



**B.A. PART-III  
Semester-V**

**POLITICAL SCIENCE  
COMPARATIVE POLITICAL  
SYSTEM (U.K. & U.S.A.)**

**Centre for Distance and Online Education  
Punjabi University, Patiala**

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**Unit: I**

**Lesson No.**

- 1.1. : Theoretical Framework of Comparative Politics
- 1.2. : Evolution of Comparative Politics
- 1.3. : Meaning, Nature and Scope of Comparative Politics
- 1.4. : Comparative Method
- 1.5. : The British Political Tradition  
(Parliamentary Government)
- 1.6. : Monarchy
- 1.7. : Cabinet
- 1.8. : British Parliament - House of Lords
- 1.9. : British Parliament - House of Commons

**B.A. Political Science Part III (Pass & Hons.)  
Semester V**

**Paper : Comparative Political System  
(UK and USA)**

**INSTRUCTIONS FOR THE PAPER SETTER/EXAMINER**

*For Regular Students & Distance Education* Students the question paper will consist of Three Section: A, B and C. Sections A & B will have four questions from the respective portion of the Syllabus and will carry 10½ marks each. Section C will consist of 14 short-answer type questions which will cover the entire syllabus and will carry 28 marks in all. Each short answer type question will carry two marks.

*For Private Students* the question paper will consist of three sections: A, B and C. Sections A & B will have four questions from the respective portion of the Syllabus and will carry 14½ marks each. Section C will consist of 14 short-answer type questions which will cover the entire syllabus and will carry 42 marks in all. Each short answer type question will carry three marks

**Instructions for the Candidates (for all papers)**

Candidates are required to attempt two question each from the Sections A & B of the question paper and the entire Section C. The candidates are required to give answer of each short type question in 50 words i.e. in 7-10 lines.

**For Regular and Distance Education**

**Maximum Marks : 100**

**: 3 Hours**

**(Theory 70 and Internal Assessment 30)**

**Marks : 35**

**Time**

**Pass**

For Private Students

Max. Marks: 100

allowed: 3 hrs.

Pass Marks: 35%

**Time**

**Section A :**

1. Theoretical Framework
  - (a) Meaning and Scope of Comparative Politics
  - (b) Comparative Method

2. U.K.
  - (a) The British Political Tradition
  - (b) Parliamentary Government, Monarchy, Cabinet and Parliament

### ***Section B***

3. U.S.A.
  - (a) Features of Constitution and American Bill of Rights
  - (b) President and Congress
  - (c) Federal System : Nature and Working
4. U.S.A. and U.K.
  - (a) Party System in U.S.A. and U.K.
  - (b) Pressure Groups in U.K. and U.S.A.
  - (c) Supreme Court in U.S.A. and Rule of Law in U.K. .

### **Books Recommended**

1. J.C Johri, *Major Modern Political System*
2. A.C Kapoor, *Select Constitutions*
3. V.N. Khanna, *Comparative Study of Government and Politics*
4. Vishnu Bhagwan and Vidya Bhushan, *World Constitutions*
5. K.R. Bombwall, *Major Contemporary Constitutional Political System*
6. H.S. Deol, *Adhunik Sarkaran* (Punjabi)
7. J.C. Johri, *Comparative Politics*
8. Mackintosh, *The Government and Politics of Britain*
9. C.O. Johnson, *Government in the United States*
10. Herman Finer : *Theory and Practice of Modern Government*

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**THEORETICAL FRAMEWORK OF COMPARATIVE POLITICS**

**STRUCTURE**

- 1.1.0 Introduction
- 1.1.1 Objectives of the lesson
- 1.1.2 Traditional Approaches : Emphasis on value-laden study of politics
- 1.1.3 Philosophical Approach
- 1.1.4 Historical Approach
- 1.1.5 Institutional Approach
- 1.1.6 The Legal Approach
- 1.1.7 Self Check Exercise
- 1.1.8 Modern Approaches : Fact Laden Study of Politics
- 1.1.9 Sociological Approach
- 1.1.10 Economic Approach
- 1.1.11 Psychological Approach
  - 1.1.11.1 Quantitative Approach
  - 1.1.11.2 System Approach
  - 1.1.11.3 Simulation Approach
  - 1.1.11.4 Behavioural Approach
  - 1.1.11.5 Marxian Approach
- 1.1.12 Summary
- 1.1.13 Long Answer Type Questions
- 1.1.14 Short Answer Type Questions
- 1.1.15 Key Words
- 1.1.16 Suggested Readings

**1.1.0 INTRODUCTION**

The comparative study of politics in a number of different circumstances can help us to draw conclusions that no single case alone would provide. A question arises as to why a study of Theoretical Frame Work of comparative politics : Approaches to the study of politics be made. Following cogent reasons may be given. It is to be find out more about the Non Marxian and Marxian Approach may help to account for the particular Study.

The changes before us are at once uncertain and profound we stand at the end of one era in comparative politics and at the rise of a new one because comparative analysis helps us to develop explanations and test theories of the ways in which political processes work and in which political change occurs. Politics is essentially the struggle for the authority to make decisions that will effect the public as a whole. Within Political Science comparative politics is a sub field that compares this struggle across countries.

### **1.1.1 OBJECTIVES OF THE LESSON**

The main objective of the lesson is to give you an idea about the operation of Theoretical Frame work of Comparative politics. After reading this lesson you will be able to understand the approaches to the study of comparative politics: the philosophical Approach, Historical Approach, Institutional Approach and the Legal Approach. You will also know about the Modern Approaches: Sociological Approach, Economic Approach, Psychological Approach, Quantitative Approach, System Approach, Simulation Approach, Behavioural Approach and Marxian Approach.

### **1.1.2 TRADITIONAL APPROACHES : EMPHASIS ON VALUE-LADEN STUDY OF POLITICS:**

Approaches to the study of politics may be broadly classified into two categories. Normative and empirical. While the former is said to be value laden, the latter is known for being value neutral. The traditional approaches have a historical descriptive and Prescriptive character with a dominating place for values and goals while Marxian a approach has a place of its own that may be regarded as basically different from both the traditional and the modern approaches in several important respects, Their different varieties may be discussed as under :

### **1.1.3 PHILOSOPHICAL APPROACH**

The Philosophical approach is the oldest approach and is also known as ethical approach. Here the study of state government and man as a political being is inextricably mixed with the pursuit of certain goals, morals, truths or high principles supposed to be underlying all knowledge and reality. A study of politics, in this field, assumes a speculative character because the very word 'philosophical' refers to thought about thought; a philosophical analysis is an effort to clearly clarify thought about the nature of the subject and about ends and means of studying it.

It is for this reason that thinkers and writers subscribing to the philosophical-ethical approach look like advising the rulers and the members of a political community to pursue certain higher ends. Thus, great works of Plato, Rousseau, Kant, Hegel, Green etc take the study of 'Politics to a very high level of abstraction and also try to mix up the " system of values with certain high norms of an ideal political system. Here normativism dominates and empiricism as contained in certain classics like those of *Aristotle, Machiavelli, Bodin, Hobbes, Locke and Montesquieu* looks like integrating

the study of politics either with Ethics, or with History, or with Psychology, or with law respectively just in an effort to present the picture of a best-ordered political community.

**Criticism :** The philosophical approach is criticized for being speculative and abstract. It is said that such an approach takes us far away from the world of reality. For this reason, it is accused of being hypothetical. At the hands of *Kant* and *Hegel*, it culminates in the exaltation of state to mystical heights. Politics, therefore, becomes like a handmade of ethics or metaphysics.

**1.1.4 HISTORICAL APPROACH** Sir Fredrick Pollock says that; “The distinguish feature of this approach is focussed on the past or on a selected period of time as well as on a sequence of selected events within a particular phase so as to find out an explanation of what institutions are, and are tending to be, more in the knowledge of what they have been and how they came to be, what they are than in the analysis of them as they stand.”

