, the t the political system receive input from the society and processes it into output. Democratic system is guided by some basic principle like it allows individuals to speak, disagree, there is tolerance and the power to take some decision relating to government is vested in all members of the political community. This inputs can be complaint about a particular type of government policy, the processing stage maybe imitation of a bill by the executive, deliberations on the floor of the house by "the legislature; making amendments and then finally the output will now be the form of amended policy which will/may now suit the citizen.

There is the feedback mechanism through which the effects of the outputs are put back into the system in such a way as to affect the subsequent behavior of the system.

The gladiatorial contest between the legislative and executive arms of the government or over which branch is predominantly leads to stress in the system the regulatory process that will lead to the maintenance of good relationship between the

legislature and the executive is application of the theory of power and checks and balances.

Demands and support exists in a democratic system, demands are the wants of the people. The demand may be in the form of agitations from the public for good roads, building of health care facility, renovation of dilapidated primary and secondary schools buildings. Etc. these demand flow into political system which can lead to overload. In the political system. Thus demands may flow into the system through pressure groups, public opinions or through elected representatives into the House of Representatives or the senate.

The political system needs the support, which may be covert or overt of it citizens for it to survive, the political system may decline as a result of it failure to provide basic amenities for its citizens. It substantial members of the public are not satisfied with the performance of the government; they may threaten to with draw their support either partially or completely. This also causes stress in the system, the system can adopt to stress by changing it structures or representational system so that it can get supports, back from the citizens.

The main test of the effectiveness of political system lies in what it does for the society. Here Easton concept of output comes in. the outputs of a political system are the decisions and actions of the authoritative and how it affects the members of the society or the political system and the various consequences emanating from such

actions and decisions on the citizens of the polity. He also talks about equilibrium when the input to some extent commensurate the output, it brings about stability in the political systems.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

The methodology of study is a secondary source of data. The secondary sources comprises existing materials in libraries archives and public offices. They also exist in the form of published data in company or public records. Such records may be in the form of production records accounts records payroll, trade associations or office statistic. Secondary source are also documents in which the individual describing the event was not present but obtained his description from some one also who may or may not have directly observed the event. Thus reports of historical research are generally classified as secondary source because historians rarely are direct witness to past events they describe instead, the reports usually are based on the interpretation of other primary and secondary sources (Borg and Gall, 1979) for some types of research, official document in the national achieve and government functionaries, because they are usually documents that deals with either state security or sensitive political issues.

Non-classified documents on the other hand are easily accessible and are usually published in periodicals, monthly economic indicators, summary and Nigerian trade. Although data collected from these source still leave much to be desired with respect to reliability.

3.2 Origin, Development and Problems of Democracy in Nigeria

In a discourse of this nature, the natural starting point is to attempt to give a glimpse the environment in which the democracy attempt to be X- ray exists. The Nigerian state is to have an area of 923,768,768sq.km inhabitant by over 120 million people comprising of 400 ethnic groups speaking 395 languages. This depicts the fundamental need for assessment of our relationship, which must as of necessity appreciate that whatever aspect of this polity is to be discussed must be influenced by the heterogeneous conglomeration. In which we find ourselves.

The relationship between these various diverse people was further compounded by long years of colonialism. In order to show the damage that colonialism did to our psyche and body polity Michael Crowder, describes the position of things in the pre-colonialization day thus; although Nigeria was the creation of European ambitions and rivalries in west Africa, it would be an error to assume that its people had little history before Britain, France and Germany negotiated the final boundaries at the turn of the twentieth century. For this newly created country contain not just a multiplicity of pagans tribes, but a number of great kingdoms that had evolved complex systems of government independent of contact with Europe. Within it frontiers were the great kingdom of Bornu with a known history of more than a thousand years, the Fulani Empire that for the hundred years before it conquest by Britain had rule most of the savannah of norther Nigeria, the kingdoms of the Ife and

Benin, which had produced art recognized among the most accomplished in the world. The Yoruba of Empire Oyo which had once been the most powerful of the states of the guinea coast the city state of Niger Delta which had grown in response to European demand for slaves and their palm oil, as well as the loosely organized Ibo people of the eastern region and the small tribes of the plateau.

