

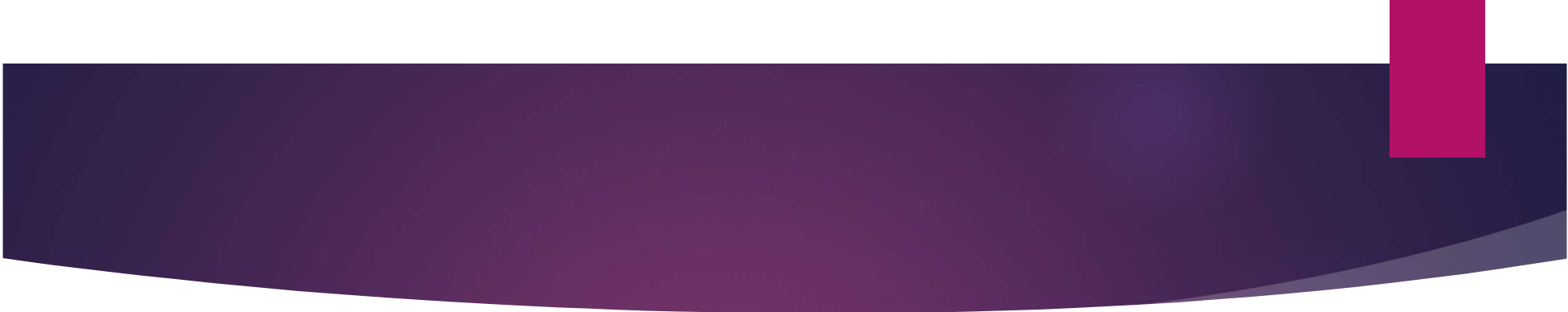


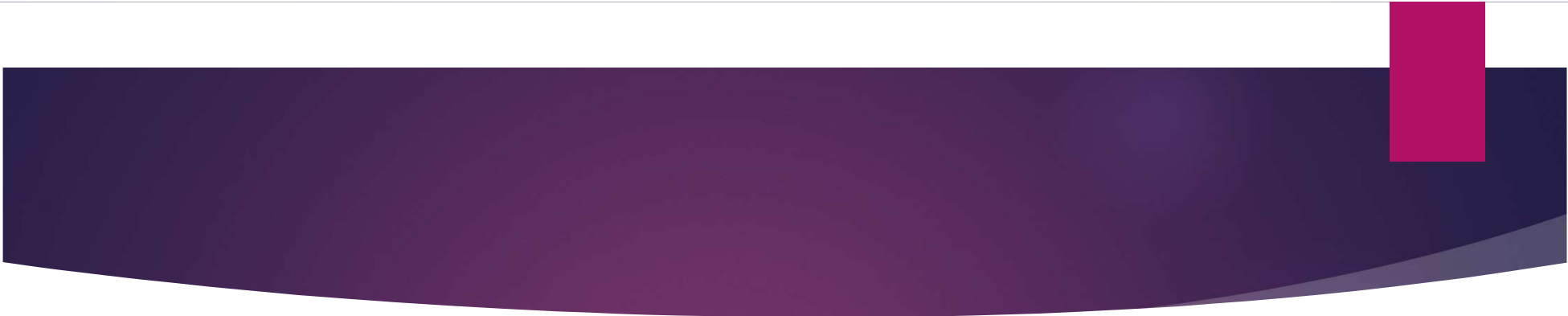
Legislature (Parliament)

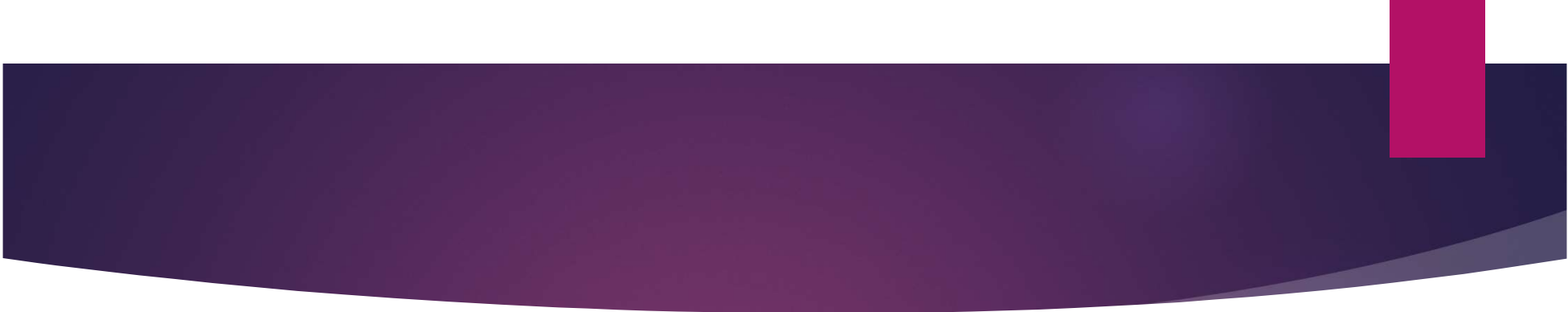
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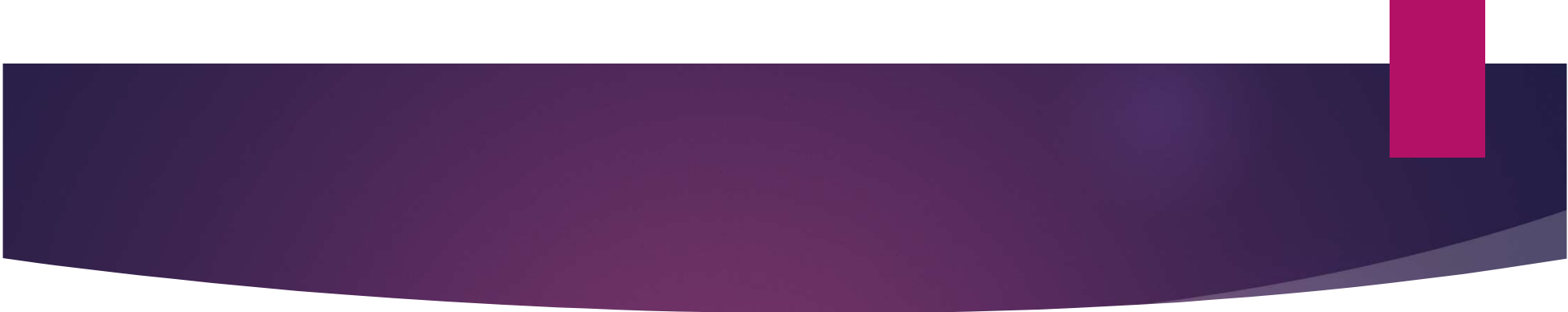
Introduction

- ▶ **Democracy** implies the right of the people to **self-determination** on and faith in the rationality and ingenuity (capacity of creation new thing) of the human mind.
- ▶ The basic premise of **true democracy** is that every individual irrespective of his caste, creed, color, and even his educational, economic or professional backgrounds is capable **of governing himself and of managing affairs, the way he deems fit.**
- ▶ In a democracy, the **people** are their own masters.
- ▶ The **constitution** is the scheme by which various organs of the government are regulate, the division and the exercises of State's power is maintained.

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- ▶ The legislature, the executive and the judiciary all are **its creation and derive their powers from it.**
 - ▶ Every institution of the State is expected to be **functional and active** in discharging its duties In the field assigned to it by the Constitution.
 - ▶ Being **a representative assembly** the legislature in a democratic government enacts the general rules of society in the form of Laws.
 - ▶ The laws of the **State prescribe** the manner in which people are expected to live in a politically organized society.

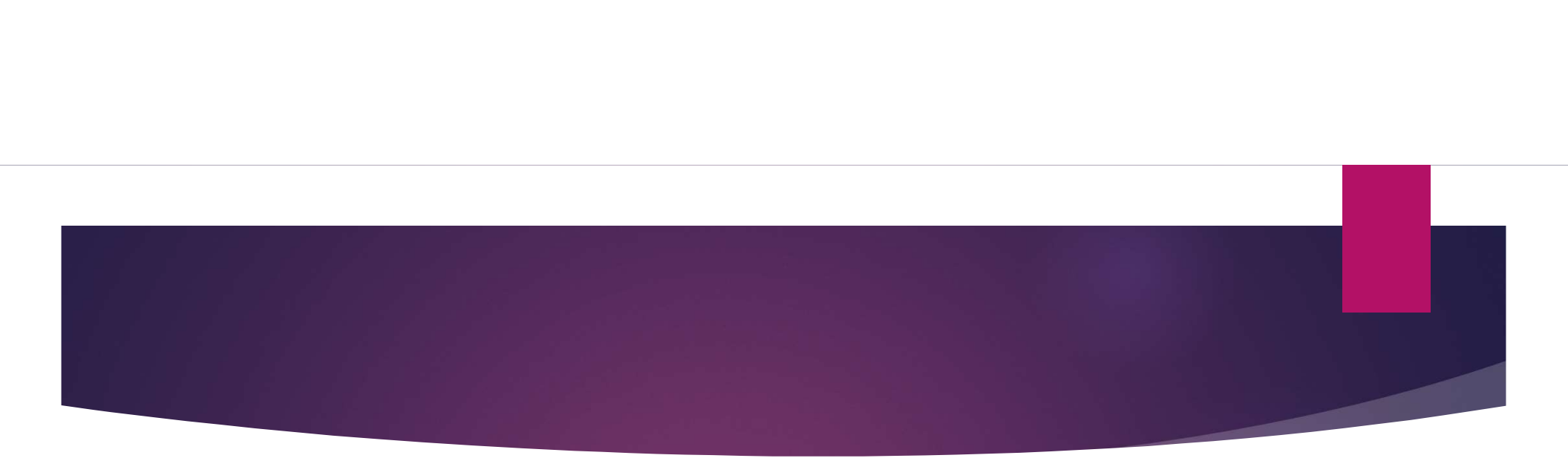
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- ▶ Secondly, there must be some power to see that the laws of the State are duly obeyed by all and there is **no infringement**. This is the work of executive.
 - ▶ There is third, the judicial power, the judges determine whether the law is **applicable** in a particular case or not.
 - ▶ It determine the **manner** in which the work of the executive has been fulfilled.
 - ▶ The legislature makes law and courts interpret and apply it. This is the most obvious relation between the judiciary and the legislature.

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- ▶ India is a democracy which has adopted the West Minister system or the Cabinet system of parliamentary democracy.
 - ▶ West Minister is a parliamentary system of govt. developed in England.
 - ▶ This term comes from the place of Westminster, the seat of British parliament.
 - ▶ This system is a series of procedures for operating a legislature.
 - ▶ Features. – A sovereign / head of the State nominal, a head of govt. PM real, exe. Are members of legislature., bicameralism etc.

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- ▶ The **Parliament** consists of the president, the two houses namely the Rajya Sabha and Lok Sabha
 - ▶ Though the President of India is **a constituent part** of parliament, he does not sit or participate in the discussion in either of the two houses.
 - ▶ There are many functions which he has to perform with respect to the parliament.
 - ▶ The Presidents **summons** to the two houses of parliament to meet from time to time.
 - ▶ He can prorogue the two houses of parliament and **dissolve** the Loksabha
 - ▶ His **assent** is essential for a bill passed by both Houses to become a law.

Meaning of Legislature

- ▶ The term 'Legislature' is a generic term meaning **a body which legislates**.
- ▶ The term '**Legg**' means **law** and 'lature' means the place so legislature means a place for law-making.
- ▶ The term 'Parliament' is used as synonym of Legislature.
- ▶ 'Parliament' is derived from the word '**Parley**' which means to talk or to discuss and deliberate.
- ▶ In this way we can say parliament means the place where deliberations are held.

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- ▶ Merriam Webster- 'A body of persons having the power to legislate' so it is an organized body having the authority to make laws for a political unit.
 - ▶ Legislators- the member of legislature.
 - ▶ Legislation- laws enacted by legislature are known as legislation.
 - ▶ Gilchrist, 'the legislature authority forms the major premises, the judiciary the minor , and the executive the conclusion'
 - ▶ C.F. Strong, says' the legislature is that department of government concerned with the making of laws, in so far as the law requires statutory force'

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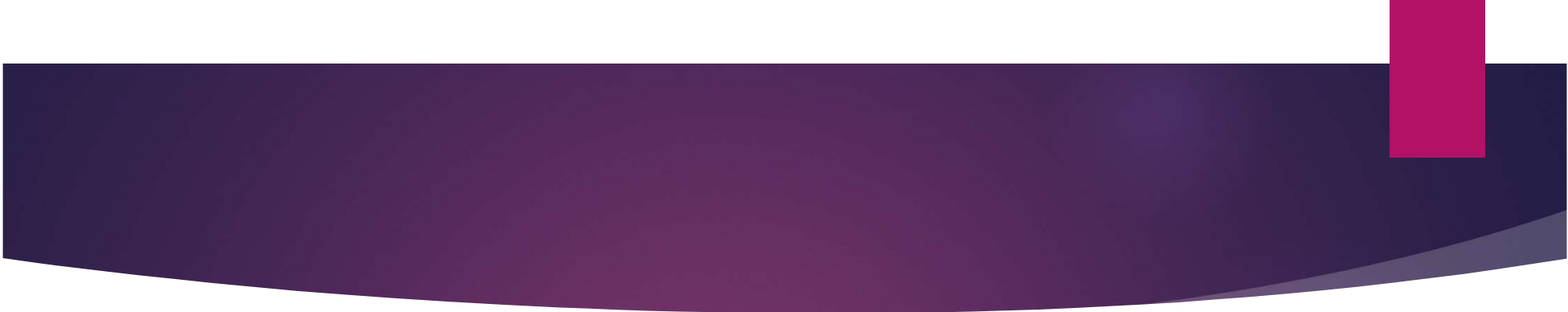
- ▶ The legislature is that branch of government which passes the laws of the government.
- ▶ It is that organ of government which formulates laws.
- ▶ It enjoys prominent place in every democratic state.
- ▶ It is the assembly of the elected representatives of the people
- ▶ It also represents national public opinion and power of the people.