The historical approach stands on the assumption that the stock of political theory comes out of socio-economic crises and the reactions they leave on the minds of the great thinkers. Thus, historical evidence has an importance of its own. The conditions of ancient Greece created Plato and Aristotle likewise, the conditions of seventeenth century England produced **Hobbes and Locke**; the capitalist system of the nineteenth century created **Mill and Marx**. Obviously, in order to understand political theory, it is equally necessary to understand clearly the time, place and circumstances in which it was evolved. **Criticism :** The historical approach has certain weaknesses. For instance, as James Bryce says, it is often loaded with superficial resemblances. As such, historical parallels may sometimes be illuminating, but they are also misleading in most of the cases. “Likewise, Prof. Ernest Barker holds: “There are many lines - some that suddenly stop, some that turn back, some that cross one another; and one may think of any broad king’s highway.” That is, a scholar subscribing to G. I.S approach adheres to a particular path of his choice in making use of historical data and then offering his explanation so much so that other important aspects are virtually ignored. It is also possible that he may play with his emotions or prejudices while making use of this approach as we may find in the cases of Machiavelli etc.

#### **1.1.5 INSTITUTIONAL APPROACH**

Here a student of politics lays stress on the study of the formal structures of a political organization like legislature, executive and judiciary. This trend may be discovered in the writings of a very large number of political scientists from Aristotle and Polybius in the ancient to Bryce and Finer in the modern periods. However, modern writers also include party system as the ‘fourth estate’ in the structures of a political system, while ‘contemporary writers like *Bentley, Truman, Latham and V.O. Key*, go a step further by including numerous interest groups that constitute the infrastructure of a political

system. That is why, institutional approach is also known by the name of structural approach.

The institutional or structural approach may be visualized in the works of several English and American writers. We may refer to the works of *Walter Bagehot*, *F.A. Ogg*, *W.E. Munro*, *Herman Finer*, *H.J. Laski*, *James Bryce*, *Maurice Duverger* and *Giovanni Sartor*. The striking feature of their works was that the study of politics has been confined to the formal, as well as informal institutional structures of a political system. Moreover, in order to substantiate conclusions a comparative study of major governmental systems of certain advanced countries of the west has also been made.

**Criticism:** This approach has been criticized for being too narrow. It ignores the role of individuals who constitute and operate the formal as well as informal structures and substructures of a political system. It is because of this that behavioural approaches have overshadowed the significance of this approach. Another difficulty is that the meaning and range of an institutional system vary with the view of the scholar.

Finally, the students of this approach “have also; tended to ignore international politics. Since for long there were no world institutions analogous to the state or government, there seemed to be nothing in this area for political scientists to talk about.”

#### 1.1.6 THE LEGAL APPROACH

The legal approach consists in the interpretation of political phenomena in legal terms. It regards the state as a legal person or corporation existing for the creation and enforcement of law. The jurists do not have a specific method of their own and themselves belong to different schools.

**Criticism :** The main objection against this approach is that its terms of reference are unduly narrow and restricted. This standpoint overemphasizes legalism and formalism. It tends to underestimate the place and significance of various extra-legal social forces without an understanding of which study of political phenomena becomes one-sided. But at the same time this approach has made significant contributions. The jurists have not only developed the concepts of the legal personality of the state and the theory of sovereignty but they have also contributed to the study of Constitutional Law, Administrative Law and International Law.

#### 1.1.7 SELF CHECK EXERCISE

1. Define Politics.

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2. What do you mean by Comparative Politics?

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#### 1.1.8 MODERN APPROACHES : FACT LADEN STUDY OF POLITICS .

Unlike the traditional approaches which is value laden the modern approaches are

more fact laden. In other words, in these approaches empiricism replaces normativism. The empirical investigation is thus the basic trait of these approaches. Following approaches can be referred to in these directions.

#### **1.1.9 SOCIOLOGICAL APPROACH**

The sociological approach to the study of politics has become very popular now. Eminent writers like R.M. MacIver, David Easton and G.A. Almond subscribing to this approach have taken into recognition the essential fact that ample data is available in the realm of sociology so as to lay down certain empirical rules of political behaviour. They have accepted the view of leading Sociologists like *Comte, Spencer, Ratzel, Weber, Parsons, Merton* and a host of others that state is more of a social than a political institution. That is, social context is necessary for the understanding and explanation of political behaviour of the individuals. It is the whole in which one may find the individuals having a status and playing a role. The role is determined by certain traits acquired by the individuals. This process of transmission of values from one generation to another is called 'political socialisation.'

A scrutinised study of the rise and fall of a political system shows that its causes may be traced in the domain of wrong political socialisation whose objective manifestation is the political culture of the people. Thus, sociological approach has its own place in the twin doctrines of political development and political decay. Besides, as society is a network of numerous associations and groups which play their own part in the operation of the politics of a country, this approach automatically suggests an investigation of the study of interest groups that constitute the infrastructures of a political system. As such, sociological approach has many sub-varieties of its own and for this reason, some writers prefer the term 'sociological approaches'.

#### **1.1.10 ECONOMIC APPROACH**

Matters relating to the production and distribution of goods have an economic character. But as their regulation is done by the state, they are very much involved in the political process. The prominent schools of liberalism, socialism and communism emerge because of the divergent interpretations of the role of the state in regulating economic matters. Eminent political scientists like *Mill, Marx, Mitchell, Schumpeter, Friedman* and a host of others have written volumes having a relevance of their own in the domain of political economy. However, in this regard the most outstanding name is that of Karl Marx who has built his political theory on the basis of the criticism of the prevailing capitalist system. It is contained in his well-known assumption: "The mode of production of the material means of existence conditions the whole process of social, political and intellectual life."

#### **1.11 PSYCHOLOGICAL APPROACH**

Political Science has moved very close to the discipline of psychology in recent times



particularly at the hands of *Graham Wall as Charles Merriam, Harold D. Lass well, R.A. Dahl and Eric* etc. In early modern times, Machiavelli and Hobbes stressed 'the point of security of life and material possessions as a motivating force and held that the desire for it was inseparable from the desire for power. A study of politics has for this reason, been made so as to display the role of emotions, habits, sentiments, instincts, ego etc that are the constituent elements of human personality.

#### **1.1.11.1 QUANTITATIVE APPROACH**

This approach is also known as statistical approach. It stands for the use of numerical data so as to impart exactitude to the process of describing and analysing a political phenomenon. Mere descriptive or prescriptive analysis is not enough. The subscribers to this approach demonstrate their conviction in an old saying that 'there is safety in numbers' and as such, we may prove scientifically the validity of a proposition by making use of tables, charts, graphs etc. For instance, a study of electoral behaviour, questions asked by the members and answers given by the ministers in the legislature, organisation, achievements and failures of a government department or of a public undertaking, voting and cross-voting records of a public institution, constructive and destructive aspects of the politics of defection, rise and fall of a political party and the like can be well analysed with the help of quantitative data.

Several important writers and agencies have added to the stock of comparative politics by making use of this approach that, in a real sense, is a methodology. The names of Dr Gallup, Charles Merriam, Harold Gosnell, Paul Lazars field and Samuel Lubell in the United States may be referred to in this connection. They have developed sophisticated ways to study the electoral behaviour of the people.

#### **1.1.11.2 SYSTEM APPROACH**

This approach has become very popular in recent times. This approach lays focus on system. Borrowing from the discipline of biological sciences, the sociologists like Parsons, thought in terms of a social system. From them the idea came to new political scientists like *David Easton* who developed the idea of a political system. The purpose of general systems theory, as it is known was to reduce the multiplication of efforts and integration of all knowledge and systems together. Even subsystem were considered organic parts of the same system.