Nigeria gained independence on October 1st, 1960. Following its independence, Nigeria adopted the British parliamentary system, also known as the Westminster model. The architects of the constitutions of 1979, 1989, and 1999 deliberately chose to incorporate presidentialism as a guiding principle of government in order to accommodate the unique characteristics of our pluralistic social structure. The merging of the executive and legislature in the western ministerial mode poses a significant challenge to constitutional practice in a region with deep primordial segmentation along ethnic and religious lines. Both systematic tendencies in the parliamentary system makes it less attractive to plural social system such as Nigeria, its enforcement in other Africa countries has resulted in either a de facto one party state through the process of political channelization or in a hegemonic party (i.e. one - party dominant) these were the dangers the architects of the 1979 constitution sought to avoid by adoption of the presidential principle of separation of powers. Although in relative terms, the presidential system provides a better hope for a stable polity on a plural society such as Nigeria, the system of separation of power also implies a certain

degree of opposition between the legislature and the executives, "each anxious to assert and guard its independence" (Ojo 2006).

Nigeria's journey towards constitutional democracy has been a winding road thus far, marked by anti-colonial struggles, crises, coups and counter-coups, and a thirty-month civil war. Many policy initiatives have been developed in the wake of the civil war to aid in the process of rapprochement, integration, and development within the country.

One reason for the ineffectiveness of these measures is that the majority of them were based on a faulty theoretical premise, which created a situation where their unintended consequences overshadowed their motivational goals. Besides, explanations have equally been found in forces such as the nature of the society, the character of the state, as well as the manner of contestation for power which is largely determined by the character of the elite.

The situation has changed significantly in the last few years. Not only have military regimes been overthrown, but democracy has gained international attention and its liberal model is now considered the best and final form of human governance. Therefore, any nation hoping to be significant in the global system has to be viewed as democratically compliant in these senses; democratization presumes a standard benchmark for full engagement in global affairs and the enjoyment of related benefits. This justification eventually paved the way for the emergence of democracy in Nigeria

on May 29, 1999, by validating both internal and external pressures for democratization. But it is a well known fact that a mere transition from military to civilian regime, though a necessary condition, is not a sufficient factor for democratization.

The task of promoting and maintaining democracy is far more difficult; it requires a system of mediating institutions to handle differences in viewpoints on political issues at any given moment as well as differences in ideas and interests. In an ideal world, these institutions would comprise, among other things, the legislative, executive, and judicial branches of government, political parties, and a robust civil society. They would also be mutually supporting but independent.

It is argued that these institutions have received new breath of life since May 29, 1999, when the new civilian administration was inaugurated.

3.3 Some Problems of Democracy in Nigeria

Democracy as a form of government practiced in Nigeria through a government by consensus has some problems which is discussed below:

1. **Lack of Free and Fair Election:** The electoral process help in determining if those in government have the right to rule. For example while the winners of the 2003 elections would call it free and fair, some losers would call it fraudulent. Critically speaking the 200 election were very fraudulent and were so acknowledged by both domestic and foreign monitors. The

2007 elections were even worse. General Obasanjo virtually made himself the defect Chairman of the electoral commission and used his security services to weed out all those whom he did not want to contest, and among these who contest he ensured that his favourites won, almost in all cases. The elections were disastrous they were demonstrable evidence of democratic deficits which has the potential for endangering the democratic process (Nnamdi, 2009)

2. **Political leadership and statesmanship:** It is evident that the political elite has not learned since 1999 that true leadership comprises listening to their followers, persuading them when needed, and offering direction and insight. As president of the federal government, General Obasanjo displayed remnants of militarism and messianic arrogance, as did many other chief executives. All of the state's leaders, regardless of rank, have not adopted the belief that after being elected, they must change for the better. Our experience has demonstrated that a large number of our leaders are still in office; they are able to violate every law and principle and adulterate any principle.
3. **Law and Order:** Since 1999, there has been a security of life and property; however, during the previous nine years, a climate of insecurity has emerged in the political sphere, with at least 200 instances of communal

violence and other conflicts. Robberies with weapons have become commonplace in our daily lives. The system has become rife with political and other homicides, which is likely worse than what existed under Minister of Justice Bola Ige. Marshall Harry, among other people, demonstrates how extremely dangerous life has become. In order to promote the "rule of law" and keep the resentful from enacting laws themselves, democracy requires that politicians be capable of handling crises rather than acting as arbitrators. It also requires that the government effectively maintain law and order (Nnamdi, 2009).