Why Do We need a Parliament

- ▶ Legislature is not merely a law making body. Lawmaking is but one of the functions of the legislature.
- ▶ It is the center of all democratic political process.
- ▶ It is packed with actions, walkouts, protests, demonstration, unanimity, concern and cooperation. All these serve very vital purposes. So we need , a genuine and effective legislature.
- ▶ The legislature also helps people in holding the representatives accountable, this indeed, the very basis of representative democracy.
- ▶ It is most representatives of all organs of govt.
- ▶ Yet, in most democracy, legislature are losing central place to the executive. In India too, the Cabinet initiatives policies, sets the agenda for governance and carries them through

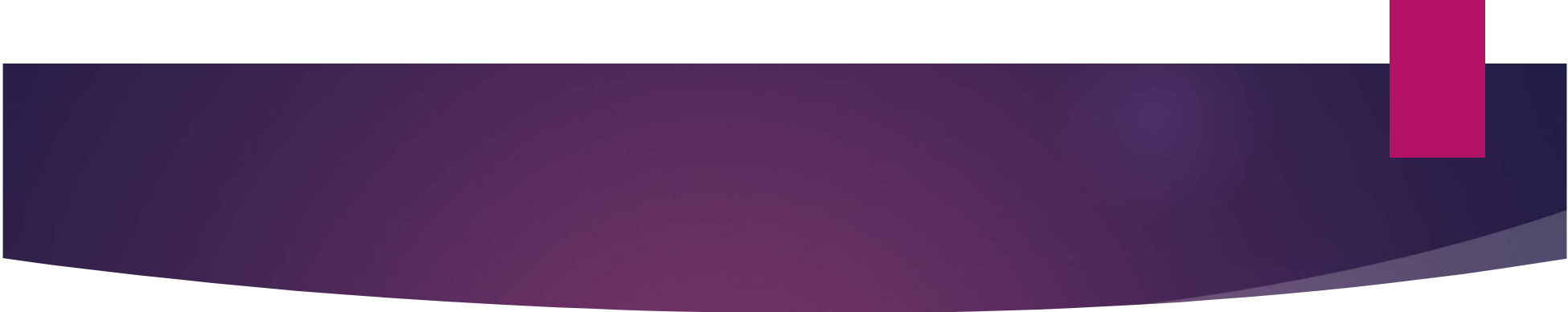
Evolution

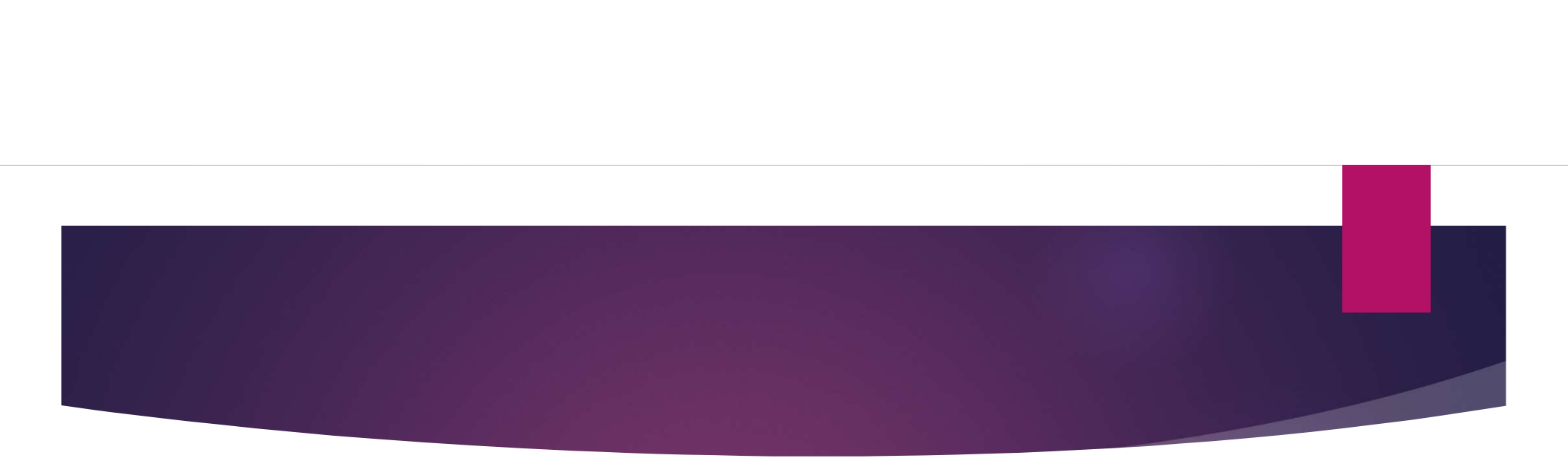
- ▶ No legislature in ancient time
- ▶ The legislative branch of modern government is of recent origin. The earliest known legislature was **the assembly in England**. It is used to be a **council of wise men**, whose consent was necessary to levy new taxes.
- ▶ The executive i.e. King the divine force were supposed to interpret the laws and apply them. Law was virtue as divine in origin or as existing in long standing customs and traditions.
- ▶ Whenever the king was in need of money. He used to call the assembly and get his needs fulfilled.

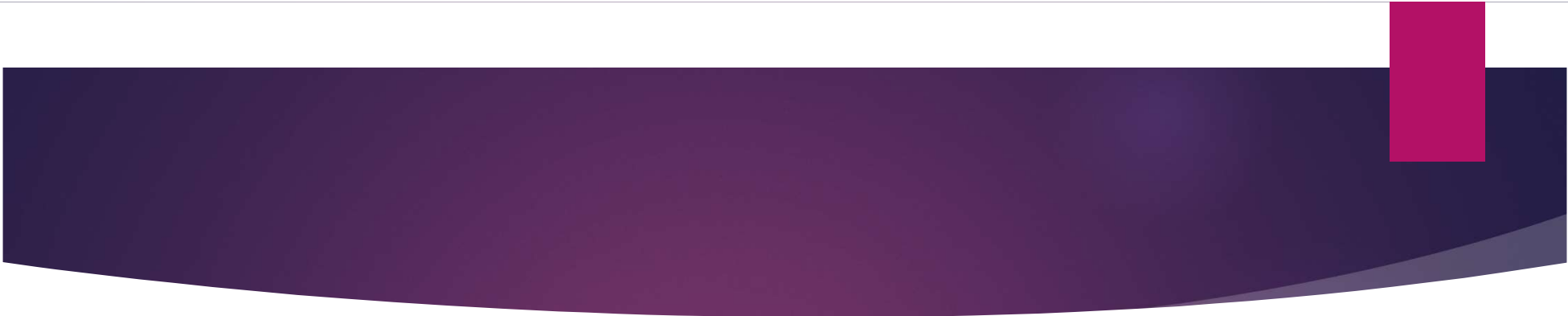
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- ▶ This assembly which gradually developed into the **Great council of the Kingdom** and finally into the first national legislature in Britain.
 - ▶ In the 18th and 19th centuries the idea of **a representative assembly emerged**
 - ▶ The king felt the necessity of providing representation to various classes in society to sanction him more money
 - ▶ This ultimate way for the formation of House of Lords and House of Commons within the British legislature which is called parliament

Functions of Legislature

- ▶ **Law making Functions**
- ▶ **Deliberative Functions**
- ▶ **Financial Functions**
- ▶ **Executive Functions**
- ▶ **Constituent Functions**
- ▶ **Electoral Functions**
- ▶ **Judicial Functions**
- ▶ **Ventilation of Grievances**

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- ▶ In modern times the most imp function of legislature law-making.
 - ▶ Law is the expression of the will of the people
 - ▶ Ordinary bills can be introduced by the members of the parliament and by the ministers.
 - ▶ Money bills can be introduced only by the ministers in the lower house
 - ▶ The legislatures can by a majority vote accept or reject any bill.
 - ▶ The members of legislature enjoy full freedom of speech and also criticism of the policies of the government.
 - ▶ It transforms the demands of the people into authoritative laws/statutes

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- ▶ Government Bills- such bill is introduced by a Minister of the government
 - ▶ Private Member's Bill- member other than a Minister of the govt.
 - ▶ Ordinary Bills- in order to pass an ordinary bill, only a simple majority of members present and voting is necessary.
 - ▶ Money Bills- those bills which contain only provisions dealing with art. 110 of the Indian constitution
 - ▶ Difference bet Bill and Act.
 - ▶ Every Bill has to pass through 3 readings



► First Reading-

First bills has to introduced in any one of the House.

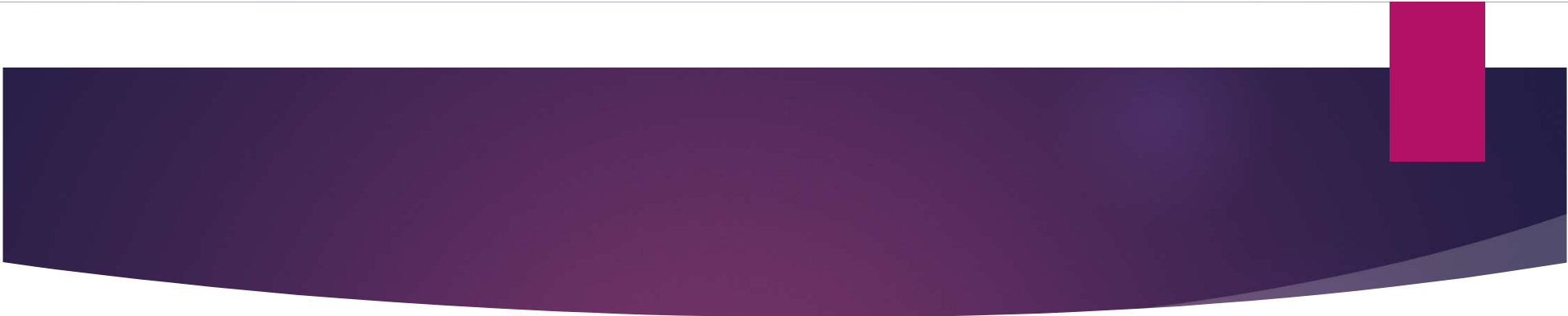
Speaker of the House call to the members presents his bill at the clerks table.
When clerk loudly reads the title of the bill, it is that the first reading is over

The full text of the bill is then printed.

Second Reading –

On a fixed day, the Second reading takes place. At this stage only the broad principles of the bill are taken up and discussed. And details are avoided.

After the discussion the motions put to vote.



► Committee Stage-

The bill is then referred either to one of the standing committees of the House

The committee stage is of great importance as the details of the bill are considered and amendment moved.

Third Reading-

It is the report stage. At this stage discussion takes place and it is put to vote.

In the support majority bills is passed.

After the bill is passed by the first house then turn into the second house.

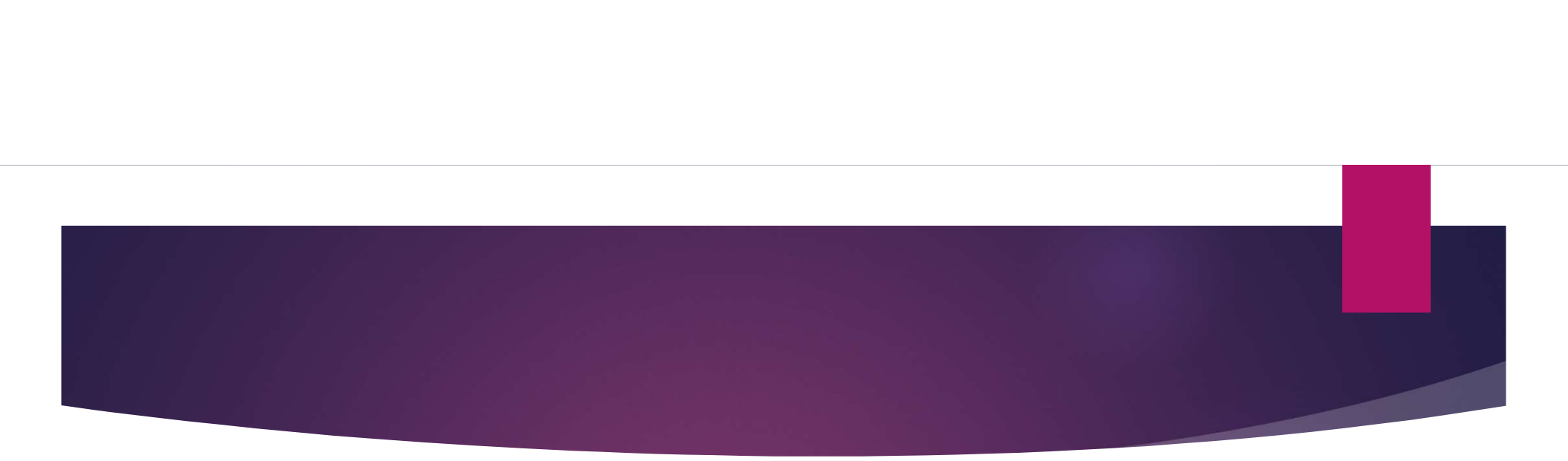
After both house passed, it goes to the president/king for his consent.

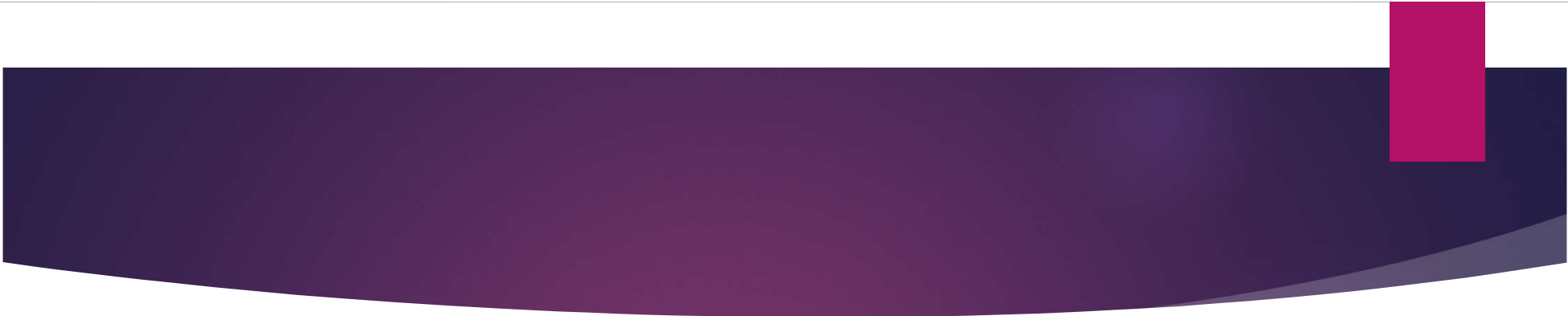
Legislative Functions

- ▶ To make Law
- ▶ To change or revision of Law
- ▶ To amend Law
- ▶ To suspend Bill
- ▶ To discuss Bill
- ▶ To appoint Legislative committees
- ▶ To provoke or promulgated Bill

Executive / Administrative

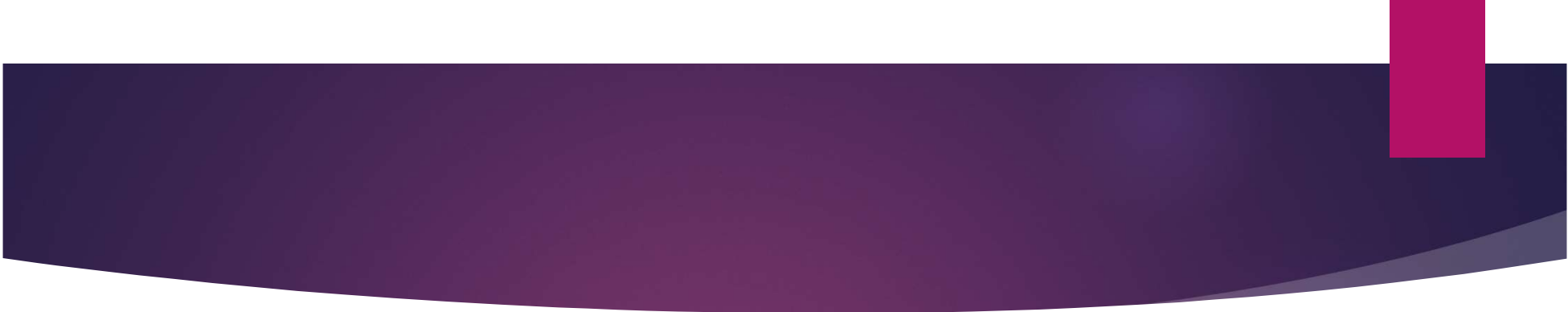
- ▶ In Parliamentary system the legislature or parliament exercises full control over the executive or the council of ministers.
- ▶ The Parliament has the right to put questions and supplementary questions to the Cabinet.
- ▶ The Parliament can remove the Cabinet by a No-confidence motion
- ▶ It can bring in Adjournment motions and Censure motions against the Cabinet.
- ▶ The parliament can appoint a committee to investigate the affairs of the ministers