In this way, the emphasis is on cross-cultural studies with an inter-disciplinary focus. Every discipline is like the sub-system of a general system. There is a natural system and all natural sciences like physics and chemistry are its sub-systems, though each sub-system is a system in its own place. If so, politics, economics, psychology, ethics etc. are all sub-systems of a social system, though each is a system in its own right. Thus there should be use of new terms like a political system, an economic system, a psychological system, an ethical system and the like.

**1.1.11.3 SIMULATION APPROACH**

That contemporary political scientists have borrowed much from natural sciences as well as from cybernetics and mathematics may be studied in this direction. Simulation means a study with the help of image-construction or model-building. This fact can be considered the study of political communication, decision making and game theory

**Criticism :** From a critical standpoint, it may be added that like systems approach, simulation approach also is too mechanistic, even abstract. It tries to simplify the behaviour of real decision makers by taking them as fully rational beings. Social sciences may not be converted into natural sciences nor sciences of numbers and cybernetics may help in understanding and- explaining entire political reality. A mechanical engineer or a mathematician may have a very simplified way of studying his subject but a social scientist has to take into consideration the complexities of human life that beset all fixed and definite calculations. For instance, decision-makers are living human beings who act rationally in few and irrationally in most of the given situations. As such, decision-making approach or the use of game theory cannot be applied to explain their behaviour in a thoroughly successful measure.

**1.1.11.4 BEHAVIOURAL APPROACH**

A host of American writers have laid emphasis on the collection and examination of 'facts' relating to actual behaviour of man as a social and political being. David Easton is regarded as the leading light in this direction. The behavioural approach bears the following important characteristics:

- (i) It specifies as the unit of object both the theoretical and empirical analysis of the behaviour of persons and social groups rather than events, structures, institutions, or ideologies.
- (ii) It seeks to place theory and research in a frame of reference common to that of social psychology, sociology and cultural anthropology.
- (iii) It stresses the mutual interdependence of theory and research. Theoretical questions need to be stated in operational terms for purposes of empirical research. And, in turn, empirical findings should have a bearing on the development of political theory.
- (iv) It tries to develop rigorous research design and to apply precise methods of analysis to political behaviour problems. It is true that, as a result of the utilisation of this approach, the scope of political science has widened and the nature of the discipline has improved in understanding and explaining 'political reality.' However, its criticism may be made on these grounds:
  1. It is based upon a false theory of knowledge and only facts as real. On the contrary, 'universal are as real as facts' and fact can have

meaning only in connection with the universals.

2. It is based on a false conception of scientific method or even after collecting facts and doing measurement and quantification, the writer cannot free himself from the limitations of subjectivity or his own sense of value-judgment. Thus, fixity and definiteness of a natural science cannot be infused in the discipline of a social science.
3. It circumscribes and restricts the scope of political science by advising us to study only those aspects of political life that are amenable to measurement and quantification. In this way, it sacrifices the significance of speculative political theory at the altar of a dry and barren craze of 'mad scientism'.
4. Finally, it makes political science a handmaid of sociology by laying down that all political activity and institutions reflect the nature of society and are determined and patterned to a large extent by divisions within society.

By way of clarification, it may, however, be added that leading subscribers to the modern approaches have not repudiated the foundations of their counterparts in toto. They have only sought to understand the limitations that flowed from the necessarily subjective, descriptive and prescriptive mode of theorizing and analysis. For this reason, they have experienced the difficulty of formulating a method of analysis or approach that may be of universal acceptance.

**1.1.11.5 MARXIAN APPROACH** In this direction, Marxian approach has a place of its own that may be regarded as basically different from both the traditional and the modern approaches in several important respects, although some resemblance can be seen. The astonishing feature of this approach is that here 'state', being the central theme of political science, is conceived as an inevitable consequence of class contradictions. Marxist justify of a stateless condition of social life that would come into being as the final stage of social development. Moreover, economics dominates the scene so much that all other disciplines like History, Sociology, Psychology and Ethics become its offshoots. Politics becomes integrally connected with the basic economic structure finding its manifestation in the forces and relations of production and is extremely hard to disentangle one from the other." The significance of the Marxian approach is traceable in the fact that its utilisation calls for a deeper scrutiny of the meaning and nature of politics. Instead of keeping the focus of study confined to the formal structure and sub-structure of a political system, it lays emphasis on going at the roots. Thus, it holds that the economic system determines the class structure and as there is a change in the means of production,

distribution and exchange, so there is a corresponding change in the relations of the masters and the slaves, the capitalists and the workers, the have and the have not classes. Struggle for power constituting the bedrock of politics should, therefore, be studied in the context of the conflict between two antagonistic classes. This state of contradictions can end only in the establishment of a socialist society. Obviously this approach not only lays stress on the fact of social contradictions, it also discovers their resolution. In this way, it assumes a deterministic character.

#### **1.1.12 Summary**

The weakness of this approach may be seen in its conversion into an ideology. The perspectives of this approach are so rigid that the subscriber has to work within a specified parameter and this reduces its elasticity. This has a circumvention effect on the scientific study of politics. The approach is thus criticized for culminating in the 'pseudo scientism of degenerated Marxism.' In fact, The traditional approaches may be said to have four main varieties as discussed above. Their outstanding feature is that value laden system dominates. While modern approaches are, marked by empirical investigation of the relevant data. Marxian approach claims itself to be scientific as well as progressive.

#### **1.1.13 Long Answer Type Questions**

1. Discuss traditional approaches to study Comparative Politics?
2. Write a detailed note on Modern Approaches.
3. Describe Behavioural Approach in detail.

#### **1.1.14 Short Answer Type Questions**

1. What do you mean by Philosophical approach?
2. What do you mean by Marxian approach ?
3. Write a short note on Legal Approach.

#### **1.1.15 Key Words**

Quantitative  
Behavioural  
Descriptive  
Communication  
Empirical  
Philosophical

#### **1.1.16 Suggested Readings**

- J.C. Johri : Comparative Politics  
V.N. Khanna : Comparative study of Government and Politics.  
A.C. Kapoor : Selected Constitutions

## **EVOLUTION OF COMPARATIVE POLITICS**

### **STRUCTURE**

- 1.2.0 INTRODUCTION
- 1.2.1 OBJECTIVES OF THE LESSON
- 1.2.2 THE TERM ‘COMPARATIVE GOVERNMENT’
- 1.2.3 SELF CHECK EXERCISE
- 1.2.4 COMPARATIVE POLITICS – OLD AND NEW
- 1.2.5 SUMMARY
- 1.2.6 LONG ANSWER TYPE QUESTIONS
- 1.2.7 SHORT ANSWER TYPE QUESTIONS
- 1.2.8 KEY WORDS
- 1.2.9 SUGGESTED READINGS

### **1.2.0 INTRODUCTION**

“Politics is the activity through which people make, preserve and amend the general rules under which they live. As such, it is a social activity, inextricably linked, on the one hand to the existence of diversity and conflict and on the other to a willingness to cooperate and act collectively. Politics is better seen as a search for conflict resolution than as its achievement, as not all conflicts are or can be, resolved.”

### **1.2.1 OBJECTIVES OF THE LESSON**

The main objective of the lesson is to give you an idea about the development and evolution of Comparative Politics; before and after II<sup>nd</sup> World War, Comparative Politics- Old and new shall also be discussed in this lesson.

### **1.2.2 THE TERM ‘COMPARATIVE GOVERNMENT’**

The term ‘comparative government’ has a classical, time-honored history. Certainly an important feature of early political science curricula, dating

back several decades not the nineteenth century, was inquiry into the similarities and differences between forms of government, as a means of getting at answer to a more fundamental and even more classical problem. Which forms of government are the best? Comparative government at that time was essentially one branch of political theory. At its best, it proceeded from classical assumptions as to the nature of man as a political animal and deduced ideal forms of political organization against which the existing systems of government were compared, a process essential not only for the purpose of evaluation, but also for the of systematic description. "Comparative government", scholars turned from a concern for the evaluation of governmental forms to a pure description. By and large they retained the analytical categories developed by their predecessors, but began to shape their meanings to firm descriptive rather than normative purposes.

