

8 Basic Principles of Government (I)

In Chapter 7, we described the organs of government and their functions. These organs operate on certain principles to avoid confusion and tyranny. The legislature makes laws, the executive implements them, while the judiciary interprets such laws. The three organs together make up what is usually described as government.

Government is not an arbitrary agent of the people. It is established to carry out certain functions for the people. A good government will have the welfare of its citizens foremost in mind. Government is just a tool with which people maintain their own welfare. Those who partake in government are not permanent; they come and go, but the principle remains. For the well-being of the people, the operations of government involve principles that ensure that the government does not become too powerful, arbitrary and tyrannical. Such are the principles of separation of powers, the rule of law, and fundamental human rights. Most invariably, these principles are entrenched in the constitution and they are jealously guarded against violation because it is through their preservation that good government can come from, and it is hoped that such principles will guarantee the happiness of the government.

8.1 SEPARATION OF POWERS

The ordinary meaning of the term ‘separation of powers’ is that it is possible for legislative, executive and judicial powers to be separated to function independently. It is also presumed that the legislature only makes laws, the executive enforces them and the judiciary interprets the laws. This notion also stresses that the three arms of government must be made distinct so as to avoid tyranny and oppression, and government would work smoothly if the principle is adhered to.

This principle was for the first time made very elaborate in the works of Jean Montesquieu in 1748 in his book *The Spirit of Law*. Montesquieu, after his visit to great Britain in the 18th Century, thought that the freedom which the English man enjoys results from the fact that the three arms of government are separated. This he said was lacking in France under the Bourbon Kings as represented by Louis XIV of France. Contrary to Montesquieu’s notion, there is no separation of powers in Britain but fusion of powers.

The existence of the three arms of government is a principle that has been built into many constitutions all over the world. It operates in presidential and parliamentary (cabinet) systems, and even under the military.

This separation of powers is, however, an essential ingredient of government because of its obvious advantages. If the three functions of government are concentrated in one hand, it may lead to tyranny. It is, therefore, important to have different bodies to handle the three main functions of government without necessarily saying they should not relate to one another. For instance, the legislature can only make the law, it cannot enforce it. Such a law can only be executed by the executive while the judiciary interprets it. These arrangements are made to safeguard against tyranny, to avert oppression and persecution and also avoid abuse of power. This principle is most obvious in the Constitution of the United States which practises the presidential system of government. In that system, the legislature consists of Senate and the Representatives (both known as Congress) The two bodies are the law-making organs and none of their members can be a member of the executive or the judiciary. The executive, on the other hand, consists of the President who is directly elected, with the ministers who are appointed by him. No minister can belong to either the legislature or the judiciary. The executive is concerned with policy formulation and enforcement. The judiciary, however, consists of courts of law. It is concerned with the interpretation of the law.

Furthermore, the principle of separation of powers varies from one type of government to the other but it is generally recognised that separate organs must be given these separate functions of government.

Checks and Balances

By the practice of separation of powers, there is built into the political system what is often described as checks and balances. The idea of checks and balances merely stresses the need for one arm of government to check the other, so as to prevent abuse of power, tyranny, and oppression. Checks and balances are an essential complement of the principle of separation of powers. Thus, the two must go together. The aim of separation of powers includes the protection and guarantee of the political rights of the citizen. However, we cannot stress for all times cooperation among these arms of government. Sometimes, the legislature performs the functions of other organs. For instance, in parliamentary system, it can pass a vote of no confidence in the executive in order to remove it and in presidential system, it can impeach or censure the executive.

During Question Time in the cabinet system, the legislature can subject executive actions to critical examination thereby bringing the executive to ridicule. As for the judiciary, any of its members can be removed for gross and proven misbehaviour, although the procedure to do that is quite cumbersome. Through the use of the prerogative of mercy by the executive, the powers of the judiciary can be encroached upon. On the other hand, the judiciary can pronounce unconstitutional any action of the legislature or the executive. The legislature can be reviewed by the judiciary while the judiciary can be checked by the legislature through the enactment of any law within its powers in spite of existing judicial decisions.

From these points, it can be contended that instead of having rigid separation of powers, what obtains in modern government is separation of powers with checks. The existence of separate organs for the three functions of government is recognised. There are also differences in the intensity of separation of powers between cabinet system of government and presidential system.