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- ▶ In India parliament does not interfere with the day to day ad. Of the executive but exercise surveillance on it.
 - ▶ Parliamentary control over the Executive by various ways
 - ▶ **1. Question Hour-** Members of the parliament can raise any question with regard to the administrative activity. The concerned Minister is obliged to answer to the parliament, either orally or in writing
 - ▶ **Starred questions** (expected oral answer), non- Starred (writing)
 - ▶ In Uk is similar to Indian Parliament during Wednesday at noon ministers spend around half an hour
 - ▶ In US no such procedure of question hour

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- ▶ **2. Discussion-** when the member who raised a question feels that the answer given to a question is not complete, he may be allowed by the speaker of the house to raised discussion in the house for half an hour
 - ▶ During discussions the members have full liberty to criticize the administrator for their past performance
 - ▶ In UK also this in Westminster Hall
 - ▶ **3. Committees-** there may be Standing or AD hoc committee . Each year standing comm. Constitute.
 - ▶ There are standing com. Bothe houses in India exercise certain functions as enquire, scrutinize and review the administrative action. Same in UK

Administrative responsibility

- ▶ In India , Head –president but not in power only name – only advice to the councils of ministers
- ▶ Collective responsibility of members of the council of ministers to the President (Art. 75(3))
- ▶ In UK also accepted this but US constitution does not recognize these concept.
- ▶ **5. Adjournment Motions-** introducing this motions in the house to invite the attention of members of the house towards a serious problem seeking public attention.

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- ▶ 6- Cut Motions and Censure motions-
 - ▶ **Censure**- are brought when the ruling govt. fails to act according to their policy
 - ▶ 7 Representational role- it is the primary functions of the legislative organs in the modern democracy to represent the people.
 - ▶ They represent the changing needs and moods of the people.
 - ▶ **8. Conflict Resolution and national Integration role-**
 - ▶ Members of different parts of country irrespective of caste, colour, sex, religion, creed so maintained .
 - ▶ **Leadership Role**

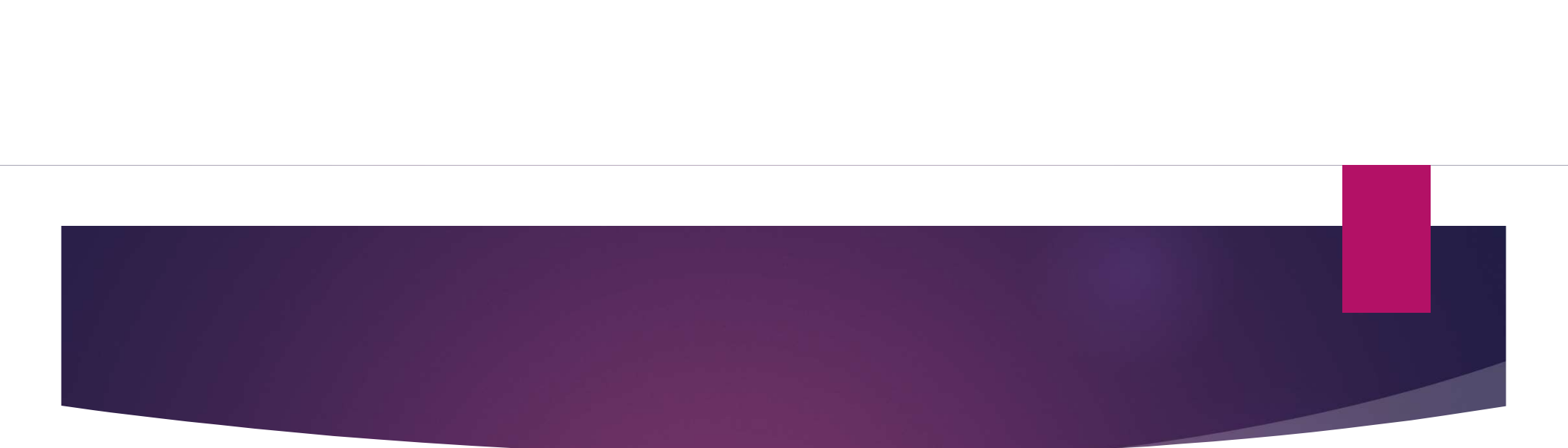
Executive Functions

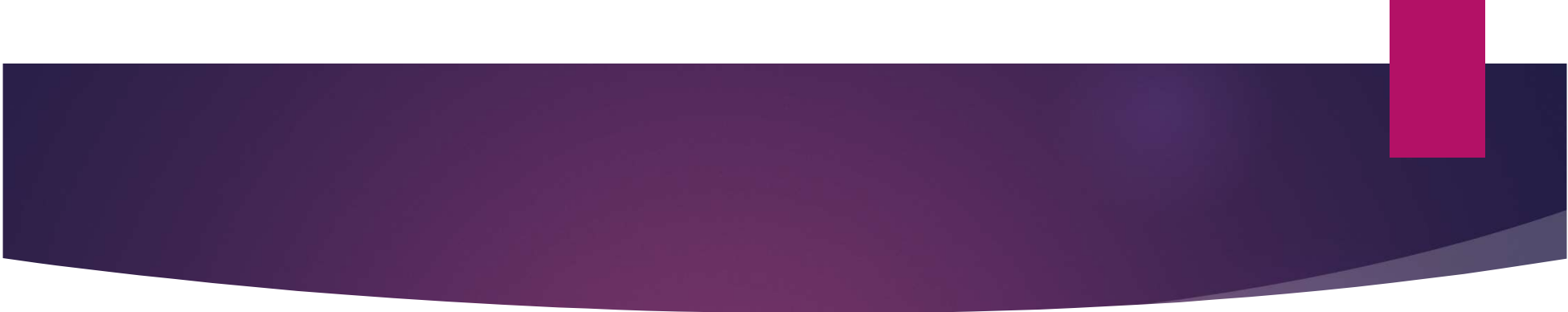
- ▶ To ask questions or supplementary questions
- ▶ To control or criticize Executive
- ▶ Vote of NO-Confidence Motion
- ▶ To control Foreign and national policies of Executive
- ▶ To ask tender resignation

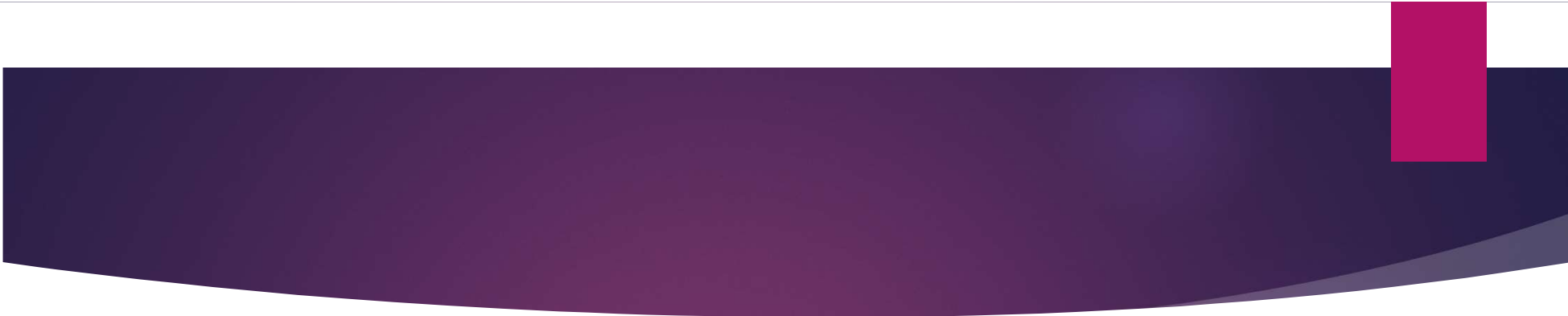


Financial Functions

- ▶ **To pass Budget**
- ▶ **To debate and discuss on Budget**
- ▶ **To audit and check on accounts**
- ▶ **To form financial Committees**

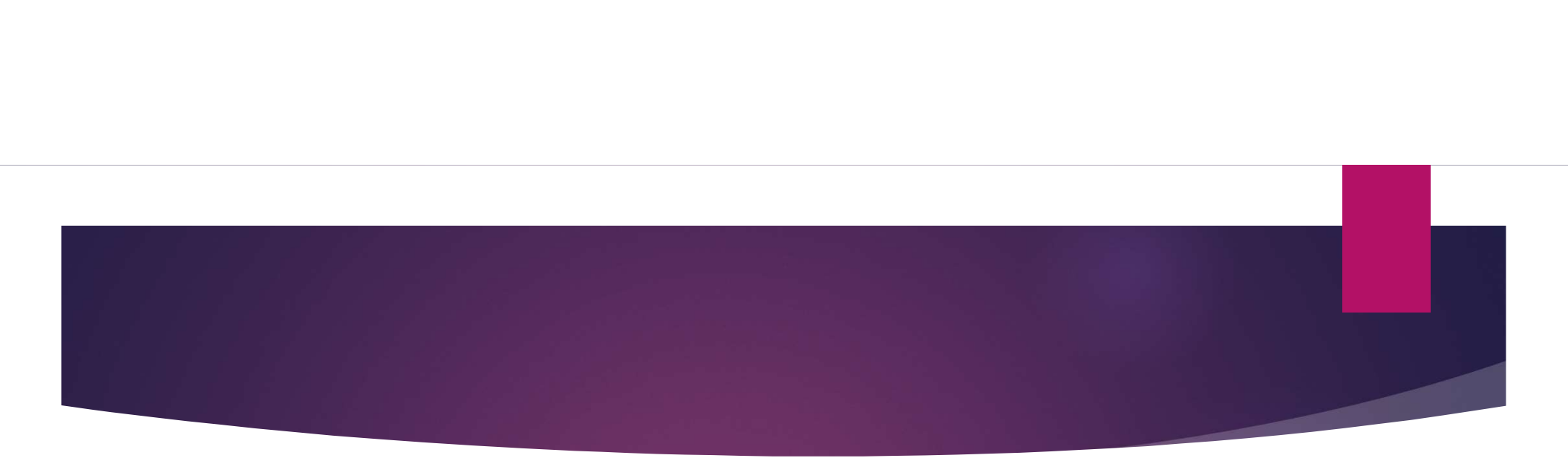
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- ▶ The legislature Has control over the Budget of the Executive.
 - ▶ 'No Taxation without representation' is a well known maxim of democracy.
 - ▶ The legislature is the representative body
 - ▶ Every year budget is to be passed by the legislature without its approval the executive cannot spend even a single 'Paisa'
 - ▶ In England and India the member of the parliament can impose a CUT on any demand on the budget but they cannot increase it.
 - ▶ Budget speech by the Finance minister is followed by the general discussion on the Budget. It passed by the Loksabha in the same manner as other Bill cannot introduced in the Rajya sabha . Rajya sabha has to return the bill with its recommendation within 14 days from the date of its receipts.

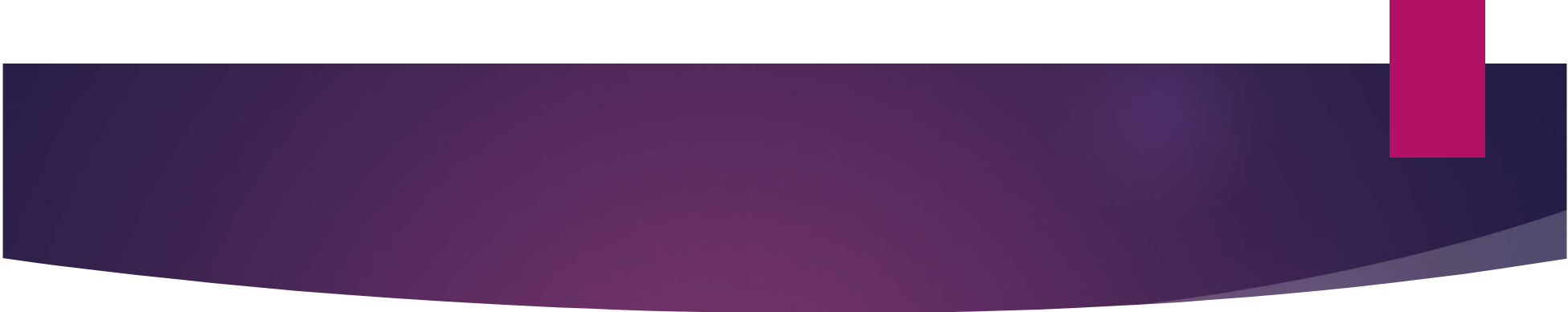
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- ▶ Regarding parliament at work in finance in Britain. According to Ogg and Zink involves four things.
 - ▶ To raise money, to distribute it under various heads, to criticize the way in which money is spent, to audit and check the accounts of the spending authorities.
 - ▶ In India the Constitution has provided for the appointment of the CAG by the President of India.
 - ▶ The money is spent according to the sanctions of the Union or State legi.
 - ▶ The A/C of the Union and State govt. are audited
 - ▶ The annual financial statements are prepared,

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- ▶ Then CAG submits his report to the President
 - ▶ Public Account committee , Estimate com.