4. **Corruption:** - Nigeria is a country where corruption is perceived as a way of life. In May 1999, president Obasanjo started his anti-corruption crusade. Had made a pledge to fight corruption at his inauguration in 1999 unfortunately, from 1999 to 2009 corruption has grown up to octopoidal dimension.
5. **Transparency in Governance:** - in many cases, violence is the result of the unwholesome acts by politicians to perpetrate themselves in power by all means. Very often our political leaders to care about transparency in governance.

3.4 Some Basic Principles of Democracy

Democracy as a concept has some basic principles. These are:

1. **Authority:** One important idea in a democratic society is the locus of authority. The people hold the authority. Section 14 (2c) of the 1999 Nigerian Constitution states that the people of Nigeria are the true owners of sovereignty, and the government derives all of its powers and authority from them. The people are essentially the source of power; they appoint their representatives to do specific tasks on their behalf. According to Nnamdi (2009), authority is the rightful application of power.
2. **Rule of Law:** - A democracy needs to be founded on the rule of law. In a democracy, laws cannot be arbitrary. Power has limitations on both its amount and its use. Furthermore, each and every player must accept the rules of the political game. The predictability of behaviors and responses within the system is ensured by the rule of law. It also addresses the fact that both leaders and followers must abide by the laws of the land (Nnamdi, 2009).
3. **Legitimacy:** Legitimacy is an important principle of a democratic system. Legitimacy basically involves two process. One of these is the leaders has the right to rule, this implies given the law or rules for accession to power he is the right person to occupy the position.
4. **Choice:** The people in a democratic system should have the right to effect changes in country, given available alternative leadership of thought

movement, association, and worship. Subsumed under this is the freedom of expression of the individuals and also freedom of the press.

5. **Accountability:** The principle of accountability must be imbibed in every democratic country. However, if the people on their behalf, the said person is duty bound to give account of his or her stewardship.

3.5 The Types of Legislature And Executive

The legislature are mainly organized in two ways namely; unicameral and bicameral legislature. The unicameral legislature exist where there is a single legislative chamber (house) in a state. France and Israel are example, of countries operating unicameral legislature. On the other hand, bicameral legislature has a double chamber (house. This form of legislature exist in Nigeria, USA and Great Britain. In Nigeria, the legislature which is called the national Assembly comprises the senate, (upper house) and the house of representatives (lower house) and the house of representative (lower house)

Bicameral legislatures are more common than the unicameral legislatures. It is more common with federal state. The composition of degree of representation of the federating units while the other house ensure that the diverse interests are represented (Osamah, 2010).

The operational procedure of the legislature depends on the kind of political system in place under a democratic government executive is accountable to the

legislature which as the people's representative but this is not so under a democratic government, executive is accountable to the legislative which is the people's representative but this is not so under monarchical or military rule. The tenure of the members of the legislature varies from one country to another. In Nigeria, the tenure of the members of both the senate and the house of representatives is four year each.

The executive organ of government in most countries is organized differently and the power it exercise varies accordingly. There are these major forms of the executive namely: the single executive, the dual (or bicephelous) executive and the collegial (or plural executive. The single executive is the form of executive which one person serves as the heed of state and government. In this arrangement, the individual is see with the dav to dav administration and ceremonial functions of the state. This is common under presidential system of government.

Dual executive, in this arrangement, the administration (executive) and ceremonial functions are referred on two different persons. One functions as the head of state while other functions as the head of government. This is usually the case under a cabinet system of government. Collegial executive, this form of government exist when a council made up of more than two members is conferred with the responsibilities of the executive are of government. (Osumah, 201)

CHAPTER FOUR

DATA ANALYSIS

4.0 Introduction

From the study it was ascertained that mutual understanding absence of respect, lack of focus and intolerance among the two branches of government (executive and legislature) are the major problems of the nascent democracy in Edo state.

Lack of recognition, proper adoption and application of the principle of separation of power" check and balances, rule of law and the nature of political environment among others helped to undermine the legislature - executive relations.

The domineering character of the branches of government especially the executive arm culminated in the face off with the legislature.