Separation of Powers in Presidential System

In a presidential system of government, there is a clear-cut separation of powers which is in-built. The United States of America offers a very good model. In USA, the congress, Senate and House of representatives, constitutes the legislature that makes the laws. The members of the Congress are directly elected by the people. The President is the executive that is responsible for the execution of all laws made by the legislature. The President is elected by the people and directly responsible to the people. He is aided by his ministers and other personal staff. Both the President and his ministers are not members of the legislature. Any member of the legislature that is appointed a minister must resign his membership of the legislature before he accepts the appointment.

The judiciary consists of the courts, with the Supreme Court at the apex of the judicial system. The courts interpret the laws and the constitution. A judicial officer cannot be a member of the legislature or executive without first resigning his judicial appointment. Thus, in the American presidential system, there is complete separation of personnel and functions. However, for its effective functioning, it operates with checks and balances. The legislature checks the executive and the legislature. The executive on its own part also checks the judiciary and the legislature, and the judiciary checks the executive and the legislature. By these checks and balances, each organ performs the function of another in a way. The President participates in law-making by giving assent to laws made by the Congress (legislature).

The President also has the power to veto legislation made by the legislature. However, the legislature can override the President's veto by repassing the bill with not less than two-thirds majority. The executive initiates many bills and policies which are approved by the legislature. More importantly, all financial bills must originate from the executive. The President checks or participates in judicial functions through the ratification of judicial appointments made by him. The legislature can also set up a legislative committee to investigate activities of a particular government agency or official. Finally, the

judiciary checks or performs legislative functions by making case-laws. It also reviews legislative actions. It checks the executive by reviewing its actions. The judiciary can declare the activities of either the executive or the legislature null and void and without effect.

The same practice of separation of powers was in operation in Nigeria during the second republic under the 1979 Constitution. The President acted exactly as the President of USA does. The National Assembly, the Senate and the House of Representatives acted just like the American congress while the Nigerian judicial system was exactly like the American judiciary.

Separation of Powers in Parliamentary System

However, in a parliamentary system, separation of powers is not as clear. Instead of separation, what obtains is fusion of powers. In Great Britain, for instance, parliament consists of the House of Commons and the House of Lords. In the House of commons, the Prime Minister, who is the head of the executive is a member of the House as well as all his ministers. In fact, the Prime Minister and his ministers belong to the political party with the majority in the House of Commons. The legislature makes laws in collaboration with the executive which is in fact the body steering every parliamentary debate. The executive cannot do it alone without the support of parliament. The judiciary is headed by the Lord Chancellor who is a member of the House of Lords. The House of Lords, in addition to being a legislative House, is also the highest court in Britain. These three bodies in parliamentary system of government more or less work together without friction.

The same fusion of powers could also be seen in Nigeria between 1960 and 1966. The legislature consisted of the Senate and the House of Representatives which included all the ministers. The executive consisted of the Prime Minister and his ministers who were all members of the legislature. In Great Britain however, the House of Lords and the House of commons are the legislative bodies. Membership of both Houses qualifies anybody to be a minister except that the Prime Minister must be a member of the House of commons. If he is not, he must, as Prime Minister, have a place in that House because he is supposed to be the leader of the House of Commons. The House of Commons consists of elected representatives while the House of Lords consists of honoured members. And of course, the Lord Chancellor, the head of the judiciary, is at the same time a member of the House of Lords and a member of the executive (cabinet) which makes the fusion of powers in British parliamentary system complete.

The term 'separation of powers' varies from one political situation to the other in its usage. There is no political system which does not recognise the need for the three organs to be separate. How they are separated, the relationship among them and how they function are the areas which account for variation. For instance, while in the cabinet system of government, the relationship between the executive and the legislature is that of cooperation; in the presidential system, it is that of clash of viewpoints and interests. Also in both systems, the legislature has power to discuss executive affairs. The difference, however, lies in the fact that the cabinet system enables the executive to be present as of right to press its case; whereas in the presidential, the executive can only be present on invitation to defend its stand on an issue. The judiciary is subordinate to the other two bodies, at least on appointment matters, and to that extent the judiciary cannot, or may not, have a headlong confrontation with these other organs. The judiciary can scarcely check the legislature especially on law-making because the legislature can amend any law within its constitutional powers, thereby, rendering judicial injunctions ineffective.

Furthermore, the principle of delegated legislation undermines the principle of separation of powers. More often than not, the executive is endowed with power to make regulations which also have the force of law and to that extent, it may not be possible to stretch the issue of separation too far. If bodies other than the parliament can make laws, then the notion of separation of powers is better recognised for its theoretical import rather than its practical premise.