Judicial or Semi Judicial Functions

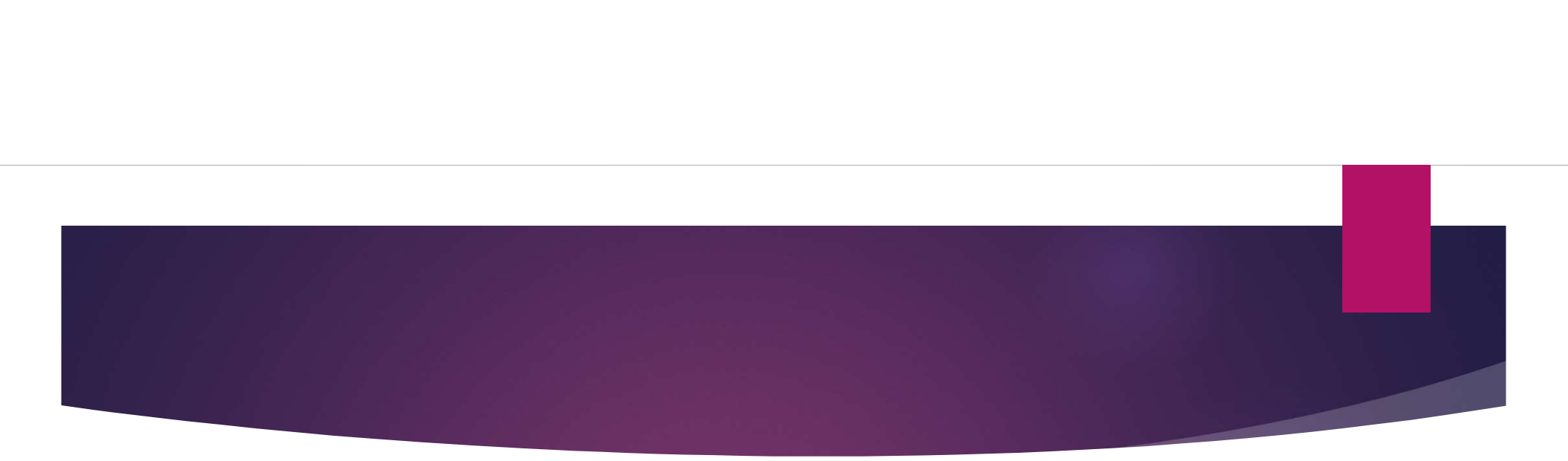
- ▶ To control indirectly
- ▶ To remove judges
- ▶ To control judicial activity through executive some extent
- ▶ To remove President and vice President

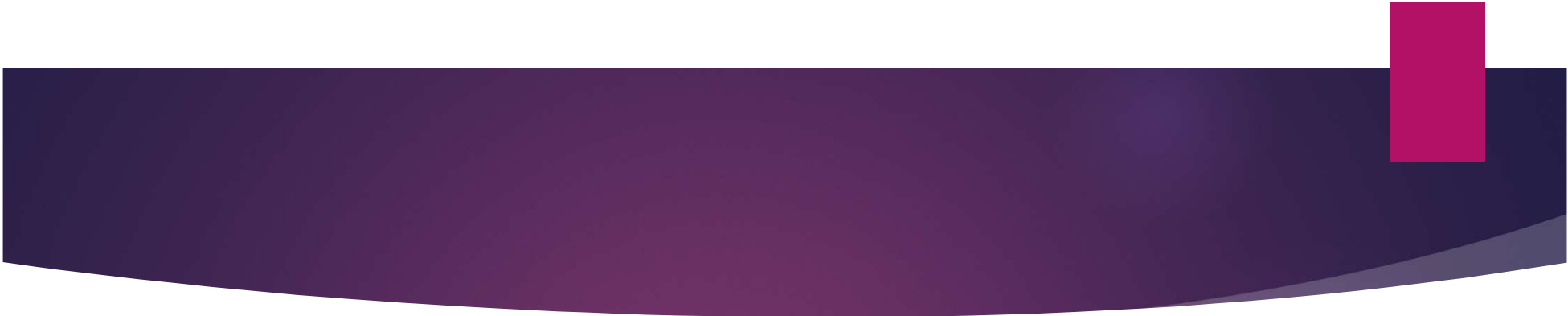
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- ▶ Judicial powers of the Parliament includes the power to impeach the President for violation of the Constitution.
 - ▶ The power to remove the judges of SC and HC on the grounds of proved mis-behavior and incapacity
 - ▶ Power to remove the Vice-President
 - ▶ Certain consequential powers are also vested in the parliament so to protect privileges and immunities vested in it.
 - ▶ It concludes the power of the legislature to punish any person, whether he is a member or not, for the breach of privilege or for contempt of the house.

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- ▶ So parliament and State legislature has also power to judge for themselves what is right and what is wrong.
 - ▶ Each house has also power to execute Warrant to punish a person who commits the contempt.
 - ▶ The legislature also has certain other consequential powers such as the power to compel the attendance of witness and to provide documents, the power to regulate its own procedure and conduct of business and power to exclude strangers from the house
 - ▶ In England the house of the Lord is Final court of appeal.
 - ▶ In Canada the upper house i.e. the Senate hears the divorce cases.
 - ▶ In Switzerland the Federal Assembly has the power to interpret the Constitution.

Electoral Functions

- ▶ **Indian parliament houses elect the president and vice president**
- ▶ **In Switzerland the Federal Legislature elects the members of the Federal Council and the Federal Tribunal**

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- ▶ A legislature usually performs some electoral functions. The two houses of the Indian Parliament elect the Vice president., president, the Judges.
 - ▶ In Russia the judges of the Supreme court are elected by the Parliament of that country.
 - ▶ In Switzerland also the members of the Executive and federal tribunal (Judiciary) are elected by the members of Parliament. (Federal Assembly)
 - ▶ The Lok sabha elects its Speaker and deputy speaker among its own members
 - ▶ The Rajya sabha has the right to elect its deputy Chairman from its members

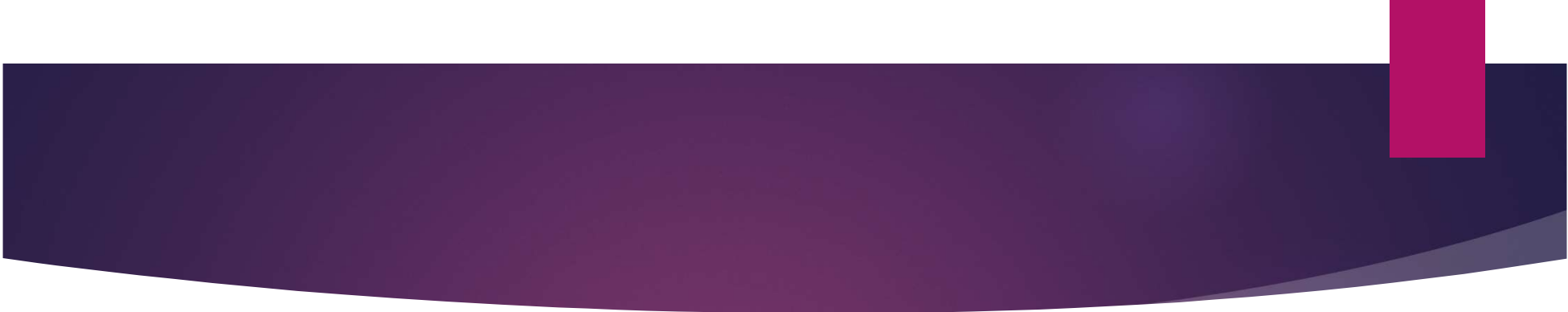
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- ▶ The laws to regulate the conduct of elections in the country are also made by the parliament.

Amendment of the Constitution

- ▶ In every democracy, the power to amend the Constitution rests with the legislature of that country.
- ▶ The only difference is that in some countries a similar procedure is adopted as that for the amendment of Ordinary laws.
- ▶ In some other countries a special procedure is adopted for that
- ▶ Art. 368 of Indian constitution that deals with the amendment of the Constitution.
- ▶ As per this article, Parliament may add, amend or repeal any provision of the constitution as per the procedure laid down.

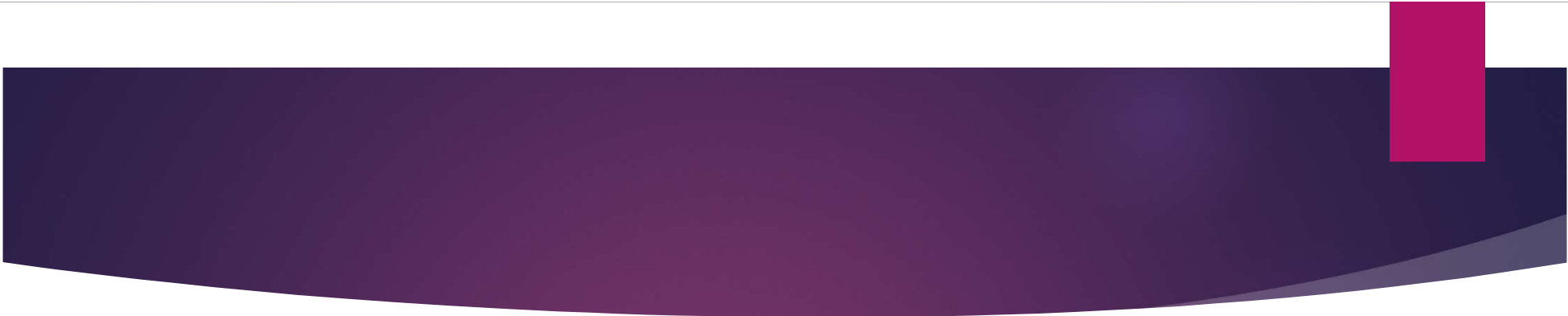
Procedure for Amendment

- ▶ A Constituent amendment bill can be introduced in any house of the Parliament.
- ▶ A bill for the purpose of amendment of Constitution can not be introduced in any State legislature.
- ▶ The ordinance making power of the president can not be used to amend constitution.
- ▶ A Constituin amend. Bill can be introduced both as a government bill or a private member bill.
- ▶ Prior recommendation pf President is not needed in introducing the const. amnd. bill

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- ▶ Constitution amnd. Bills are not treated as Money bills or financial bills.
 - ▶ A const. bill must pass both the houses separately by absolute (more than 50% of strength) and special majority (Two Third of present and voting)
 - ▶ If there is a disagreement between the two houses on a constitution amend. Bill, there is no provision of joint sitting to resolve the deadlock.
 - ▶ The bills which result in some changes in the Const. But passed by simple majority. Are not deemed to be const. amendments.
 - ▶ If a bill seeks to amend the Federal provisions of the const., it must also be ratified by the legislatures of Half of the States by a simple majority

Special Majority required

- ▶ Admission of establishment of new states.
- ▶ Formation of new State and alteration of areas , boundaries or names of existing states.
- ▶ Abolition or creation of legislative councils in States.
- ▶ Changes in the requirements of quorum in Parliament
- ▶ Salaries and allowances of the members of Parliament
- ▶ Changes that need to redefine number of the judges of SC
- ▶ Changes in election to Parliament and State legislature, delimitation
- ▶ Changes in Schedule areas (5th)
- ▶ Tribal areas (6th)

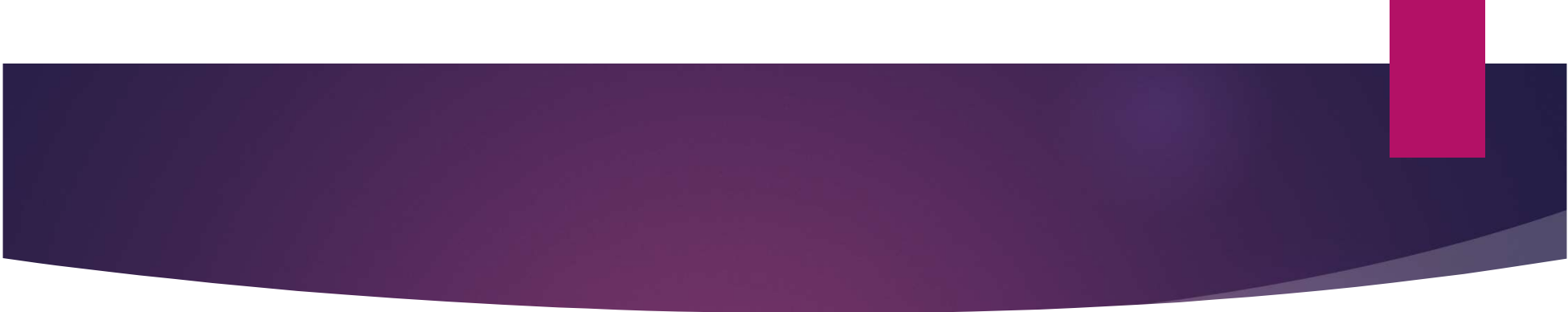
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- ▶ Once the bill is passed in both houses, the bill is sent to President for approval
 - ▶ The 24th Amen. Act of 1971 had made it obligatory for the President to give his assent to a const. amend. Bill
 - ▶ Thus President cannot hold withhold his assent nor return the bill for reconsideration.
 - ▶ Bills w

Ventilation of Grievances

- ▶ It is the highest forum for ventilation of public grievances against executive
- ▶ It acts as national forum for expressing public opinion and grievances
- ▶ Parliamentary debates and discussions throw a flood light over various issues of public importance

Power -

- ▶ In Parliamentary system-
- ▶ It often has much less power than the lower house
- ▶ In certain countries the Upper House votes on only limited legislature matters, such as constitutional amendments.
- ▶ It cannot initiated legislation (money)
- ▶ It cannot vote a motion of no confidence against the govt., while lower house always can

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- ▶ Presidential-
 - ▶ It may have equal or nearly equal power with the lower house
 - ▶ It may have specific powers not granted to the lower house.
 - ▶ It may have give advice and consent to some executive (appointments of cabinet ministers, judges or ambassadors)
 - ▶ It may have the sole power to try impeachments against officials of the executive)
 - ▶ It may have sole power to ratify treaties.

▶ **Parliamentary-**

- ▶ In this systems the Upper house is frequently seen as an advisory or revising chamber, for this reason, its power of direct action are often reduced in some way.
- ▶ Some restrictions are often placed on upper house.
- ▶ Lack of control over the executive branch. No absolute veto of proposed legislation, though suspensive veto's are permitted in some sates.

- ▶ **Presidential-**

- ▶ This , the upper house is frequently given other powers to compensate for its restrictions
- ▶ Executive appointments to the cabinet and other offices, usually require its approval

- ▶ **Parliamentary=**

- ▶ In the modern era, parliamentary system has much more power, usually based on restrictions against the upper house.

▶ **Presidential-**

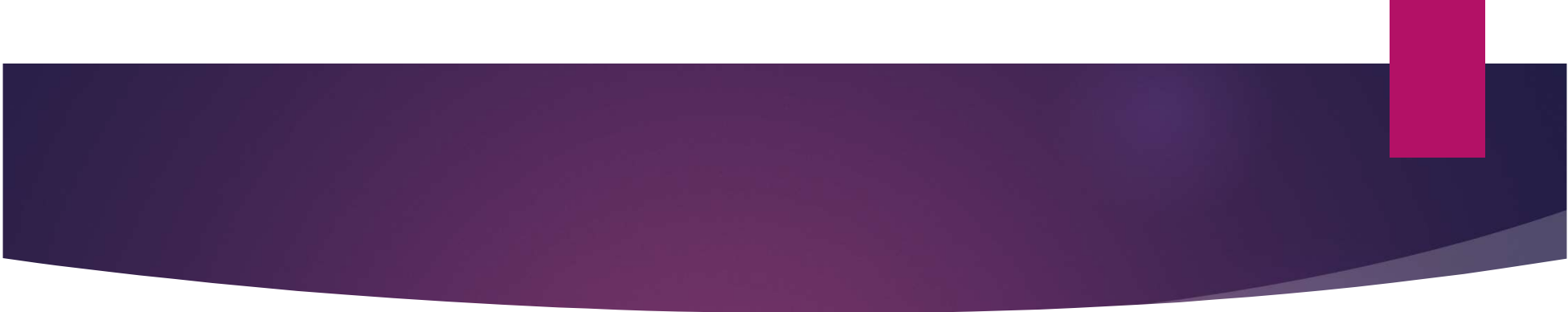
- ▶ Debatably somewhat less, the lower house also has exclusive powers in some areas.
- ▶ Given the sole power to impeach the executive, bills to raise revenue and to appropriate funds must originate in the power house.