By World War II, however, newer concerns were beginning to press in upon the students of "foreign government". An underlying assumption of the narrow descriptive focus had been that the more advanced states of the world had either achieved, or were in the process of achieving. By the 1950's the field of "comparative government" was ready to reclaim the first half of its traditional label. In the early 1960's an effort was made to refer to the field as that of "**Comparative Politics**" a device designed to change the focus from institutions, as had been suggested by the term "Comparative Government", to process. The new term, however, was vulnerable to attack on two opposing grounds. On the one hand, those taking a narrow view of the term "inputs" could say that this would be to confine the field to the study of the 'inputs' into the political system and the roles played by institutions such as pressure groups, political parties, legislative bodies, and executive leadership units to the detriment of concern for "output" processes such as administration and adjudication.

Distinguished writers *Herman Finer, C.F. strong, F.A. Ogg, Harold Zink, W.B. Munro* etc, had confined their attention to the study of the developed or industrialized countries of the West that came to be known as the 'first world'. It is a different matter that they included in their study the political system of the Soviet Union in view of some of its peculiar features though they made derogatory reflections by regarding a communist system as a

piece of the 'second world'. The trend saw a remarkable change after the second World War when a number of new states emerged in the regions of Asia, Africa and Latin America that came to be known as the 'third world'. To a student of comparative government and politics, the 'third world' has appeared as a vast area of investigation and empirical research. The countries of the 'third world' suffer from what is given above in spite of the fact that their political systems have the marks of diversity as an established secular democracy in India, a theocratic authoritarianism in Pakistan, a semi-democracy in Bangladesh, a budding democracy in Nepal, a military regime in Myanmar, a communist party-state in China, a new democracy in South Africa and the like. And yet to one degree or another all experience this problem in ways that make the 'third world' state a distinctive and important entity in the study of comparative government and politics.

### 1.2.3 SELF CHECK EXERCISE

1. What is the Classical View of Comparative Politics?  
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2. What do you know about Third World?  
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### 1.2.4 COMPARATIVE POLITICS – OLD AND NEW

From the start, comparing has been a particular way of connecting ideas derived from political philosophy and political theory of empirical events and phenomena with primary emphasis on power. The purpose is to determine what difference is brought about between the ways power is deployed at difference is brought about between the ways power is deployed at different levels. Power is wielded by the state, it is exercised by the government. Thus, different kinds of political systems exist and it becomes the function of a political theorist to distinguish one from the other with a view of justify the excellence of one at the cost of the other. This is the reason that Aristotle distinguished between true and perverted forms of state and justified the excellence of the polity-a middle class rule. Lord Bryce studied the case of democracy prevailing in many countries of the world and then admired Switzerland for being the 'ancestral home of democracy'. He gave a



definitive view that democracy has no alternative. A de Tecqueville studied the operational form of American democracy and confidently affirmed that there existed the model of a civil society.

*Bryce, Laski, Finer, Barker, Jennings, Friedrich, Wheare, Siegfried, Duverger* etc. belong to this tradition. They are called 'institutionalists', because they kept their attention confined to the working of political institution like legislature, executive, bureaucracy, judiciary, federal systems, political parties, elections etc. In a way they integrated their study of politics with the disciplines of philosophy, history and law. As empiricists, they studied the institutions as they existed and operated and on that basis they drew plausible conclusions that democracy was a system of order with open ends. They did not take into their consideration the fact of social change and economic growth and development that affected the operation of the political institutions and created a sort of 'configuring'. Thus, institutionalism "became inadequate to the test imposed by constitutional engineering".

A marked change occurred after 1960 when the new writers on this subject like Harry Eckstein, David Apter, R.C. Macridis, Lucian W. Pye, S. P. Huntington, F.W. Riggs etc, realized that the comparative study had thus far been comparative in name only. It had been a part to what may loosely be called the study of some selected foreign governments in which the government structures and the formal organization of state institutions were treated in a descriptive, historical or legalistic manner. Primary emphasis had been placed on written documents like constitutions and the legal prescriptions for the allocation of political power. Macridis has thrown light on these features of the old or traditional approach to comparative politics.

The new comparative politics does not reject what was done by the writers on this subject in the past. It desires emphasis on social change and economic development while making a comparative study of the political institutions of different countries. Institutionalism is thus replaced by neo-institutionalism. The study should not be merely Euro-centred, it should cover as many countries of a political system whether democratic or totalitarian, or authoritarian of any hue, the factor of social change and economic growth should also be taken into account. Thus,



political development should be studied vis-à-vis political decay (Huntington) or development should be studied vis-à-vis under-development. (Frank and Wallerstein).

It is for this reason that neo-institutionalists draw heavily from disciplines like economics, sociology, psychology and anthropology. It may also be labeled '**developmentalism**' which desires comparison of societies with widely different social and political institutions and cultural practices. The central hypotheses are drawn from how modern institutions had their evolution as from theocracy to secularism, and from traditional to legal and rational authority. How different cultures and ethnic groups respond to innovation becomes a concern of the new comparativists who draw material from the 'modernity theory' of Eisenstadt, 'identity theory' of Erikson, 'achievement motivation theory' of McLelland, 'frustration-aggression theory' of John Dollard, 'political violence theory' of Gurr, 'political integration theory' of Geertz, ethnic conflict theory' of Horowitz, 'power theory' of Foucault and 'society's central values theory' of Alain Touraine.

### 1.2.5 SUMMARY

In final, in the domain of new comparative politics, we take note of emphasis on the institutionalization, internalization and socialization of norms drawn particularly on learning theory imported from social psychology and on value theory imported from political anthropology. The new writers examine in depth the themes of change, development, hegemony and power that have their impact on the operation of a political system in different countries of the world. "Neo-institutionalism, then, is less constitutional than the old, and more prone to economic analysis in so far as it deals with fiscal and monetary policy, banks, markets and globalization. But it is also concerned with locating changes in the legislative process, shifts in long-established party politics, not to speak of new social formations, coalitions and so on, as these impinge on the state. Like the old, it is concerned with the state as an instrumentality in its own right, with its own tendencies and needs, and as a configuring power, how it determines the nature of civil society.

Politics is commonly defined as the struggle in any group for power that will give a person or people the ability to make decisions for the larger groups.

This group may range from a small organization up to an entire country or even the entire global population. Politics is essentially the struggle for the authority to make decision that will affect the public as a whole. Within political science, comparative politics is a sub-field that compares this struggle across countries. The comparative study of politics in a number of different circumstances can help us draw conclusions that no single case alone would provide.

#### **1.2.6 LONG ANSWER TYPE QUESTIONS**

1. Write a detailed note on the Evolution of Comparative Politics before and after World War-II.

#### **1.2.7 SHORT ANSWER TYPE QUESTIONS**

1. What is the new perspective of Comparative Politics?
2. What do you know about Comparative Government?

#### **1.2.8 KEY WORDS**

Classical  
Political Theory  
Descriptive  
Third World War  
Developmentism  
Ethnic

#### **1.2.8 SUGGESTED READINGS**

J.C. Johri : Comparative Politics  
A.C. Kapoor : Selected Constitutions

## Meaning, Nature and Scope of Comparative Politics

### Structure

- 1.3.0 Objectives.
- 1.3.1 Introduction
- 1.3.2 Meaning of Comparative Politics
- 1.3.3 Nature of Comparative Politics
- 1.3.4 Difference between Comparative Politics and Government
- 1.3.5 Scope of Comparative Parties
- 1.3.6 Let Us Sum Up
- 1.3.7 Self check exercise
- 1.3.8 Some Useful Books

#### 1.3.0 Objectives

After you have read this lesson, you should be able to:-

- (a) Define Comparative Politics and its Characteristics.
- (b) Explain the Character of the Discipline.
- (c) Discuss the Scope of Comparative Politics and Government.
- (d) Distinguish between Comparative Politics and Government.