Advantages of Separation of Powers

- (i) It eliminates concentration of power in one hand or body. It thereby checks tyranny, dictatorship and oppression.
- (ii) It acts as checks on the excesses of one organ of government in the exercise of its power. For instance, the judiciary can declare the action of either the legislature or the executive null and void. The legislature may disapprove the actions of the executive by withholding approval.
- (iii) The liberty of the citizen is guaranteed to the extent that the citizen can always seek redress whenever his rights are infringed upon.
- (iv) It promotes the principle of public accountability and popular sovereignty and gives off to responsible and responsive government. Through separation of powers, specialisation of governmental activities is possible.
- (v) It reduces selfishness, corruption, nepotism, and abuse of power.

Disadvantages

- (i) It may slow down the process of government because government activities must pass through several processes.
- (ii) It may make government impossible if the arms of government are at loggerheads. For instance during the 1979 to '83 civilian administration in Nigeria, the government of governor Balarabe Musa could not function effectively because of stiff opposition from the legislature. Separation of powers results in competition and struggle for power.
- (iii) This principle of separation of powers could be abused for personal gains, thereby, sweeping under the carpet the societal interest.
- (iv) It results in occasional tensions and conflicts among the organs, with each organ seeing itself as an autonomous organ rather than complementary to others. This breeds isolation and absence of cooperation.

8.2 RULE OF LAW

Rule of law is one of the doctrines which has been used to ensure good government devoid of oppression, tyranny and abuse of power or arbitrary rule. Rule of law states that all the processes of government should be governed by law.

The idea of rule of law was first explained by A.V. Dicey. In it, three ideas are explained. The first is the fact that there should be no arbitrary government. In this, the ruler must rule only when the ruled consent to such rule. This means that any government which does not rule in accordance with the wishes of the people is a bad government. It is also stipulated that the law of the land is supreme, therefore, nobody can come up with any law without the concurrence of the people through their representatives. Through parliament, the laws that are made are said to have been made by the people. The people's law is, therefore, seen to be above the rulers in the State; consequently, no dictator can rise up to thwart the people's wish. Since the laws are made by people for their own governance, nobody can be punished outside what the law allows. These laws must be known to the courts and any punishment meted out must also be adjudged by the courts. By this principle, the law respects nobody because everybody is deemed equal before the law and it has the implication of impartiality. The three arms of government are separated such that the legislature, executive and judiciary cannot conspire against anybody. By this, tyranny is avoided as nobody has monopoly of power and the three organs of government may not conspire against any person.

This rule of law principle also emphasises that whether or not a person is an official, the law will apply to him or her. There should be no discrimination on the basis of which law should apply to a particular person because of his position in the society.

Furthermore, the constitution of the country must be an expression of the will of the people. The constitution will also prescribe the powers to be exercised by an individual, thus, guaranteeing the fundamental human rights of the citizen. Such rights include freedom of action, etc. All these rights are

embodied in the constitution such that the individual can know without effort what he can do in a given circumstance. Whenever there is an infringement, the people can apply to the courts for some prerogative orders such as the habeas corpus, writ of certiorari and writ of mandamus.

The rule of law is, therefore, meant to state the relationship between the ruler and the ruled and how they should behave to each other. The rule of law is, therefore, a negation of arbitrary rule or power. Any government that does not uphold this principle is not likely to survive for long.

The rule of law is not any particular law but a political concept. It simply means supremacy of law, the existence of a constitutional government, absence of concentration of power in one hand, everybody is subject to the same law known to the ordinary court and nobody can be punished except for proved offence in the ordinary court. It implies liberty and, therefore, a guarantee of good government.

Limitations

There is no universal rule of law. The rule of law as applied to a particular society depends on the political climate. However, there are certain aspects of the principle that have been modified. For instance, judges are immune from prosecution for anything said in their judicial capacity. In France, there is what is called *droit administratif* meaning 'special law of officials'. In other situations, parliament may make laws to undermine the power of the court. Indeed, the members of the legislature are immune from prosecution for anything they do or say on the floor of the House of Assembly or the legislative House. The idea of delegated legislation greatly undermines the principle of rule of law.

In effect, the principle of rule of law should be seen in the light of the political aspiration of a country, its type of law and the ability of the judiciary to interpret the law without fear or favour.

The action of equality before the law does not apply to ambassadors who are immune from prosecution by the host country for anything done or any neglect made. Rather than punish them, their matters are referred to their home countries.