Types of Legislature

- ▶ **Bi-cameral Legislature**
- ▶ **Uni-cameral Legislature**

Bi-cameral Legislature

- ▶ Bicameralism means two houses of legislature
- ▶ A large number of modern legislature particularly big states have bicameral legislatures
- ▶ In Bicameralism the first house is usually called the lower house, and the second house is called the upper house.
- ▶ India, USA, UK, France, Russia, Switzerland, Australia

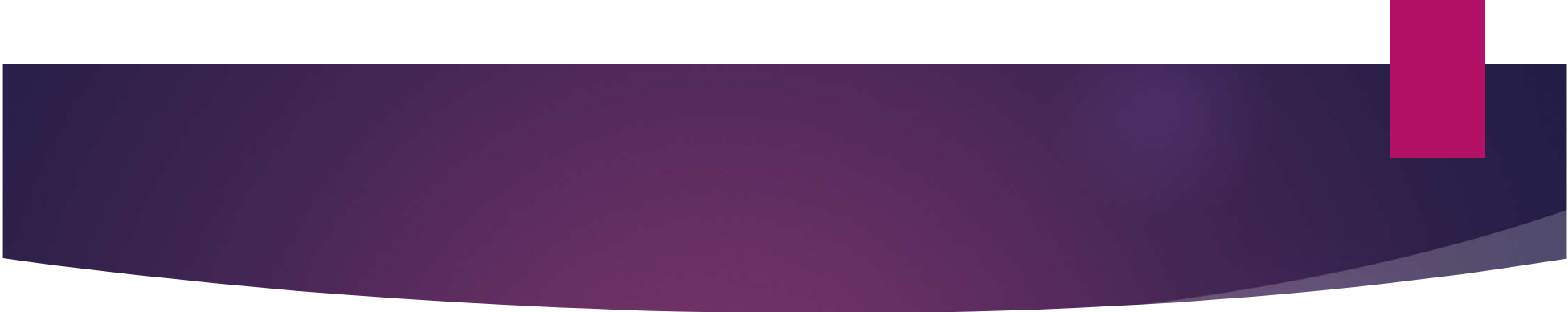
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- ▶ As of 2015, fewer than half the world's national legi. Are bicameral.
 - ▶ Several states, mostly the small staes and provinces of a federal system, have unicameral legi.
 - ▶ India , Loksabha-lower, Rajya sabhaa- upper
 - ▶ Usa House of Representative
 - ▶ UK-H. of Commons- lower, House of Lords-Upper
 - ▶ France- National Assembly-lower, Senate-upper
 - ▶ Switzerland- National Council-lower, Council of states-upper
 - ▶ Australia-H.of Re[resent. -lower, Senate-upper
 - ▶ Russia- state Duma-lower, federation council- upper

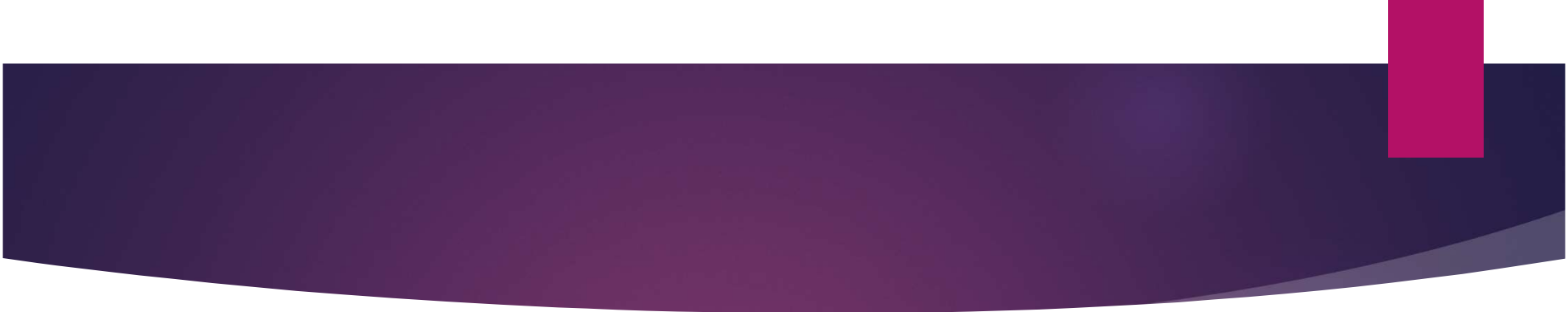
Bicameralism

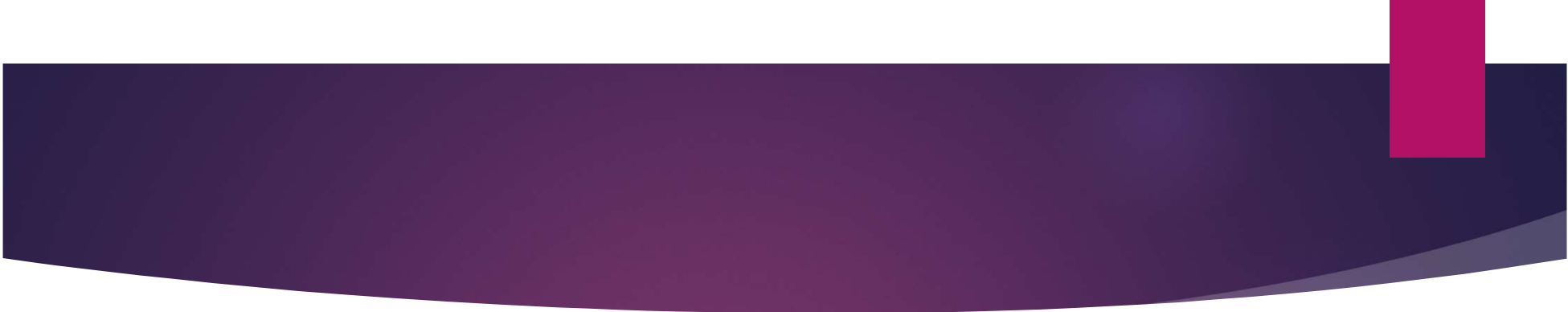
- ▶ A Bicameral legislature simply refers to a particular body of government that consists of two legislative houses
- ▶ The overall purpose behind bicameral legislature is to provide for representation for both for the citizens of a country, as well as the state legislatures on federal level or in the central govt. of a nation

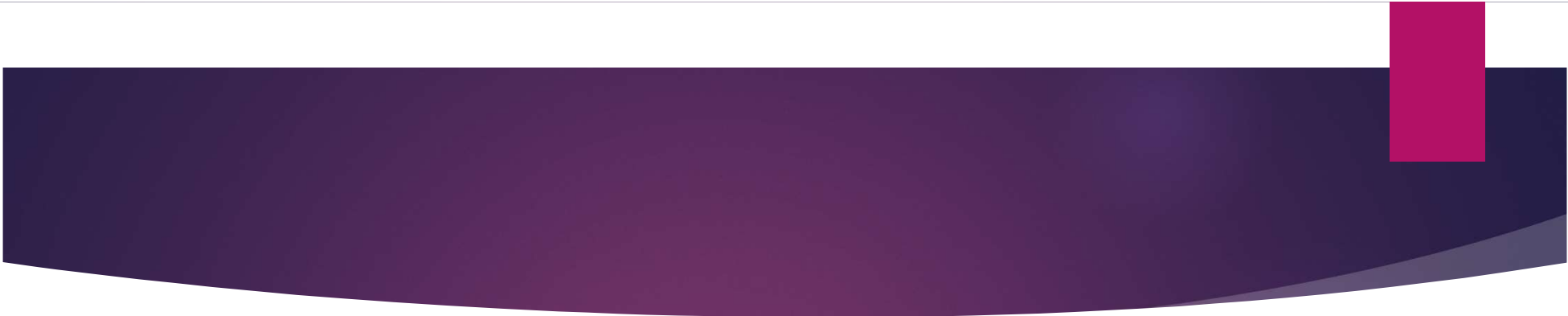
Bicameral Legislature -History

- ▶ There are two inherent argument over the function and purposes for a bicameral legi.
- ▶ 1. often occurrence of **deadlocks** in this particular system as deterrent to passing important political reforms. Making more difficult to achieve.
- ▶ 2. other argue that the bicameral legi. Is necessary **to maintain an effective system of checks and balances**, which will prevent from legislation being enacted into law that would unfavorable affect a certain faction or gov. or its people.

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- ▶ The ideas that formed the basis of bicameralism trace back to theories developed in **ancient Sumer, ancient India, later ancient Greece, and Rome**
 - ▶ However, recognizable bicameral institutions first arose in **Medieval Europe**, associated with **separate representation of different** estates of the realm.
 - ▶ For example- one house represented the **aristocracy** and the other the **commoners**, as in the Kingdom of England
 - ▶ Others, such as **France** under the Ancient Regime had a **tricameral legi**. Known as the estates general, which consisted of separate chambers for **the clergymen, the nobility and the commoners**.

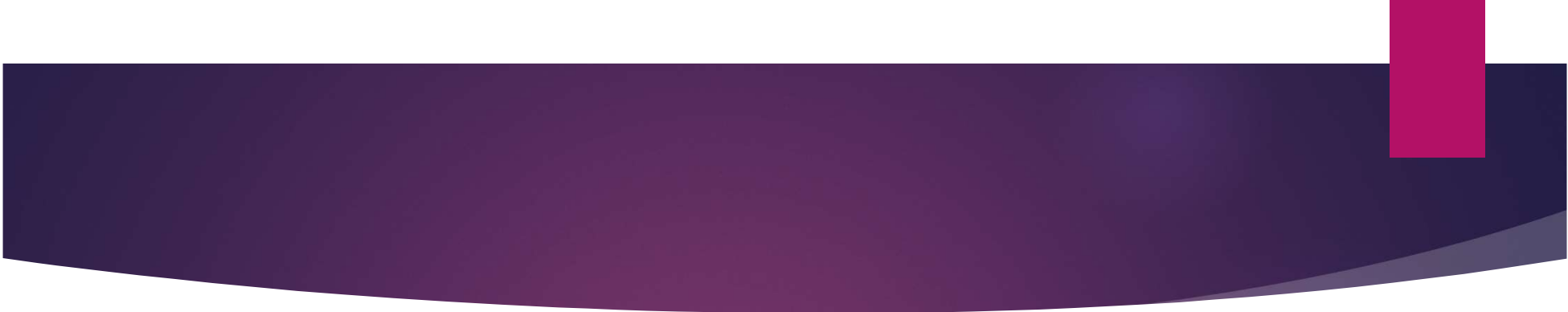
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- ▶ Founding Fathers of the **US** also favored a bicameral legi.
 - ▶ The idea was to have the **Senate be wealthier and wiser.**
 - ▶ Benjamin Rush saw this though, and noted that, 'this type of dominion is almost always connected with opulence'
 - ▶ The Senate was created to be a **stabilizing force**, elected not by mass electors, but selected by the **state LEGISLATORS.**
 - ▶ Senators would be more **knowledgeable and more deliberate-** a sort of republican nobility- and a counter to what Madison saw as the 'fickleness and passion' that could absorb the House.

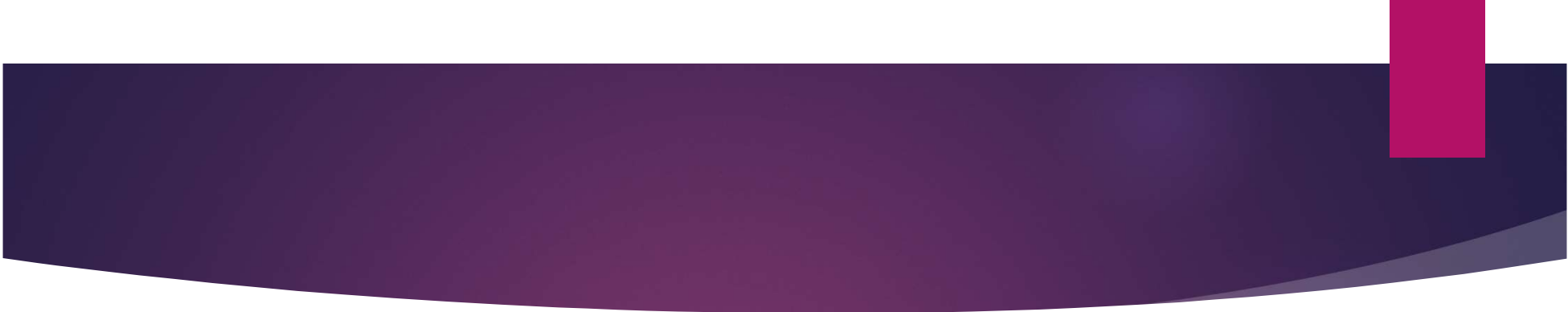
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- ▶ He noted further that, 'The use of the Senate is to consist in its proceeding with more coolness, with more system and with more wisdom, than the popular branch'
 - ▶ Madison's argument led the framers to grant the Senate prerogatives(special rights) in foreign policy, an area where steadiness, discretion, and caution were deemed especially important
 - ▶ In 1913, the 17th Amendment passed , which mandated choosing Senators by popular vote rather than State legislatures.
 - ▶ So by relationally the Senate had states represented equally, and the House had them represented by population

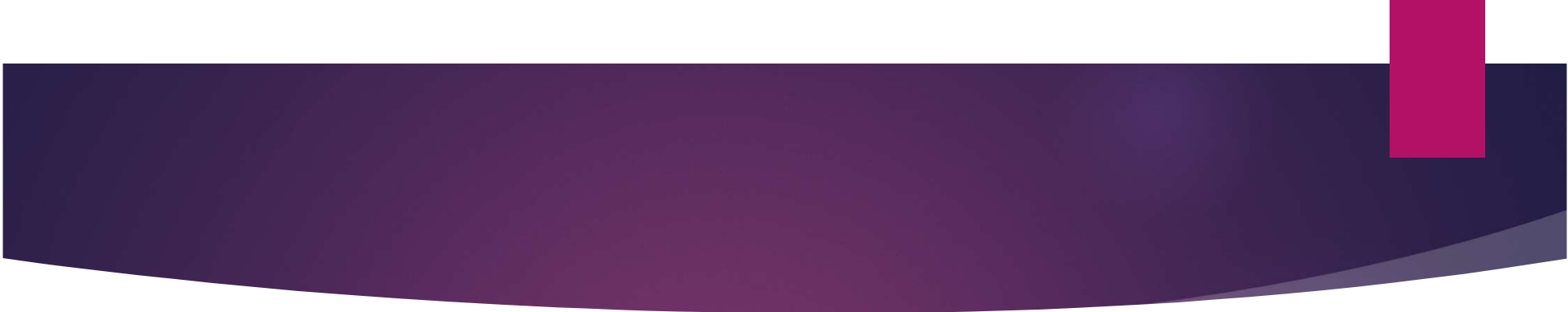
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- ▶ The British Parliament is often referred to as a smother of Parliaments – nominal – ceremonial head- two houses.