This first lesson in the course of Comparative Politics and Government, aims at introducing the discipline meaning, nature, characteristics, scope and differences of Comparative Politics and Government. It explains the whole study theme of Comparative Politics and Govt. Politics is a continuous, timeless, everchanging and universal activity, having its key manifestation (expression) in the making of decisions to face and solve a predicament or a problem. We cannot deny the fact that we encounter politics in the government of a country, town, school, church, business firm, trade union, club, political party; civil association and a number of other organisations. Right from United Nations to village panchayat or any other group of individuals, wherever certain important decisions are taken, political activity is involved directly or indirectly. Politics is one of the unavoidable facts of human existence. Everyone is involved in some fashion, at some time in some kind of political system.

#### 1.3.1 Introduction

Comparative Politics is an effort to compare one specific political system with

a number of other political systems, identify certain similarities and differences and thus draw certain conclusions. Comparative politics is virtually a study in the direction of expanding horizons of political science and implies the application of new approaches, new definitions and new tool. It has emerged as subject of momentous significance owing to widespread feeling of disappointment and dissatisfaction with traditional descriptive approaches to the study. Though the subject of Comparative Politics in its present form is of recent origin and became highly significant in 1950's only. Yet as a method to study governments and politics, it can be traced back to fourth century. Aristotole was the first one to reach certain conclusions about the forms of government after comparing as many as 158 constitutions. The historical development of this subject may be roughly put into three phases-unsophisticated, sophisticated and highly or increasingly sophisticated.

The contributions made to the study by great people like Aristotle, Montesqueiu, Machiavelli, Bryce, Tocquenville and Weber belong to the first phase, because these writers used the comparative method for the primary purpose of better understanding the working of political organisations. Recent writers like M. Higas, Beer Marcridis and Ulam have been included in the second phase because they employed comparative method with a good amount of self-consciousness and also with a deliberate move to present a more useful study of different political systems. The writers of third phase like David, Easton, G.A. Almond, Coleman, Carl Deutsch, G.B. Powell, David Apter, Myron Weiner and most of others-who can be included in the third and increasingly sophisticated phase have taken the comparative method to such a degree of sophistication that at many places the distinction between political science and allied social sciences has virtually disappeared and some new offshoots have emerged in the name of political sociology, political socialisation and mobilisation etc. In other words, we can say that writers belonging to this phase have made use of inter-related set of concepts for the sake of presenting their contributions on the basis of comparative analysis though they have provided a specialised vocabulary of their own.

**Comparative Government and Comparative Politics:-**

Although the two terms 'Comparative Politics' and 'Comparative Government' are used interchangeably and loosely, there is a point of distinction between the two. While the latter covers a comparative study of different political systems with their institutions and functions, the former has a broader scope so as to cover all that comes within the purview of the former and an addition to that all else that may be the study on 'non state' politics. The scope of comparative politics is much wider than of comparative government. The student of comparative politics is concerned not only with the study of rule making, rule implementing and the rule adjudicating department-(Legislature, executive and judiciary) of the political systems or with the

study of some extra constitutional agencies like political parties and pressure groups having their immediate connection, visible or invisible, with the principal departments of the state activity. In addition to all this he goes ahead to deal, through in a particular way, which ever those subjects hitherto considered as falling within the range of Economics, Sociology, Psychology and Anthropology. Sidney Verba concisely summarises this idea. "Look beyond description to more theoretically relevant problems; look beyond the single case of comparison to many cases; look beyond the formal institutions to political processes and political functions and look beyond the countries of Western Europe to the new nations of Asia, Africa and Latin America."

### **1.3.2 Meaning of Comparative Politics**

M. Curtis has well brought out the meaning of Comparative Politics in these words, "Comparative Politics is concerned with significant regularities, similarities and differences in the working of political institutions and in political behaviour." According to Braibanti, "Comparative Politics is identification and interpretation of factors in the whole social order which appear to affect whatever political functions and their institutional manifestations, which have been identified and listed for comparison."

Thus, the study of Comparative Politics, "Involves conscious comparisons' in studying political experiences, institutions, behaviours and processes of the major systems of government in a comprehensive manner so as to include extra constitutional agencies having their immediate connection, open or tacit with formal governmental organs."

### **1.3.3 Nature of Comparative Politics**

The subject of Comparative Politics as developed in recent times is characterised by following distinctive traits or features.

#### **1.3.3.1. Analytical or Empirical Approach:**

The analytical or empirical method adopted by the writers belonging to the latest phase of Comparative Politics has definitely enlarged the field of political enquiry and cleared the mist in which many helpful distinctions within the frame work of political studies lay obscured. The nineteenth century is referred to as a period in which under the influence of primitive positivism; the political science affected a divorce between its normative and descriptive concerns. In the field of comparative politics, more and more writers turn from concern for the evolution of government to a pure description still retaining the categories developed by their predecessors. They began to shape their meaning to fit descriptive rather than normative purposes. For example, a pure ideal type of democracy-its definition was loosened to permit the inclusion of categories of actual governmental forms and socio-political conditions:

**1.3.3.2. Study of Infrastructures:**

The study of comparative politics is not confined to the formal structures of government as was the trend with the traditional political scientists. Here a student is concerned "with inquiry into matters of public concern, with the behaviour and acts that may concern a society as a totality or which may ultimately be resolved by the exercise of legitimate coercion". Instead of remaining concerned with the formal structures of government alone, he "has to be concerned with crystallised patterns of behaviour, with 'practices' since they are part of the living structures of government." If instead of 'government' the term 'political system' is used, naturally it becomes a part of the entire social system and the 'input-output' process includes all those forces of the 'environment' that have their effect on the decision making process. Thus the role of political parties and pressure groups, for example, becomes as significant as the role of legislatures and executives in the study of modern political systems. As Blondel says: "Structures of government exist; they have to exist because this is the way in which tension is reduced and delayed and thereby tension decreases and the policy is maintained. But structures change gradually and in a complex fashion.

**1.3.3.3. Quest for Theory Building :**

The purpose of the study of the comparative politics is not only to make comparative study of the similarities and dissimilarities of different political systems rather through comparison it is also to build a theory. The word 'comparative' is used with the purpose to lay stress on the fact that it is the responsibility of political science that for the purpose of comparison the different political systems should be taken as a unit so that a special theory is formulated and tested also. After making comparative study the students of comparative politics have formulated some important theories such as (i) Personal rule is more successful than collective leadership, (ii) Whatever may be the form of government we do not find the sovereignty of parliament anywhere, (iii) Whatever may be the form of government the ruling power is always in the hands of elite class etc.

**1.3.3.4. Comparative Study of Formal Structures**

Traditional writers were concerned only with the formal structures of the government, while new political scientists were equally concerned with the both formal and informal aspects of polity. Instead of 'government', they use the term 'political system' which is seen as the part of entire social system. Their focus is on the behaviour or acts that may concern a society as totality and which may ultimately be resolved by the exercise of legitimate coercion. In other words, they are concerned with totality of political behaviour. In this context, the role of political

parties, pressure groups and other social organisations is as important or vital as the role of legislatures, executives in the study of modern political system. The working of Indian Parliamentary democracy is entirely different from the British one and the reason for this is the difference in infra-structure in both the countries, though the form of government adopted and the political institutions are almost the same.