Rule of law is, thus, limited by a number of factors which includes the type of government in operation, the position of the judiciary whether it is independent or not, the personality and integrity of the judges, the prevailing circumstances of the country and emergency periods. The principle may not be operative in its totality. For instance in emergency, the government may resort to the use of special courts.

8.3 FUNDAMENTAL HUMAN RIGHTS

The Nature of Rights

Fundamental human rights are basic freedoms of the citizens. They constitute the freedoms and privileges which are enjoyed by people without discrimination as to sex, race, political or religious feelings. These may be in the form of political, social and economic rights.

The rights are right to life, security, and protection by the law. The principle also contains freedoms of conscience, expression, association and assembly. Under it, an individual can enjoy his privacy, own property and he cannot be deprived of his property without compensation.

All the rights are considered basic to the good government of a country and are, therefore, entrenched such that no single person can arbitrarily violate them without running the risk of prosecution.

The reasons for this principle include the need to ensure the happiness and liberty of the citizen. If the rights are not granted, life will become very unpleasant for the citizens. Consequently, societies make provision for institutions such as the Ombudsman, Public Complaints Commission, the media, etc. These rights are discussed in detail next.

- (a) **Right to Life:** The constitution must make provision for anybody to live as a human being. Nobody must be deprived of his life without due processes of law. Before somebody can be killed lawfully, such a person must have been convicted in a law court according to the law of the land. This right imposes on the government to ensure that all people are protected for as long as they are

law-abiding, and if anybody is to be deprived of his life, it must be proved that the person is guilty of an offence whose punishment is death. Anything contrary to this is considered a violation of the fundamental human right as far as the right to life is concerned.

- (b) **Right to Dignity of the Human Person:** Since all citizens are equal before the law, they are entitled to their personal dignity as human beings. In this respect, the citizen is not expected to be subject to any form of maltreatment by way of torture or to any inhuman treatment such as could degrade or disgrace the person's dignity. For instance, to hold anybody in slavery is to degrade his human person. To make people work by force for anybody is to deprive them of their basic rights.
- (c) **Right to Personal Liberty:** Any citizen is entitled to use his time and freedom the way it suits him. The individual can live or stay anywhere he pleases. He may relate to anybody of his choice. Nobody can confine him to a particular place without due processes of law. The conditions under which the personality can be tampered with may include when he violates the law and he is deemed to constitute a threat to the security of the State. Such a person can be detained without warrant or be brought to trial immediately. This is usually done under State security. The affected person, however, has his own remedy which is that he could apply for a writ of habeas corpus to make the authority holding him justify why he is being held or otherwise, release him.

Although a citizen is entitled to his personal liberty, this personal liberty is subject to law.

- (d) **Right to Fair Hearing:** A democratic constitution must provide that nobody shall be punished until he has been given the opportunity to state his own side of the case. This right relates to the determination of a person's civil rights and obligations. Even when the matter relates to dispute with government, the individual must be permitted to state his own side of the story. The person affected can employ a lawyer of his choice to make representation on his behalf. This will afford the deciding authority the opportunity of knowing the two sides to the issue under dispute. The person affected must also be given this opportunity in the language he understands. Furthermore, this right includes the absence of retroactive laws or a person being put into the tragedy of double trial. There should be provisions for appeals.
- (e) **Right to Private Life:** Any citizen of a country has the right to do his own thing the way he likes on condition that those things are not illegal. He is entitled to the privacy of his home, his correspondence with others etc. He can hold any conversation with anybody. His family life is absolutely up to him. Nobody can interfere with it.
- (f) **Freedom of Thought, Conscience and Religion:** An individual is allowed to think the way he likes. No law can tell a person how to perceive a particular situation and nobody can force another to think in the way of the other man.

Everybody is subject to his conscience. He may feel justified or feel guilty on an issue. He is left to adjudge himself the way his conscience dictates. He can believe anything or disbelieve no matter how others feel about it.

Anybody in the society can practise any religion of their own choice. They can change their religious beliefs. If they like, they can worship the Christian God, the Yoruba deities, the Igbo gods, the Muslim God or whatever. The State or individuals should not interfere in the religion of others if the religion is not inimical to the peace of the State and does not constitute a threat to the religion of another person. Nobody can be forced to adopt a particular aspect of religion. This implies that the idea of State religion is undemocratic as it violates this right.

- (g) **Freedom of Speech:** The citizens of a country have the right to express themselves either verbally or through the press. The people must have the right to form opinions and express such opinions without fear of molestation. Included in this is the right to receive ideas from others and impart ideas to others without interference. This right also includes the right to own, establish and operate any medium for the dissemination and propagation of ideas and opinions.