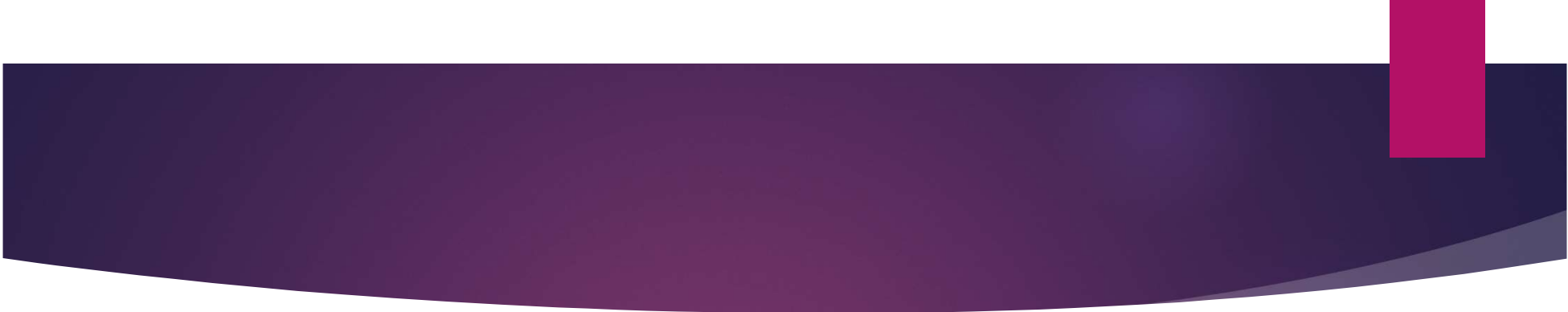
Arguments in Favor of a Bicameral or Against Unicameral

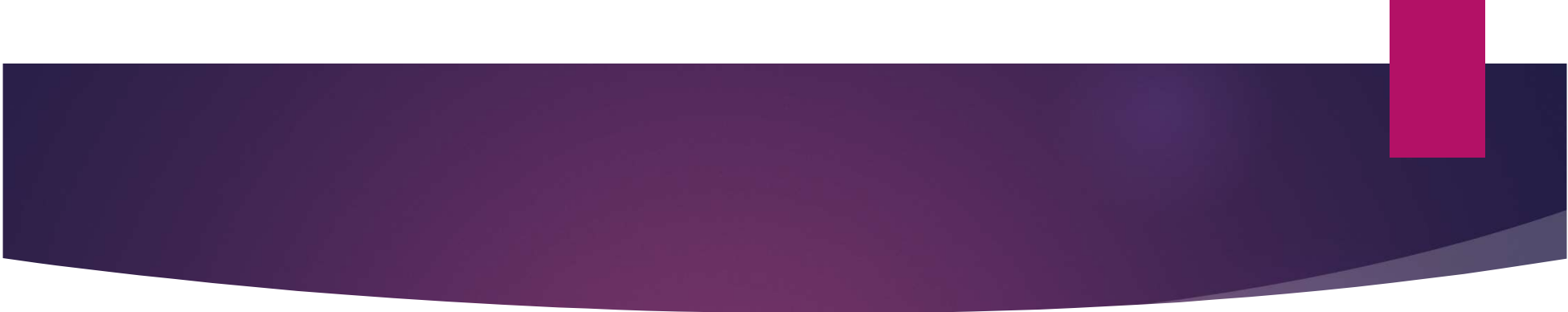
- ▶ 1. Second Chamber is a Safeguard against the Despotism of a Single Chamber-
- ▶ It is essential for preventing the first house from becoming arbitrary and despotic.
- ▶ The second chamber is needed for keeping it away from being arbitrary and despotic.

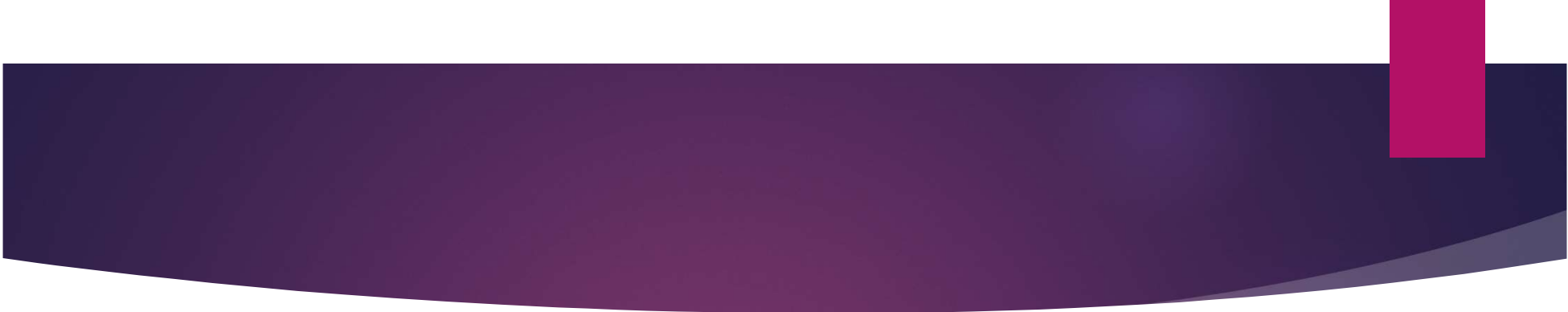
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- ▶ 2. Second Chamber is essential for preventing Hasty and ILL- Considered Legislation-
 - ▶ It prevents the passing of hasty and ill-considered legislation by a single chamber.
 - ▶ With a view to satisfy mass passions and demands, the single chamber can commit the mistake of passing ill- considered measures in a haste, which can subsequently be a source of big harm to the national interests.
 - ▶ The Second chamber prevents or at least considerably limits such chances.
 - ▶ It exercises a checking and modifying influence on the bill passed by the first house.

- 
- ▶ Second Chamber acts as a Revising Chamber-
 - ▶ The legislative work in the modern welfare state has become highly complex and technical.
 - ▶ It demands a deep and careful examination of all aspects of the measures which are to be enacted into laws.
 - ▶ It preforms the role of a reviser..
 - ▶ 'When deliberations have to be done, two heads are better than one.'

- 
- ▶ It Lessens the Burden of the First House-
 - ▶ The emergence of **welfare state** has produced a manifold increase in the **scope of law-making**.
 - ▶ A modern legislature has to pass **a large number of laws**.
 - ▶ Under the circumstances , a legi. With a single chamber can **fail to effectively pass all the legislative work**.
 - ▶ The second chamber is needed for **sharing the legislative work**.

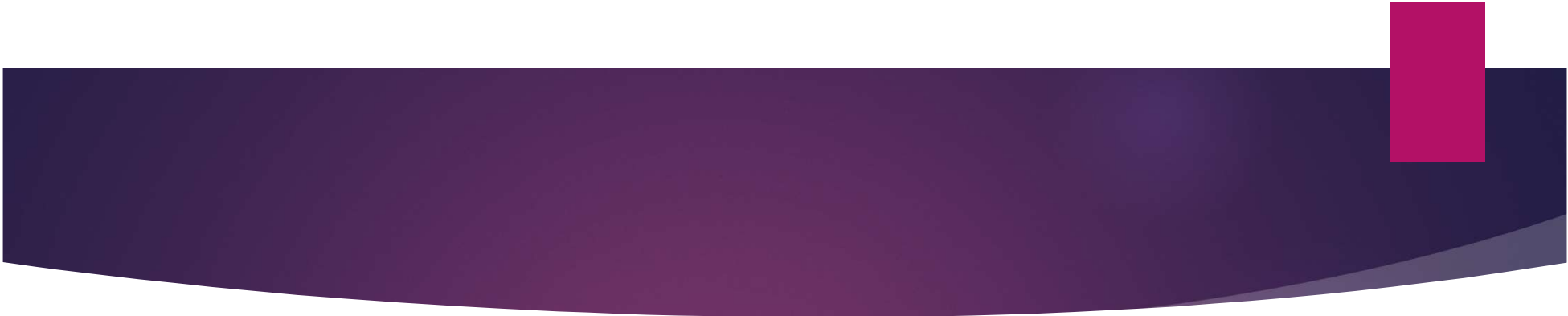
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- ▶ Two houses Better represent Public Opinion.-
 - ▶ The two houses can together correctly act as the barometer of public opinion.
 - ▶ A single house can grow out of tune and fail to keep in harmony with public opinion.
 - ▶ The second house chosen at a different time can help the legi. In overcoming the above effect.

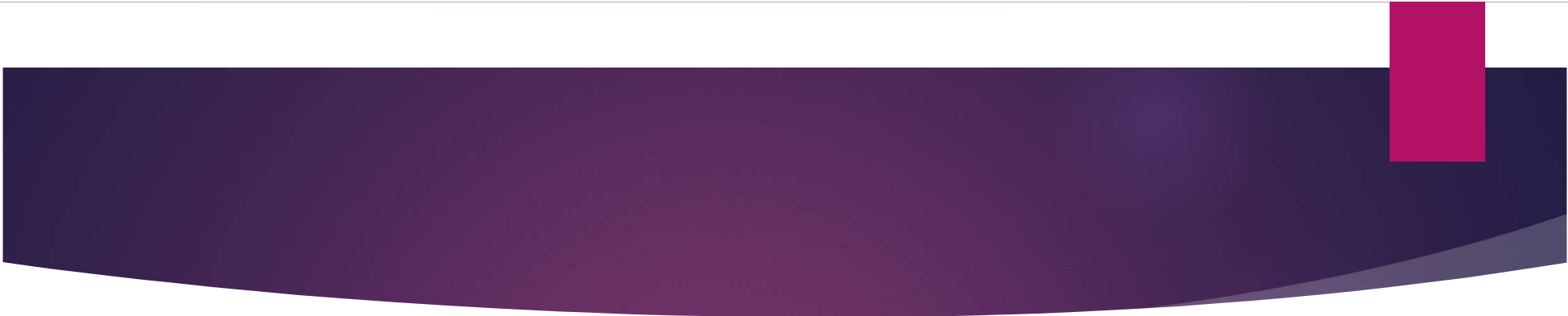
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- ▶ Essential for giving Representation to Special interests-
 - ▶ The second chamber provides a convenient means for giving representation to different classes and interests which need representation.
 - ▶ The lower chamber can consist of the **elected** representatives of the people as whole, and the upper house can give representation to the **minorities and special interests and groups like the Labor, women, scientists, artists, teacher, intellectuals, writers, chambers of commerce.**

- 
- ▶ Delay is Useful-
 - ▶ The critics of the second chamber often argue that it is a source of delay in the passing of laws.
 - ▶ Undoubtedly, the passing of laws by two houses leads to some delay.
 - ▶ However , this delay is very useful. It helps the crystallization of public opinion on all bills before they become laws.
 - ▶ The existence of second chamber acts as a source of delay between the introduction and final adoption of a law and thus permits time for reflection and deliberation.

► Essential for a federation-

- A bi-cameral legi. Is considered essential for a federal system.
- In such system, the lower house gives representation to the people of the state as a whole and the upper house gives representation to the units of the federation.

- 
- ▶ Instrument for utilizing the Services of the Able and the Experienced Persons-
 - ▶ A second chamber makes it possible for the state to use the political and administrative ability of such people, who for certain reasons are not in a position, or are not willing to enter the lower house through elections.
 - ▶ It help the induction of experience and ability into the legi.

- 
- ▶ Second Chamber is a Source of Stability-
 - ▶ The second chamber can be given a longer and continuous term for securing stability.
 - ▶ The lower house, being the representation of the people has to be given a shorter tenure.
 - ▶ As against this, the second chamber can be given a longer tenure and permanent or quasi- permanent character for ensuring some stability.
 - ▶ It has been due to such a consideration that a member of Indian Rajya Sabah ha six years tenure and this house has a quasi-permanent character – it is never dissolved as a whole and only one third of its members retires after every two years.

▶ **Historical Support-**

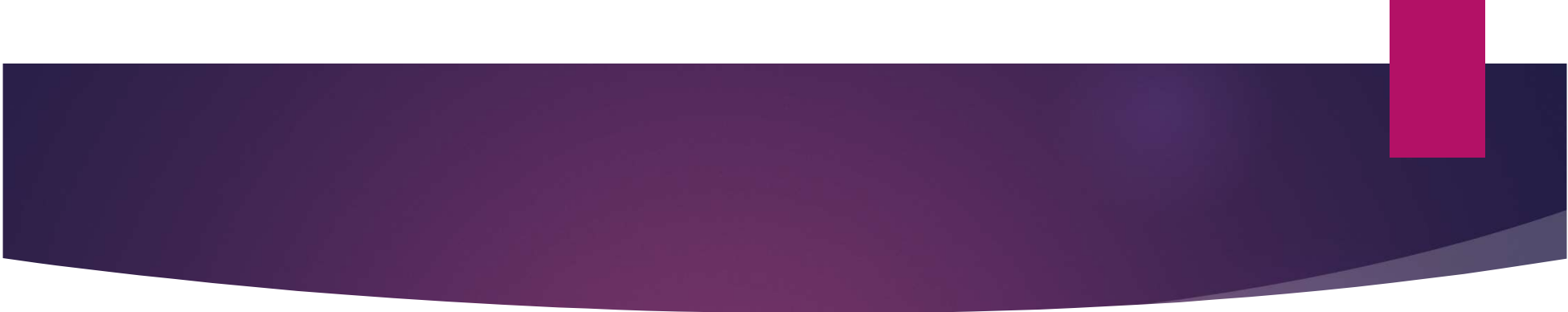
- ▶ History supports the case in favor of bicameralism.
- ▶ The **successful working** of bicameral legislatures. In various states of the world is an accepted fact.
- ▶ No major state , whatever its form of its govt. has been willing to dispense with the second chamber.
- ▶ 'The experience of history has been, in favor of two chambers.
- ▶ It is not wise to disregard the lesson of history'