#### **1.3.3.5. Scope of Comparative Politics Emphasis on the study of developing societies (Third World Countries)**

More and more writers of Comparative Politics are now laying emphasis on the study of developing societies. It is being increasingly realised by the political scientists that the subject of Comparative Politics must include all the governments along with their infra-structures that exist in contemporary world. The focus of its study must be on both developed western governments and the developing poor countries of Asia and Africa and not merely select European and American Governments as was the practice with traditionalists.

In these formerly colonial countries of Asia and Africa, new political institutions were being carved with or without any concern for the well catalogued experiences of their western counterparts, the political scientists were concerned about finding the best way of assuring that the fragile systems, newly emerging, would have best opportunity for stable development.

The reason behind this newly awakened interest in the politics of developing societies is to make it a subject of universal study and also to build theories and models, so that the system of democracy prevailing in these countries be saved from being subverted or overthrown by forces opposed to it. The political experiences of dozens of developing countries was found by the political scientist as a veritable laboratory in which to test propositions about the way governmental systems behave under stress and thus determine the factors which ring about changes in political forms.

#### **1.3.3.6. Inter-disciplinary Approach:-**

The field of Comparative Politics was greatly enriched by inter-disciplinary analysis of the political system of both developed and developing nations. More and more tools were borrowed from the disciplines of psychology, sociology, economics and even from natural sciences like biology. With interdisciplinary focus politics became virtually indistinguishable from political sociology and political psychology. A look at the studies on political modernisation, political socialisation, political psychology and political sociology etc. gives an impression that contemporary political science has become the application of sociological and psychological analysis to the study of the behaviour of governments and political structures. Political theory



today has become, more of a political sociology-it is no more a normative political theory, it has become a theory of political process.

The adoption of this interdisciplinary approach by the writers of comparative politics has brought a virtual revolution in the discipline. Modern political scientists emphasise on the inter-relation of the entire complex of processes and sub-systems of the whole social system. For example, for studying the subject of political development, one must examine conditions of social mobilisation, for men cannot become citizens in a political sense without changing their values and personality orientations. This interdisciplinary investigation has become imperative need of political enquiry.

#### **1.3.3.7. Value-Free Political Theory:-**

The sphere of comparative politics has been invaded by empirical studies and thus it has lost its normative value. The students of comparative politics are less concerned with the things in their ideal form and more with what they are in actuality. The whole area of comparative politics is now dominated by the rules of Sociology, Psychology and Economics in place of rules of Ethics and History as in traditional studies. As a result, value free theory claims to have replaced value laden theory of earlier times. The field of comparative politics has no place for those who declare that political theory can not 'eschew or do away' with 'values' and thus value free political science is impossible. Recent studies in comparative politics are concerned with 'actualities of life' and not with the norms.

#### **1.3.4 Self Check Exercise**

1. What is the meaning of Comparative Politics?  
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2. What do you mean by the Formal Structures of the Government?  
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3. What is Value Free Study?  
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#### **1.3.5 Difference between Comparative Politics and Govt.: Quest for Theory Building:-**

Aim of comparative studies in politics is not just pointing out certain similarities and differences. It is rather drawing certain conclusions and building certain theories with the aim of finding answers to certain problems of the developing societies. This theory building should lead to generalisation and experimentation should also be possible in give situations.

#### **1.3.6 Scope of Comparative Politics:-**

In the beginning of this lesson, we said that politics is a kind of activity, a form of human behaviour. It refers to making and taking of decision in which some political



action is involved. It is a different matter that the political scientists define and interpret the term, 'political action' in different ways and thus earn the title of being conservative traditionalist or modern. In the field of comparative politics, 'political action' has three connotations and they are political activity, political process, political power. Comparative study of the 'political action' of the various political systems of the developed and developing countries of the world constitute the scope of the comparative politics.

We will now discuss the above three connotations of 'political action' in detail.

#### **1.3.6.1. Political Activity**

As we have discussed earlier too, political activity consists of the efforts by which conditions of conflict are created and resolved in a way pertaining to the interest of the people as far as possible who play their part in the struggle for power. Political activity emanates or begins from a situation of 'predicament' and is a form of human behaviour in which interests of persons, more than one, clash or interact for the purpose of having allocation of binding values in their respective favours. The moment a voice is raised in a group or a community of people for a common rule or policy on any issue whatsoever, a predicament or a difficult situation is created in the sense that even to decide against the demand requires to take a decision. The matter does not rest here. The problems complicate further when the members of the group or community advocate mutually exclusive policies. All this results into clash of interest or conflict. Such conflicts can either be resolved by peaceful means or reasoning, persuasion, adjustments, diplomacy or compromise or by violent means of force and coercion. In the former case competing agents may try to reach a compromise and acceptable solution by abandoning a part of their demands, in the latter case, the policies of one section may wholly or largely prevail over the desires of another. For example, traders want the fixation of high margin of profit but the consumers want they should get their necessities at cheaper rates. This results in clash of interests and each group wants allocation of values in its own favour. Such a conflict can be resolved either by peaceful means or by coercion. The former position may be called the state of 'spontaneous unanimity', the later as 'imposed consensus'. The common point in both these situations is that political activity reacts at the point of 'political rest', which closes down the cycle of political activity.

**1.3.6.2. Political Process** Political Process is an extension of an extension of the sense of political activity. At this level role of decision making bodies becomes prominent. The study of politics is thus broadened even to include 'Non-State' agencies. The 'Non-State' agencies are various groups and agencies that exist in a society like political parties and pressure etc. What is particularly important for our purpose is that these 'Non-State' agencies influence the government of the country for

the sake of protecting and promoting their own specific interests. There occurs a very sharp process of interaction between the groups themselves and between the groups and the government. Once such competition takes place within a state, it is called public competition either to get government accept its policy and enforce it or else to go forward and become government. And the set of procedures whereby the private associations within a state seek to influence the government, or to participate in the policy formation by the government or to become the government, is the “political process”.

Since comparative politics includes all that comes within the scope of political activity and political process, it is required that the study of the government should be made vis-a-vis the government of Non-State associations that operate in a way so as to influence the government of the country and also be influenced by it in some way or the other.

#### **1.3.6.3. Political Culture**

Certain aspects of the general culture of every country are especially concerned with the issue of how the government ought to be conducted and what it shall try to do. In the opinion of Bear and Ulma, this sector of political culture is called political culture. In common parlance, political culture is composed of attitudes, beliefs emotions and values of society that relates to political system and to political issues. These beliefs and values influence political system, success and the failure of the political system of a country. So, the study of political culture is also included in the scope of comparative politics.

#### **1.3.6.4. Political Socialisation**

Political Socialisation is a process by which political culture are maintained or changed. Political Socialisation is the process by which an individual acquires knowledge about political system, political behaviour, political values and attitudes. The study of political socialisation is also included in the scope of comparative politics because the success and failure of many political systems depends upon this process. For example, the process of political socialisation moves very slowly in backward whereas in the developed countries it operates at very rapid speed. It is very necessary for a student of comparative politics to keep in mind all these facts.

#### **1.3.6.5. Political Power:**

In comparative politics subject of “political power” has also been included, because modern politics is the ‘exercise of power’ and it is also considered “as study of the exercise of power”. The study is connected with the description and analysis of the manner in which power is obtained, exercised and controlled and purpose for which it is used. The manner in which decisions are made, the factors which influence the making of decisions. It is on account of this that politics cannot be studied properly without identifying the ruling class or the governing and non-governing

elites and measuring “their respective roles”. Similarly, various groups as also individual and society cannot be left out while making such study; because though politics works in groups, individual and society are equally important. In democratic as well as totalitarian systems use of power is considered main thing and subject of authority becomes a handmade of power.