4.1 Origin Development and Nature of Executive Legislature Relations in Adams Oshiomhole Administration

The nature starting point is to attempt to give a glimpse of the environment in which the democracy attempting to be X-ray exists.

Edo state, now one of the thirty six (36) states of the federation was created August 27, 1991, by the administration of President Ibrahim Badamasi Babangida. The state, which was exercised from the former Bendel state, was created to satisfy the peoples' agitation for a state. Edo state is said to have an area of 17,802 sq, km, and inhabited by 2.16 million people (1991) and 3,218,322 people (2006), there were

fourteen (14) local government area (LGAS) in the state until recently when four new ones were created making eighteen LGAS in the state.

Hitherto, the citizens were performing their civil rights according and remained federal government at large. The constitution section 4 (6) and (7) empower the state house of assembly to make laws for peace, order and good government of the state, the legislature in Nigeria is bicameral at the federal level and unicameral at the state level. These are institutions through which differences in ideas interest and perceptions of political problems at a given time can be managed.

Nevertheless, there is an inseparable link between the legislature and the executive, in virtually all areas of the responsibility of the former such as law making approval of budget and appointments impeachment process and oversight functions.

These constitute the core of executive relations (Tunji 2000) legislature is expected to work hand in hand with the executives in a symbiotic relationship for the functionality of the government.

4.2 Cases of Conflictual Relation Between the Legislative and Executive Arms in Adams Oshiomhole Administration.

1. There are signs that the friendly relationship between the legislative and executive branches of the Edo state government may have broken down because both branches, along with some interested parties, are now waging a full-scale conflict over who will be the next speaker of the state house of assemblies.

Since Edo North produced the governor and Edo South produced the deputy, there has been a great deal of political scheming among the members of the Action Congress of Nigeria (CAN), the state's ruling party, even as other stakeholders are urging an Esan area native to take over the position for political balance.

It was learned that a few very important figures from the opposition Peoples Democratic Party (PDP) and the ruling All Progressives (ACN) are doing everything in their power to guarantee that the plum position is zoned to their region. Following the removal of former Speaker Barister Zakawanu Garuba and other key officers, the ground is reportedly set for a fierce battle on all fronts against the old order dominated by the ruling party, with a ratio of CAN members to five PDP legislators.

According to analytical reports, the PDP led by Chief Tony Anienih and the recently elected members who are returning to the house after leaving it under controversial circumstances on February 22 of last year, will go to great lengths to guarantee that legislative business is strictly adhered to, which will be a change from previous years.

However, it was discovered that some assembly principal officers, who are also members of the CAN-controlled government and have a stake in the speakership, had secret negotiations and open conflict with the state governor, comrade Adams Oshiomole, and his goons over the latter's refusal to submit to the overture. It was also discovered that this influenced the house's last-minute decision to approve a resolution

to amend its rules, specifically amending rules 9(1) and (2), which affect the parliamentary officer council's (POC) membership constitution. This occurred in response to a motion made by Mr. Philip Shuabu, the majority leader, after rules 21 and 67 were suspended on Patrick Osayimwen's proposal. This amendment is believed in some quarters would pave way for the lawmakers to elect their principal officers possibly along party lines as against the old order that rests much power officers of the house to nominate keys officers of the house.

As a result of the incumbent speaker, Bright Omokhodion of Edo Central, failing to win reelection, there was a push by Edo South to select a new speaker. Furthermore, forces in Akoko Edo constituencies 1 and 2 were ready for a confrontation if they tried to break the political agreement for a deputy speaker slot. The Owan people, who are thought to have mounted secretaries to the state government, would not be tolerated.

Legislators are also becoming tense as a result of rumors that a deal to choose the next speaker of the 24 member house was finalized and sealed when important Oshiomole government allies went on an official visit overseas.

2. Three senatorial districts are vying for the governorship in 2012, allegedly representing the most recent political wave and early political realignments being planned from both inside and outside the state assembly and government complex.

4.3 Understanding Executive and Legislative Relations Under Administration

In trying to understand the relationship that exist between the legislature and the executive, some reasons have been put forward for mentioned in some literatures some of the reasons are;

1. Making the state house of assembly the alpha and omega of the impeachment procedure such that "no proceedings of the procedure such that assembly or any matter relating shall be entertained or questioned in any court is one of the reason that strain their relations.
2. The prevalence of party indiscipline has also contributed to the spate between the executive and the legislature.
3. The impart of money politics on the Nigeria political system: this is when the executive uses money as an inducement to soften the legislators to either drop impeachment charges or pass some certain bills into law.