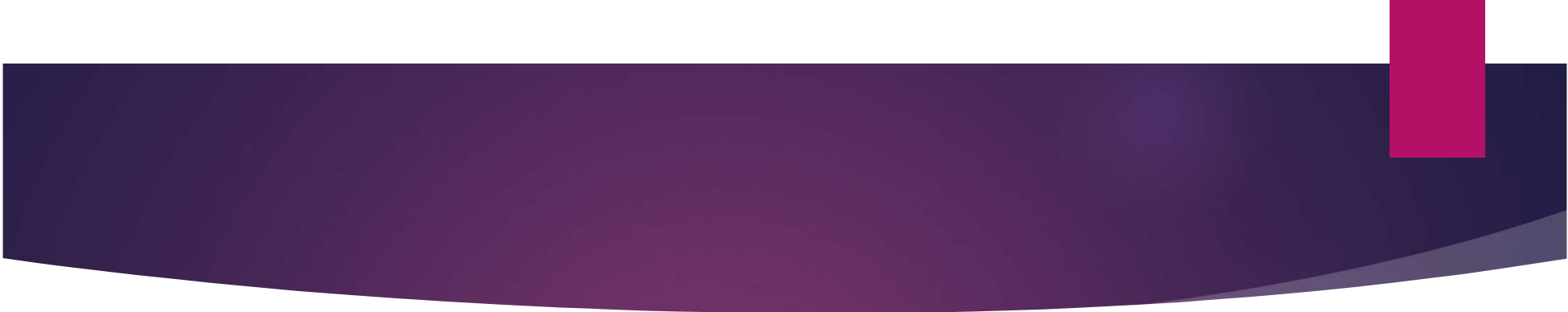
Unicameral Legislature

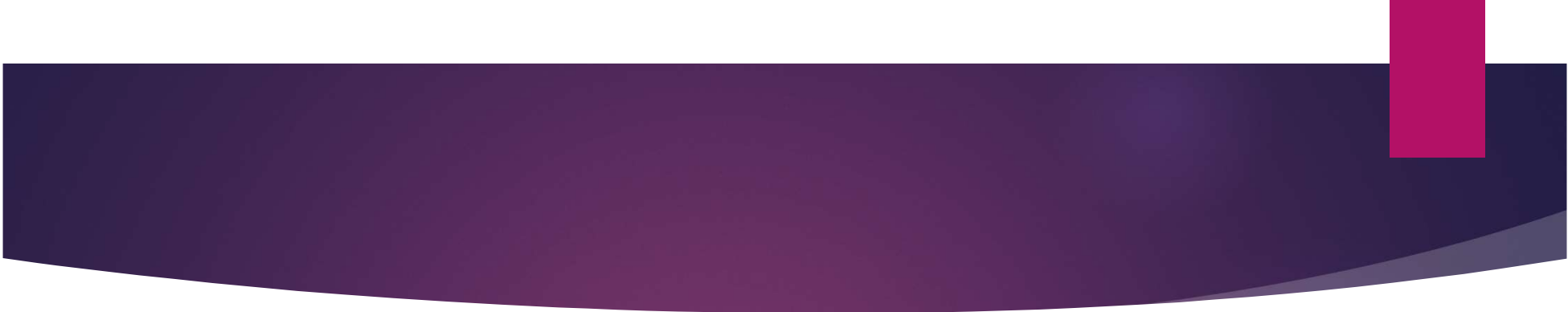
- ▶ Unicameralism means a legislature with a single house
- ▶ In several states mostly the small states and provinces of a federal system have unicameral legislatures
- ▶ **China, New Zealand, Zimbabwe, Turkey, Portugal etc.**
- ▶ The state legislatures of all the **Canadian and Swiss cantons are unicameral**
- ▶ In India 6 states and 2 union Territories have unicameral legislatures....

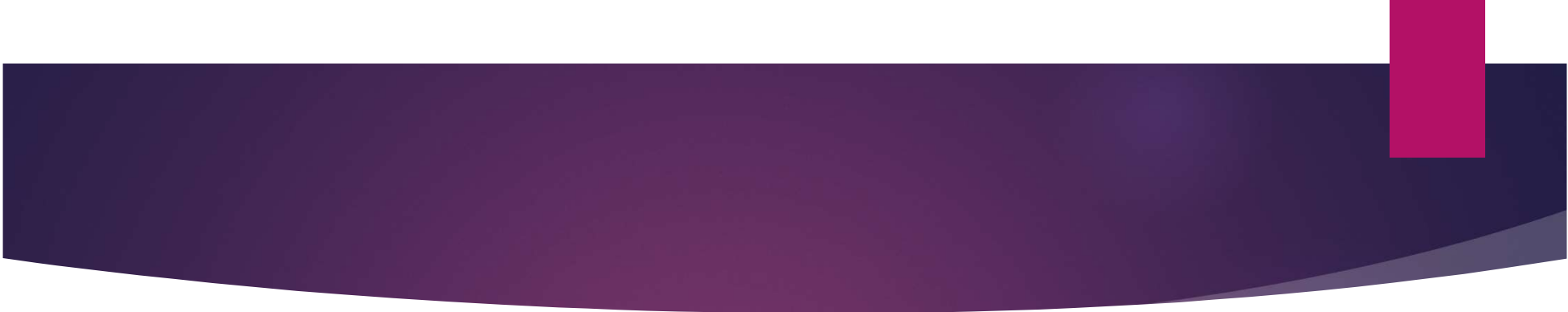
Arguments against Bicameral or in Favor Unicameral Legislature

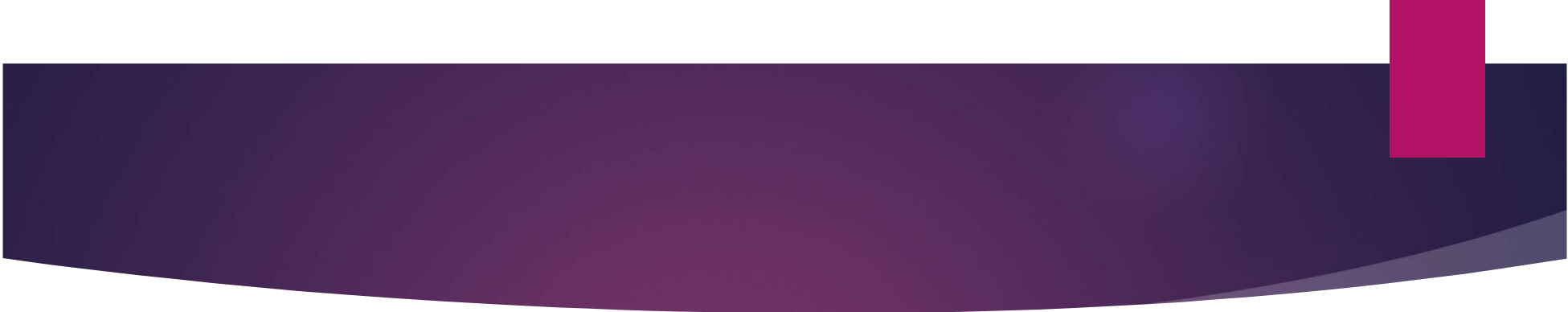
- ▶ The critics of Bi- cameralism and supporters of Uni-cameralism , reject the thesis that **second chamber is essential**.
- ▶ They oppose it as a **superfluous chamber** which always results into more disadvantages than advantages ,

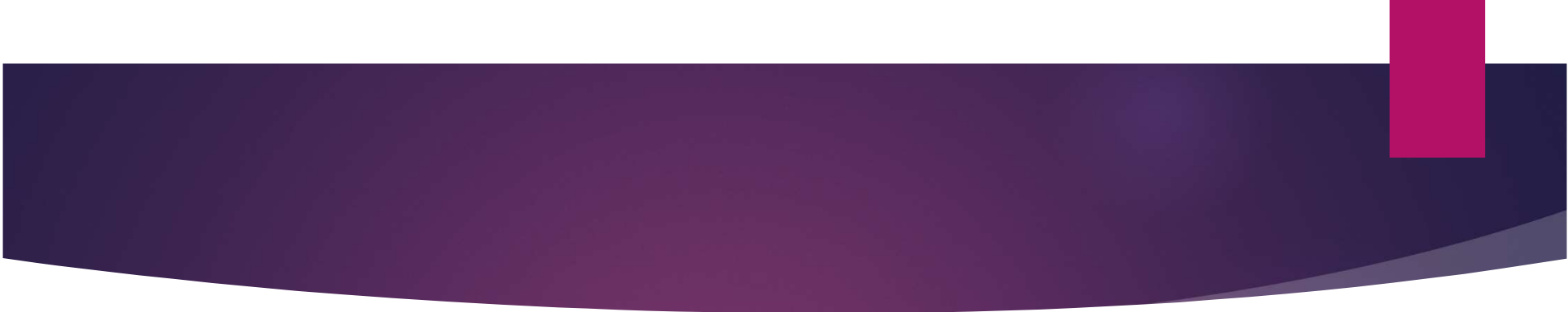
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- ▶ Two Chambers Confuse Public Opinion-
 - ▶ The critics argue that public opinion is one and can be represented by a single chamber.
 - ▶ Sovereignty is one. People are sovereign.
 - ▶ Their will is one and cannot be divided.
 - ▶ They are best represented by a single chamber.
 - ▶ Two chambers confuse public opinion, particularly when one chamber disagrees with the second chamber.

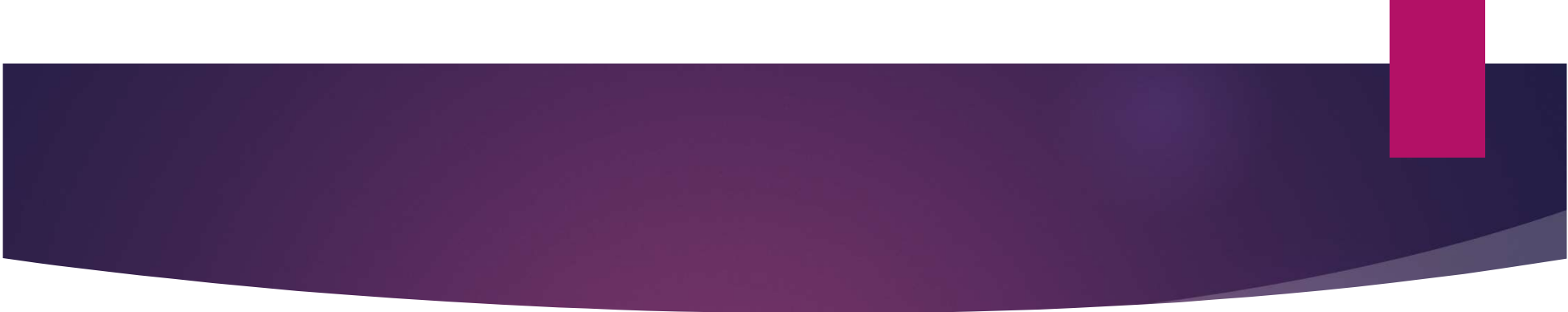
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- ▶ Second chamber is either Mischievous or Superfluous-
 - ▶ Abbie Sieyes holds that the second chamber is either mischievous or superfluous
 - ▶ If the second chamber **dissents from the first**, it is mischievous , if it agrees with it, it is superfluous.
 - ▶ This argument assumes that **the popular will is** represented by the lower house.

- 
- ▶ Problem of Organizing the Second Chamber-
 - ▶ It is a universal rule is that the first house should be a directly elected representative house of the people.
 - ▶ However, there exists no consensus regarding the organization of the second chamber.
 - ▶ Different bases have been adopted by different states, but the results have been not encouraging.
 - ▶ The hereditary and nominated character of the British House of Lords has made it a secondary and almost useless house.
 - ▶ The US Senate , because of its small size and long tenure, has become more powerful than the US House of Representatives.

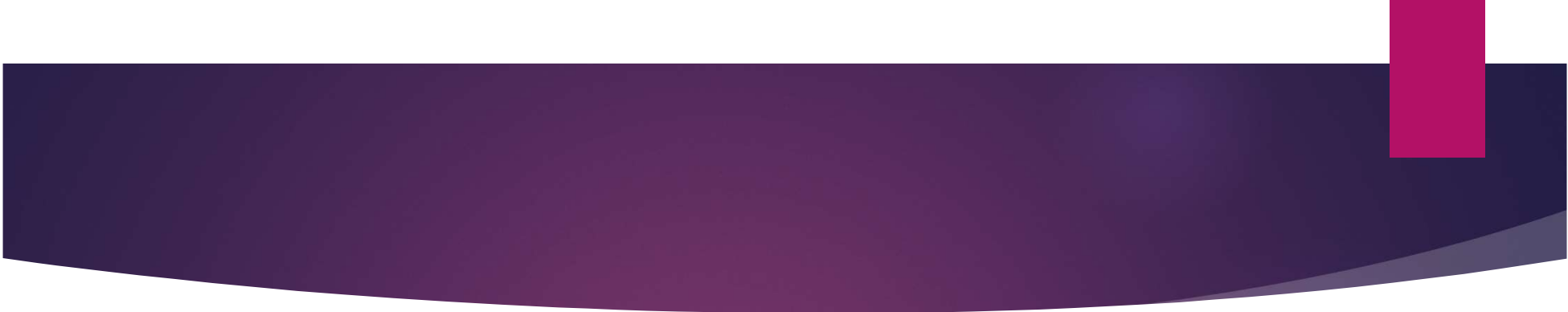
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- ▶ The Indian experiment of **striking a balance**, by making the Rajya Sabha neither as powerless as the **British House of Lords** nor as **powerful as the US Senate**, has also failed to produce the desired results.
 - ▶ The Rajya Sabha has not been successful in exercising desired control or in **sharing the burden of the Lok Sabha**.
 - ▶ As such there **exists no sound method for organizing** the second chamber.

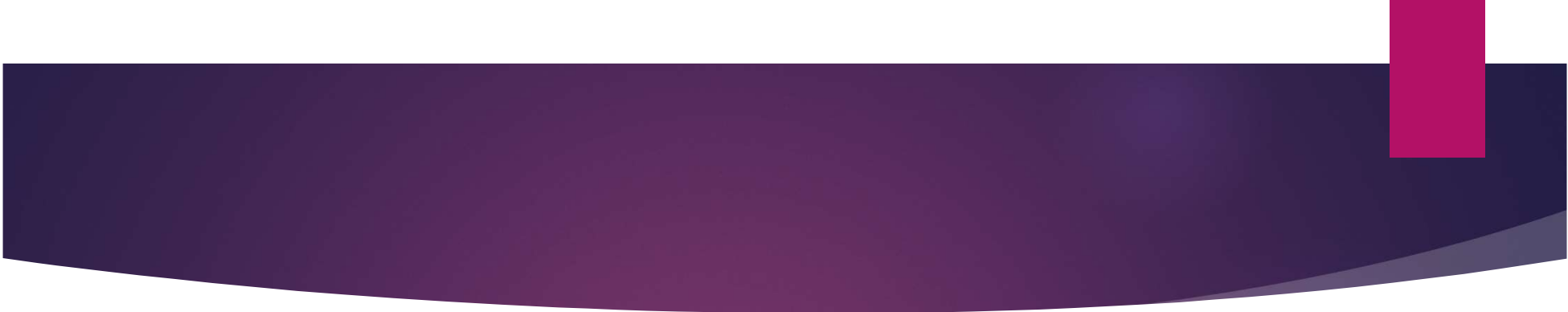
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- ▶ No Law is passed in a Hurry-
 - ▶ In the prevailing system of law making in which a bill has to go through **several stages** before getting a place in the statutes book, there is no need for a second house.
 - ▶ The system of law making as it operates **today eliminates the chances of ill considered** and hasty legislation by a single chamber.
 - ▶ Hence , the second chamber is not needed.