### 3.3.6 Summary

It is due to these important connections that the term ‘politics’ has come to have a peculiar definition in comparative politics. Herein the politics is restated in empirical terms and is not merely a study of state and government, it is a study of ‘exercise of power’ and all that influences this ‘exercise of power’ in any way is included in its scope. From the above discussion, we can say that the meaning of comparative politics is much wider than comparative government. As for as the Scope of comparative politics we can say it includes political action of various developing and developed countries. ‘Political action’ in comparative politics means political activity, political power and political process.

### 1.3.7 Long Answer Type Questions

1. Define Comparative Politics. Discuss its scope.
2. What is difference between Comparative Govt. and Comparative Politics.

### 1.3.8 Short Answer Type Questions

1. Write a short note on the Scope of Comparative Politics.
2. What do you understand by Political Power?

### 1.3.9 Key Words

Interdisciplinary

Non-state

Structures

Leadership

Third World

### 1.3.10 Some Useful Books

- J.C. Johri : Comparative Politics, (Sterling Publishers, New Delhi.2011)
- V.N. Khanna : Comparative Study of Government and Politics, (S. Chand and Company, New Delhi.)
- J.C. Johri : Major Modern Political System, Vishal Publication, Delhi.
- S.S. Nanda : Comparative Govt. and Politics, (Modern Publishers, Jalandhar, 2011)

**COMPARATIVE POLITICAL SYSTEM (U.K. AND USA)****LESSON NO. 1.4****UNIT - I****Author : SANSAR SINGH JANJUA****COMPARATIVE METHOD****Structure**

- 1.4.0 Introduction and Meaning of Comparative method
- 1.4.1 Objectives
- 1.4.2 Main Features
- 1.4.3 Formation of Hypothesis and Testing them
- 1.4.4 Self Check Exercise
- 1.4.5 Comparative Politics; New Approaches and Techniques
- 1.4.6 Summary
- 1.4.7 Long Answer Type Questions
- 1.4.8 Short Answer Type Questions
- 1.4.9 Key Words
- 1.4.10 Suggested Readings

**1.4.0 Introduction and Meaning of Comparative Method**

Comparative Method is a method which is used to make the comparative study of different institutions. But as a concept, it has special meaning and explain these different scholars have given the following definitions. Comparative method is not only to identify the similarities and dissimilarities among various political institutions or units rather its purpose is also to lay down generally acceptable and trustworthy principles which become guide for the future.

For scientific study of a subject, comparative method is considered very important. Without the proper use of comparative method, it is impossible to explain the subject scientifically. Comparative method has now become indispensable for the study of politics. In recent years, the comparative method has gained more importance in the field of political science. Its importance is evident from the fact that comparative politics has now become a distinct subject matter of study.

Modern age is the age of 'Comparative Politics' and without the use of comparative method the proper and effective study of it is not possible. In fact, the comparative method is life and soul of Comparative politics. It is because of this reason that the modern political scientists laid emphasis on the use of comparative method. Through comparative method of study on the different political system are not only compared rather these are compared analytically and for this static are collected, these are properly classified and after making the proper verification of these generally accepted conclusions are drawn which help in theory building.

So far as the use of comparative method for the comparative study of different

governments is concerned, its regular beginning was made by rather of Political Science famous Greek thinker **Aristotle**. **Aristotle** reached certain conclusions after making comparative study of 158 systems of governments and included the same in his world famous book 'politics'. After Aristotle, Roman thinker Polybius and Cicero also used comparative method.

In 19<sup>th</sup> Century many thinkers used comparative method for studying theoretical and practical aspects of politics. The main characteristics of the comparative methods used by them were-

(i) These were mostly based on morality and idealism, (ii) In using these, more emphasis was laid on theoretical aspect of the working of government and practical aspects was ignored. (iii) Only the study of the European systems of government was made the subject matter of study. (iv) More emphasis was laid on institutional aspect whereas no special attention was given to the performance of institutions or to the factors influencing their performance.

Comparative Method is such a method by use of which different political units or political institutions are compared and similarities and dissimilarities found in these are identified. But we must keep in mind, the purpose of Comparative Method is not only to identify the similarities and dissimilarities among various political institutions or units rather its purpose is also to lay down generally acceptable and trustworthy principles which become guide for the future. Without laying down generally acceptable and trustworthy principles, the Comparative Method will be of no use.

After discussing the nature of comparative politics we now discuss comparative method in comparative politics. Comparative politics is concerned with the study of political systems. Comparative method now used is quite different from the comparative method used by classical writers on political science like **Aristotle, Machiavelli, De-Toquville, Montesquieu** etc; Earlier thinkers used comparative method on historical basis, but now various new approaches to political science have been developed.

#### **1.4.1 Objectives**

After reading this lesson, you will have a clarity about the comparative method to study comparative politics. Comparative method is to identify uniformities and differences and to explain them. The present age is the age of comparative politics and comparative method has special significance. The use of Comparative method has made possible the comparative study of different political system and as a result of this, its relevance has been increased to a great extent.

#### **1.1.4.2 Main Features**

The comparative method, which is used in the field of comparative politics has three main features.

They are (1) Conceptual units (2) classification & (3) formulation and testing of hypothesis. We now discuss these features one by one.

**(1) Conceptual Units**

In the conceptual, we are to take all those units, which perform functions for complex societies. We are not only concerned with the formal structure of Political organizations like legislature, executive and judiciary but we are also to study the scope of legislature, behaviour of voters, working of political parties and pressure groups. It means those which constitutes the infra structure of a political system are to be studied. In this way in comparative politics, study of these units helps in dealing with the system as a whole. Dvid Apter says, "More and more attention is now paid to nongovernmental and social groups to political processes and the politically oriented behaviour of individual and groups".

**(II) Classification**

Classification occupies a very important place in comparative method. The work of theory building and testing conclusions becomes easier with the help of tables and charts prepared to categories different political systems. The basis of division of power (between federal and unitary systems or between democratic and totalitarian systems is adopted. With the help of units of lesser scope we can have a letter of explanation of varieties of political system.

Finer has given three main points, which according to him differentiate one system of Government from another. They are (1) How far people are involved or excluded from the governing process. (2) How far people obey the orders of the rulers out of commitment out of fear, coercion or persuasion. How far the rulers regard the current values of the masses or how far they disregard these values. In this way one cannot deny the importance of classification in the field of comparative politics.

**1.4.3 SELF CHECK EXERCISE**

1. What are conceptual Units?  
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2. What is the role of Classification in Comparative Method?  
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**1.4.4 FORMATION OF HYPOTHESIS AND TESTING THEM**

The comparisons should be made in such a manner that hypothesis are formulated and tested to fulfill the requirement of verification and application. The basic question in comparative politics is as to how political systems operate. What determines the degree to which political system will responsible to the demand of the people? What determines the degree to which output of a system will be sufficient to meet any internal or external crisis? What determines the capacity of systems to produce effective

leadership to meet the need of all times? Answers to such very important questions are to be sought and comparative method would help us in finding appropriate answers to these questions

In brief, comparative method is the life and breath of the subject of comparative politics. Comparison can be of different forms but, important thing is to discover general principles, variety of conditions and circumstances, temperament of the people, political education etc., to make comparison fruitful.

#### **1.4.5 COMPARATIVE POLITICS ; NEW APPROACHES AND TECHNIQUES**

Many new techniques of analysis have been developed in recent years in the field of Political Science. Different approaches and techniques are now being used to understand political reality, In this regard many methods and concepts have been borrowed from social sciences like economics, Psychology, sociology etc.

We now discuss the approaches and techniques being used by modern writers as well as those used by traditional writers. These are, therefore, two types of approaches and techniques used in the discipline of political science. They are traditional and modern approaches. We discuss these approaches here briefly.