- (h) **Freedom of Association:** As part of fundamental human rights, all citizens can associate with anybody of their choice without arrest or interference. The right to hold any meeting for lawful purposes is entrenched in the constitution. They can form clubs, political parties, labour unions, pressure groups, religious groups, etc. to protect their interest. Freedom is also limited to the extent that meetings held for illegal purposes can be proscribed. Any society formed to threaten the peace of the society will be proscribed. Instances such as the proscription of students' religious movements in institutions of higher learning in Nigeria in 1987 is a typical example.
- (i) **Freedom of Movement:** No citizen can be restricted to a given place unless by the order of the court. A person can move from one part of the country to the other. He can move freely and reside anywhere. No person must be expelled from a particular town or place just because he was not born there.
- (j) **Freedom from Discrimination:** As part of the principle of rule of law, all citizens must be treated alike no matter their differences in race, religion, sex, or political affiliations. All citizens must have equal access to the courts, to education, employment, social amenities or any other privilege. This principle stresses that nobody should be discriminated against just because he believes in one thing as against what others believe in. All citizens must be treated in the same way for all purposes.
- (k) **Right to Work:** A citizen of a country can give his service to anybody according to the laws of the land. He can seek employment under any legal establishment and his terms of employment must be stipulated and in accordance with the labour code of the country. No citizen must be subjected to work against his wish except by due process of law. For instance, a person convicted of a criminal offence can be made to work against his wish. Citizens serving in the National Youth Service Corps are also working against their wish. Citizens can be conscripted into the army during a state of emergency. Thus, except by law, nobody can be subjected to any form of forced labour or slave labour. Working for anybody is an exercise of a citizen's fundamental right and any infringement on it can be challenged in the court of law.
- (l) **Right to Property:** Any citizen of Nigeria can own property anywhere in accordance with the law and custom of the area. Property ownership is the exercise of his right to use his property in his own way. He must not use his right to disturb the rights of others such as constituting a threat to the ownership of others' property or encroaching on their property. However, the government can, using due process of law, seize the property of a citizen or it may acquire such property with a view to paying compensation. The protection of a citizen's property is further guaranteed by the law to the extent that any damage to any other person's property can be challenged in court. Any threat to trespass or any trespass is also actionable. The implication of this is that anybody can own any property anywhere in the country. The limitation to this right is that the government has powers to make laws to regulate the ownership of property in the interest of the public.

Restriction on Rights

A citizen's right can be encroached upon under certain conditions. It is true that rights are fundamental; they are, however, not without obligations. Most of the rights are given only when the citizen has performed certain obligations to the State. Thus, as there are rights, there are obligations and duties.

A citizen's rights, may be tampered with during the period of an emergency such as war, plague, public safety, public health and public morality. In deed, these rights are interfered with to protect the rights of others because where one's rights stop, the rights of others begin. Also the law courts can order the legitimate interference of an individual's right by ordering seizure of his property, or confinement in prison. For instance, in the process of executing a court sentence, the right to free movement may be interfered with. A person's freedom may be tampered with if he is reasonably suspected to have committed an offence. Such person's right during that time is restricted.

Apart from these, a person's right may be tampered with if he is considered to be a threat to the security of the State. Such interference occurs in periods of emergency.

In all, there is no unlimited right anywhere. The rights of a citizen are respected when he respects the rights of others and when he behaves according to the law of his country.

Dangers in Restriction

The restriction on an individual's right may be abused by the body having authority to impose such restrictions. In the exercise of such power, they may abuse it. Indeed, they can exceed their powers to detain a citizen. At times, people in authority resort to victimisation of other less privileged people. Often, police keep people in detention for long without trial. At times, soldiers seize people's property for public use.

The citizens are invariably at the mercy of the law enforcement agencies who claim the monopoly to interpret such rights.

Safeguard to Rights

In any democratic set-up, the most sensitive provision of the constitution relates to fundamental human rights. These rights are often entrenched in the constitution to safeguard the interest of the citizen and to check arbitrary exercise of power. For these reasons, the citizens are given certain means to protect their interests. Furthermore, there are procedural arrangements for the protection of the rights. These include what is usually described as the prerogative orders namely habeas corpus, mandamus, certiorari, etc.