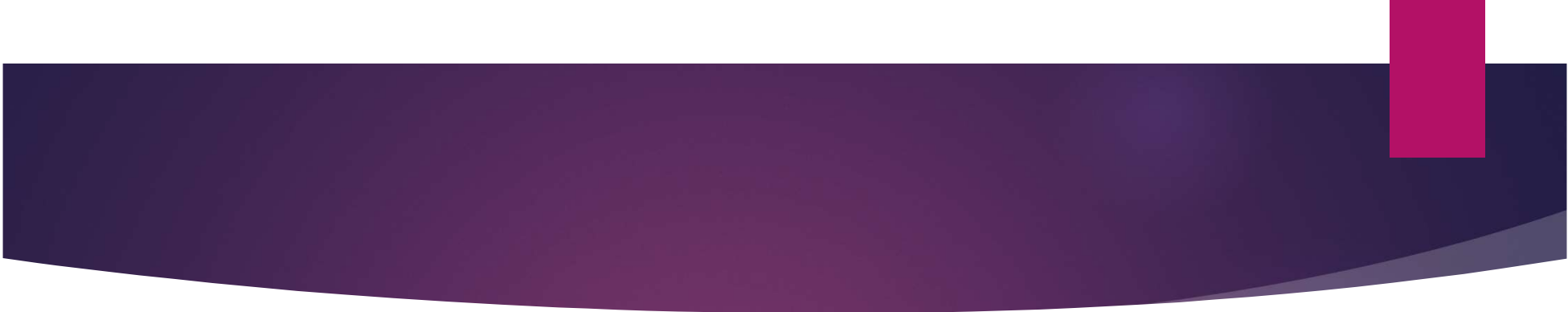
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- ▶ Source of Delay in Legislation-
 - ▶ The second chamber is always a source of unwanted delay.
 - ▶ A bill has to pass through several stages in the first house before getting passed
 - ▶ When it goes to the second chamber , it has to gain pass through a similar process.
 - ▶ It causes unwanted and harmful delay.
 - ▶ In this process the legislation gets unnecessarily delayed.

- 
- ▶ Revision of the Bill by second chamber is Unnecessary and Useless-
 - ▶ The critics of bi-cameralism reject the argument that the second house is needed for revising the bill. They argue:
 - ▶ 1 the revision is unnecessary because the bill is revised thrice by the first house before it is passed
 - ▶ 2 the emergence of well organized committee system has made the revision of the bill by second house redundant; and
 - ▶ 3 since all discussion in the second house too are held on party lines, no really objective or additional revision is done during the discussion.
 - ▶ As such , there is neither the need for nor any use of the so called revision done by the second house.

- 
- ▶ The second Chamber is not in a position to check the Despotism the First House-
 - ▶ The opponents of second chamber hold , that in actual practice, the second chamber is never in a position to check the so called despotism of the first chamber.
 - ▶ It merely works as **delaying house** or a slowing-down chamber.
 - ▶ The Indian Rajya Sabha can **only delay a money bill** for 14 days only and an ordinary bill for a little longer duration.

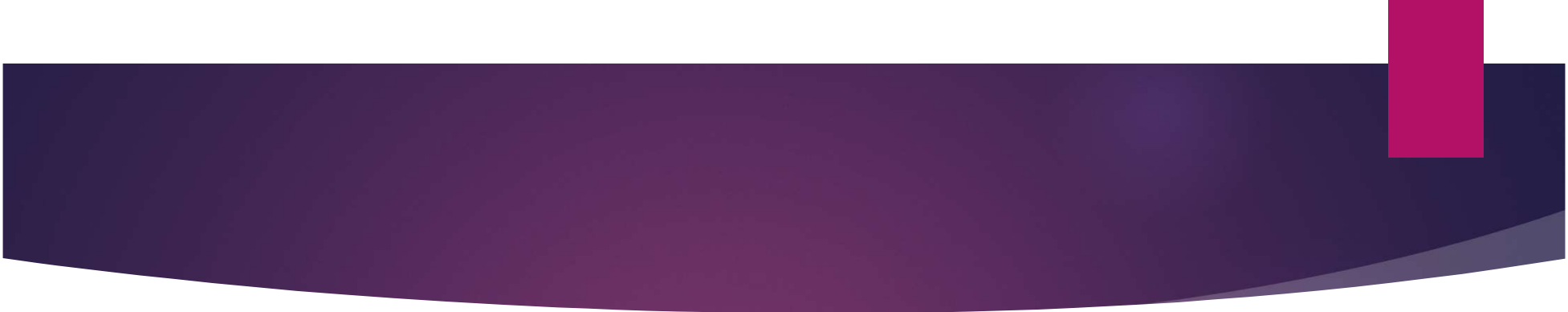
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- ▶ Second Chamber is Mostly a Conservative and Reactionary Chamber-
 - ▶ It is alleged by the critics of the second chamber that it is generally citadels of reaction and conservatism.
 - ▶ It acts as a brake on the wheels of democracy.
 - ▶ The practice of giving representation to minorities and special interests makes the second chambers reactionary and conservative houses.
 - ▶ The second chamber is usually dominated by the rich businessmen, capitalists, landlords, and the 'elitist' sections of society.

- 
- ▶ Special Interest can be represented in the First House-
 - ▶ The supporters of unicameralism advocate that the special interests of minorities and weaker sections of society can be given representation in the lower house **without any loss**.
 - ▶ This can be done without **disturbing the nature and character** of the membership of the house as determined by the people through elections.

- 
- ▶ Second Chamber is not essential for a Federation-
 - ▶ The importance of second chamber as the representative of the units of a federation has also lost its relevance because of the **role of political parties in the political system**.
 - ▶ Political parties now **dominant the entire political** life of every state – federal as well as unitary or non- federal
 - ▶ Since every election is **fought on party basis**, the second chamber too represents **party interests** and not the units of federation.

▶ Increased Expenses-

- ▶ The existence of two chambers means more burdens on the finances of the state without much use, because the second chamber almost always fails to perform its due role in the legislative process.
- ▶ The second chamber entails heavy expenditure and renders no useful purpose.

- 
- ▶ On the basis of all these arguments, the supporters of uni-cameralism strongly advocate the case for single chamber legislatures.
 - ▶ They reject bi-cameralism as unnecessary ,less-useful, and an unwanted expensive system in which seriously limits the legislative work.

Conclusion

- ▶ After examining both sets of arguments, we can conclude that the case in favour of a bicameral legislature is **qualitatively stronger** than the case for uni-cameralism.
- ▶ It can be stated that the national legislatures should be bi-cameral because of the **importance of the work** that these have to undertake.
- ▶ In the case of federation also, it is more advantageous to have a bicameral legislature than a uni-cameral one.
- ▶ The second house as the **representative of the federal units** serves as a source of strength for the health of a federal state.

Merits of Bicameralism

- ▶ It safeguards against the Despotism of a single Chamber
- ▶ Checks on Hasty and ill considered legislation
- ▶ It act as a Revising Chamber
- ▶ Lessens the burden of the First house
- ▶ Better represents Public Opinion
- ▶ Essential for giving Representation to Special Interests
- ▶ Delay is Useful
- ▶ Essential for a Federation

Demerits of Bicameralism

- ▶ Two chambers confuse public opinion
- ▶ Second chamber is Superfluous
- ▶ Problem of organizing the Second chamber
- ▶ No Law is passed in a Hurry
- ▶ Source of Delay in Legislation
- ▶ Unnecessary system for revision of bill
- ▶ Second chamber mostly conservative and reactionary chamber
- ▶ Special interest can be represented in the First House

Decline of Legislature

- ▶ When Lord Bryce was putting together some general conclusions and observations about legi. In his enormous book 'Modern Democracies' he entitled one chapter 'the Decline of legislatures' and he followed it with a chapter called 'the pathology of Legislatures'



The concept of Welfare State

- ▶ The two wars, economic depression and complex problems of modern life converted all states into welfare states
- ▶ The concept of social welfare has strengthened the hands of the executive
- ▶ The executive has become a multi-functioning organ
- ▶ The rise in the power of the exe. Has led to corresponding decline in the powers of the legi.

Development of Science and Technology

- ▶ The development of science and technology has made the society complex
- ▶ So complex laws are necessary to tackle social problems
- ▶ The modern legislatures, being composed of amateur politicians, lacks scientific and technical knowledge
- ▶ Therefore , it makes laws in broader principles and delegates some legislative powers to the executive



Rigidity of the Party System

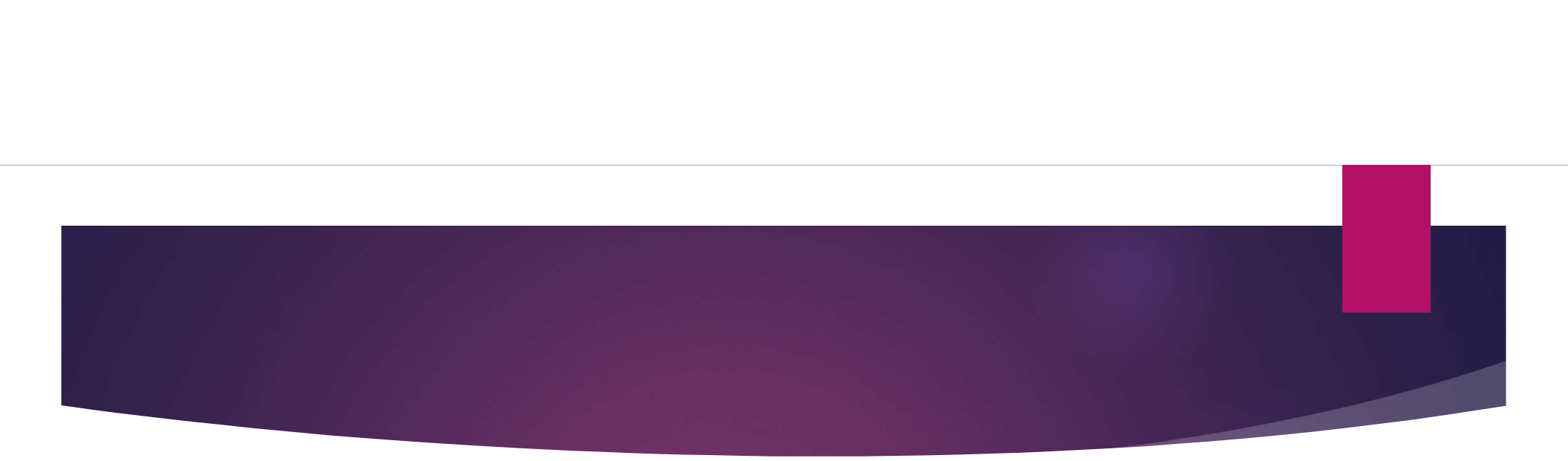
- ▶ The party whip has increased day by day
- ▶ Rigid party discipline has curtailed the independence of the ordinary members of the legislature and reduced the debate to a mechanical level
- ▶ On the other hand, the party whip has strengthened the hands of the executive

Delegated Legislation

- ▶ Legislatures lack the time and technical competence to deal with the ever-increasing volume of legislation in a modern state
- ▶ As a result the legi. Passes the laws in broad outline and delegates the power of making details of laws to the executive.
- ▶ Regulations and statutory rules are the most common forms of delegate legi.
- ▶ Rules community desirable procedure to be followed, emergency service,
- ▶ By this delegated legislation the civil servants enjoy enormous power and influence.
- ▶ In the welfare states of today the exe. has gained leadership in the matter of governmental operation

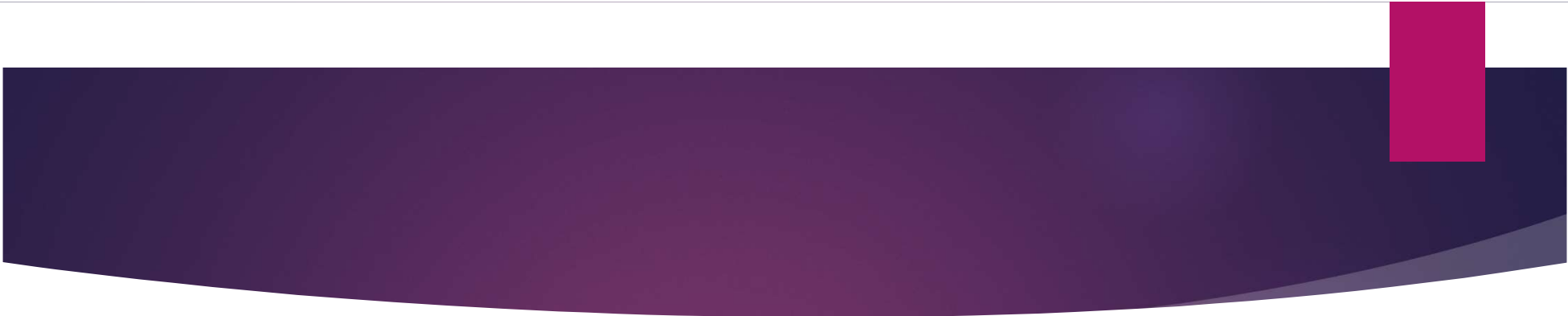
Meeting Emergence and Crisis situations

- ▶ Modern states are faced with several crises and emergencies
- ▶ War, financial crisis, natural disasters like earthquakes, cyclones and floods demand immediate response and that can be done only by the exe.
- ▶ The legi. Being, a large body of motley crowd , cannot rise to the occasion.
- ▶ As a result its imp. Has decline

- 
- ▶ Several factors have contributed to this decline of the prestige and functioning of the legislature:
 - ▶ Dominance by the and decline of the morale of politician have all contributed to the erosion of ----
 - ▶ The ineffectiveness of the opposition and the lack of a strongly articulated public opinion have added to the erosion-----
 - ▶ In parliamentary system where the exe. Is controlled by the legi. But in reality the powers of the legi. Have passed into the hands of the exe.

Indian Parliament: Erosion

- ▶ Changing political and moral conditions in India
- ▶ Dominance by the party
- ▶ The lack of party organization
- ▶ Corruption
- ▶ Decline of the morale of politician
- ▶ Declining status of members in public life
- ▶ Growing cost of the electoral process
- ▶ Judicial review, Judicial Activism- conflict bet legi. And exe.
- ▶ Exe. Gaining power at cost of parliament.

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- ▶ Subhash Kashyap- says that as the representativeness in the parliament. Gets broad based and people from grass root level enter the parliament, the quality of debates might not remain very high
 - ▶ Congress dominance
 - ▶ Rigidity of party discipline
 - ▶ Conflict between legislature and judiciary PIL, role of media
 - ▶ Political immorality, immaturity, indiscipline and lack of democratic culture
 - ▶ Criminalization of politics, communalism, caste-class-gender conflict- are used as weapons of political survival by different political parties
 - ▶ Ineffectiveness of parliamentary control



Conclusion

- ▶ The legislature is an integral part of democracy
- ▶ The success of democracy largely depends on the equality, dedication and commitment of the members of legislature
- ▶ Legislators of high quality can properly represent the problems and demands of people on the floor of legislature and pressurize the government to take necessary steps.
- ▶ They can also actively participate in the process of law making and significantly influence the policies and decisions of govt.