4.4 Some Passage of Bill Into Law In Edo State

The Local Government Amendment Law of 2008 raises the Local Government Council's capital project spending cap from N2 million to &10 million. prohibits any individual designated as the council chairman's personal assistant or special adviser from holding office for more than one day beyond the council chairman's expiration date. It also prohibits these individuals from joining the executive council of local government councils.

Year appropriation law 2008

Year 2007 supplementary law

A law to amend the law on Christian pilgrims' welfare board.

Law to make provision for contributory pension scheme for employees in the public service of Edo state and other matters connected therewith.

CHAPTER FIVE

SUMMARY AND CONCLUSION

5.1 Summary

The work is being condensed first and foremost by stating background of the study, objective of the study, statement of the problem and significant of the study, also formulating suitable hypotheses, clarification of some concepts used in the study. Also the limitation of the study, designing methodological statement and stating where data are being collected for the research work which is secondary source and the organization of study all these in chapter one.

The chapter two deals with literature review that is, citing scholars view in respect to the various literatures written by them as well as some theories and also theoretical framework.

The chapter three deals with the methodology origin of democracy, the basic principles and some of the problems of democracy in Nigeria.

Chapter four deals with the main theme executive and legislative relations in a democratic system: a case study of Edo state, how they are related and conflict arise from their relations at various point in time finally the conclusions are drawn and recommendation are made for further research.

5.2 Findings

It ascertained that the political appointments both at federal and state levels are being lopsided, ethnic centered, favouritized, which contributed immensely in the democratic problems of Nigeria especially in the executive and legislative relations in Edo state.

The legislature is of the general view that the executive acts with an over bearing disregard for the constitutional limits for executive powers and the quality and indeed quantity of its consultation with them is less than adequate, which give rise to wrangling and face-off.

Also the supreme constitution of the federal republic of Nigeria can be envisaged as inelegant because it was rashly and abruptly drafted in order to ensure that democracy has its root and foundation in the country.

5.3 Conclusion

The data collected in this study shows that relation exist between the executive and legislative branches of government, and their relation revolves around certain factors. For instance, King (1976) perceives executive legislature interaction as revolving around three basic factors:

1. The constitutional arrangement defining the powers, functions, limitations and the "executive" and legislative power and operating patterns of the legislature itself.

2. Consideration of government composition make - up majority. The study also revealed that legislative influence on public policy is or budgets range from legislatures having "quite influential role in shaping policy" including delay, resection or measures (Ojo 2006) P.157.
3. For the executive to live up to the expectation of the general public, the executive at all levels needs to poses some certain values provision of good governance - including accountability probity e.t.c.

In conclusion for there to be good governance and for the people to enjoy the dividends of democracy; the executive and legislative has to work harmoniously together their primary concern should be the welfare of the nation (Ben 2002).

5.4 Recommendations

The following are the recommendations which if adopted by the Edo state government improve and entrance cordial relationship between the legislature and executive arms of government as well as democracy in a democratic system.

1. No arms of government is expected to act ultra - virus that is to say neither the executive nor legislature should transcend its constitutional confine of jurisdiction.
2. They should look and consider themselves as partner in progress not adversaries at work.

3. The chief executive (president, governors) and the law makers should have confidence in themselves, be honest and place the interest of the nation - state above their personal ambition.
4. The legislature should desist from using the oversight function as a basis to blackmail or arm insist the executive.
5. The doctrine of separation of power and check and balance should be strictly adhered to if actually we really want democracy to stand the test of time.
6. They should also be reminded that democracy can only be achieved in an atmosphere of peace, but dint of mutual respect between the parties concerned (executive and legislative).

However, its my humbly advice that any country that any want to reap democracy to gain solid ground within its geo-political entity should endeavour to fulfill these requisite conditions at least to a reasonable high degree, because failure to acknowledge and recognize these pre-requisites and ingredient of democracy, the tendency is therefore doom, anarchy e.t.c to be the order of the day e.g Nigeria experience is a case in point.

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