The writ of habeas corpus is the one used to demand that a detained person be produced to show the reason why he is being detained. It is obtainable at the High Court and it simply means 'produce the body' If the person who is detaining cannot justify the reason for the detention, the detained person may be released. He, on the other hand, can challenge the person who detained him if the detention is proved to be unlawful.

The writ of mandamus is the one a citizen can use to compel an authority, be it ministry or local government to carry out its duty. Such authority that has refused to carry out its duties can be ordered by the court, using the writ of mandamus, to perform its obligations or duties.

Prohibition is another safeguard of the citizen's interest since it is ordered that a certain thing being done at the particular time should be stopped. For instance, if a local government arbitrarily seizes a man's land, the court can prohibit the local government from doing so once the affected person has applied for the writ of prohibition.

The writ of certiorari, on the other hand, enables a citizen to seek the protection of the law by seeking the order of the court to quash the order of an inferior authority. Assuming that customary court has given an order which violated the interest of some people, instead of appealing against such an order, the affected person can apply for a writ of certiorari that the decisions of the customary court (inferior authority) be brought before the High Court for the purposes of being quashed.

KEY POINTS

Separation of Powers

- (a) The three organs of government - legislature, executive and judiciary are separated and they perform different functions.
- (b) Separation of powers is not the same in presidential system of government and cabinet system.
 - (i) In cabinet system, it is fusion of powers.
 - (ii) Presidential system makes separation of powers almost complete with checks and balances.

Rule of Law

- (a) ***Features of Rule of Law***

- (i) Rule of law is a principle that all processes of government should be governed by the law of the land.
- (ii) It involves the principle of equality before the law.
- (iii) It involves absence of arbitrary rule.
- (iv) Nobody can be deprived of his right without due process of law. Through it, the rights of the citizen are preserved and guaranteed.
- (v) The official is not specially treated in relation to other members of the society.
- (vi) The constitution or laws of the land is an expression of the will of the people.
- (vii) Power is not concentrated in one hand.

(b) *Limitations*

- (i) Judges are immune from prosecution for any of their judicial activities.
- (ii) There could be special tribunals to handle certain cases.
- (iii) Parliament may make laws to undermine the power of the court.
- (iv) Parliamentarians cannot be prosecuted for anything said on the floor of parliament.
- (v) Principle of delegated legislation undermines the rule of law because bodies other than parliament make laws.
- (vi) Equality before the law does not apply to all e.g. ambassadors are not subject to the host countries' laws.
- (vii) Emergency situations may affect the rule of law.

Fundamental Human Rights

- (a) Fundamental human rights are freedoms that human beings enjoy because they are human beings. The principle includes rights and privileges enjoyed without discrimination. The rights are entrenched in the constitution.

(b) *Limitations of Rights*

- (i) Rights of citizens may be tampered with during state of emergency.
- (ii) Rights can be limited by a court order.
- (iii) A person's right may be tampered with if he is considered to be a risk to the society.

(c) *Dangers in Limitation*

- (i) Persons exercising such power may abuse it.
- (ii) Such persons can exceed the limit of their power.

(d) *Safeguard to Rights*

- (i) The constitution guarantees safeguard.
- (ii) The existence of courts is to protect citizens.
- (iii) The press can alert the people about the danger of violation of rights.

SAMPLE EXAMINATION QUESTIONS

Essay Questions

1. State the conditions under which the rights of a citizen can be restricted.
2. What is rule of law? How can it be tampered with?
3. State the advantages and disadvantages of separation of powers.
4. Discuss what you understand by fundamental human rights.

5. Compare separation of powers in presidential and parliamentary systems of government.

Objective Questions

1. Rule of law means
 - (a) absence of arbitrary power.
 - (b) absence of rules.
 - (c) there is no freedom.
 - (d) all citizens rule.
2. Separation of powers means
 - (a) legislature and executive must antagonise each other.
 - (b) organs of government must not work together.
 - (c) organs of government must not cooperate.
 - (d) functions of government must not be concentrated in one hand.
3. The rights of a citizen can be limited if
 - (a) he is a Christian.
 - (b) he is a Muslim.
 - (c) he does not believe in God.
 - (d) he violates the law.
4. When parliament votes against executive action, we say it is
 - (a) checks and balances.
 - (b) fusion of power.
 - (c) abuse of power.
 - (d) limitation of power.
5. One notable disadvantage of separation of powers is that
 - (a) it may make government firm.
 - (b) it may make government impossible.
 - (c) it may make government inactive.
 - (d) it may make government inflexible.

Answers to Objective Questions

1. a
2. d
3. d
4. a
5. b