##### **Traditional Approaches**

Till last century, the study of political science remained dominated by history, ethics philosophy and law. Almost all thinkers from Plato to Burke used history, Philosophy and law to lay down principles of political theory. These writers gave many important concepts like liberty, equality, rights, justice, law, state, power etc. The traditional approach remained in operation for a very long time and writers tried to examine past events on the basis of available evidence and ultimately they drew conclusion. They mainly confined their studies to major political institutions and tried to bring proposal for their reforms. They compared various political systems and offered conclusion. Their approaches were only descriptive and institutional.

##### **Modern approaches**

In 20<sup>th</sup> century, writers like Graham Wallas and Arthur Bentley brought a change in political studies. Modern writers started thinking in terms of information process of politics and paid less attention towards the study of institutions. Free borrowing from other social sciences compelled them to conclude the concept of power, authority, and Political elite in the subject matter of their study. In this way modern writers brought a basic change in the meaning of politics. They borrowed from sociology and analysed social classes, social structures and processes of socialization and roles played by individuals as actors therein.

Influenced by economics, they gave the concepts of input and output. From Freud they got the ideas of personality in politics, Individual group behaviour and relation with social activities. From Anthropology they were able to know the total cultural of community. This includes knowledge, art, law, customs traditions and



social ethics. They borrowed idea of communication and control system from with the result of extensive borrowing writer like Devid Easton Almond, David Apter cropped up in the field of politics. In their writing, they tried to pay more attention to non-governmental groups, political parties, behaviour of individual and groups instead of discussing institutions like state, government nation etc;

Change in the outlook has changed the definition of the subject. Methodology Interests and influences and the total outlook have undergone a revolutionary change.

Inter disciplinary approach has widened the scope of politics in a such a manner that sometimes it becomes very difficult to know the real subject matter of comparative politics. It has not been possible to give scientific character to the subject of comparative politics, because no tools are available for this purpose. Inter-disciplinary approach in comparative politics has deprived the subject of its automatic character. It has become dependent on the forces outside the political system. Therefore, it is not playing the role of an independent social science.

Inspite of the problems, which come in the way of comparative politics, recent writers on the subject have invented certain Theories. In these conclusions they have tried to show that political systems may be compared not only on the basis of their structure but also on the lines of infrastructures.

In this way shift in the outlook is very clear. This shift has not however, broken the link between the traditional and modern approaches. The importance of the study of comparative politics is proved from the statement of Curtis, who calls it "the heart of temporary political science".

#### **1.4.6 SUMMARY**

After reading the views discussed above we come to the conclusion that comparative method is such a method with the use of which we make the comparative study of different political systems, political structures and of political infrastructure and it is not possible to draw the boundaries of its scope. The scope of Comparative Method depends upon the purpose of the study and the sources available. But it will be necessary to mention here that the student must go through all those stages, which are essential for adopting comparative method. But inspite of the problems or limitations discussed above, we cannot ignore the importance of comparative method. The comparative method had made possible the comparative study of various political system as a result of which theory building has become possible, the prevalent political theories have been revalidated and the similarities and dissimilarities among the various political systems have been clarified Prof. Rustow is of the opinion that the problem of comparison can be resolved. 'So while keeping in mind the importance of comparative method, effort should be made to remove the limitations of the problems which come in its way.



**1.4.7 LONG ANSWER TYPE QUESTIONS**

1. Write a detailed note on the New Approaches and Techniques to study Comparative Politics.
2. Describe the significance and scope of Study of Comparative Method and Comparative Politics.

**1.4.8 SHORT ANSWER TYPE QUESTIONS**

1. Why is the scope of Comparative Method Expanding?
2. What are the important Characteristics of Comparative Method?
3. Distinguish between Comparative Method and Comparative Politics?
4. How do comparative method help in the analysis of the Comparative Government?
5. What is Hypothesis?

**1.4.9 KEY WORDS**

Classified  
Formulation  
Hypothesis  
Verification  
Ethics

**1.4.10 SUGGESTED READINGS**

- J.C. Johri : Comparative Politics, (Sterling Publishers, New Delhi,2011)
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**THE BRITISH POLITICAL TRADITION (PARLIAMENTARY  
GOVERNMENT)**

**STRUCTURE**

- 1.5.0 OBJECTIVES OF THE LESSON
- 1.5.1 INTRODUCTION
- 1.5.2 THE ANGLO SAXON HERITAGE: (LOCAL GOVERNMENT)
- 1.5.3 NORMAN-ANGEVIN CONTRIBUTION (INSTITUTION OF KINGSHIP)
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- 1.5.11 SUMMARY
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**1.5.0 OBJECTIVES OF THE LESSON**

A Comprehensive study of the British Political system, and that too with a first and foremost place for it in an advanced study of major modern political systems, is important for certain reasons. After reading this lesson, students will have an understanding about the British Political Tradition. They will also have an idea of the development of British Parliament.

**1.5.1 INTRODUCTION**

Britain is truly regarded as the ancestral home of the modern Parliamentary Democracy; the British Parliament is rightly described as

the "*mother of modern Parliaments*". Impressed with the facts of British Constitutional History, Woodrow Wilson once observed that "it has been its leading characteristic that her Political Institutions have been incessantly in a process of development, a singular continuity maturing the whole of the transition from her most ancient to her present form of government.

According to Ogg, "The English Constitution is a living organism. It is always growing with a view to meeting the necessities of the people. The process of constitutional change in Britain has been continuous and at the same time peaceful and almost imperceptibly gradual. The constitution has always adapted itself to the changing conditions and has, by bending always saved itself from being broken. Though the British people are conservative by nature yet they are realists. In a Pragmatic way, they have been quite willing to try out new courses of action. As a result British Political institutions have not been static. The steady growth of British Political traditions is a proof of its adaptability.

To understand the real character of the political institutions of any state it is essential to study them against the background of their historical growth. This also applies to the British Constitutional System, because it is the world's best example of a constitutional system which has reached its present form through a gradual and unbroken development spread over several centuries. "The starting points of English Political institutions and procedures lie scattered along a high road of national history stretching thirteen or fourteen hundred years into the past."<sup>1</sup> A brief review of the past history can therefore provide us a useful knowledge of the British Political traditions which are the main pillars upon which the whole British Political System rests.

### **1.5.2 The Anglo Saxon Heritage : (Local Government)**

To understand the political traditions of the British political system can be traced back to the influence of the Anglo Saxon Heritage. It was the Anglo Saxon period that the foundations of kingship were laid in England. The Anglo Saxon kingship, however, was by no means absolutist, the king ruled with the consent of the council of elders. The most important contribution of the Anglo-Saxon period was the development of local government in England. Township, burghs and later countries were first established by them.

### **1.5.3 Norman-Angevin Contribution (Institution of Kingship)**

The Anglo-Saxon kings failed to found strong centralised government and that largely explains the ease with which William of Normandy conquered the country in 1066. He made himself every inch a king by concentrating greater powers in his own hands than the Saxon kings had known. Thus, the institution of kingship with absolute powers came into existence. The Anglo-Saxon Earls powers were curbed, their estates were confiscated and distributed among William's supporters. The growth of the royal power under the Normans and their successors paved the way for the ultimate triumph of Democracy. Thus, the institution of kingship with absolute powers was one of the political traditions of this period.

#### **1.5.4 Feudalism and Royal Absolutism (Unitary Government)**

The Normans modified the local institutions established during Anglo-Saxon period. The institutions were brought the central control. The church, similarly, super imposed "Common law" - law for the whole country - on local customary rules. In this way, the foundations of a system of government, i.e., feudalism with absolute and centralised powers were laid in the country.

#### **1.5.5 Magnum Conclium and Curia Regis (Privy Council)**

In spite of the great powers which William concentrated in his own hands, he found it impossible to carry on the administration without the help of advisory councils. Thus there came into existence great council (Magnum Concilium) and the King's council (Curia Regis). The great Council, the bigger of two bodies consisted of all the leading men of the realm out of this great council emerged the Curia Regis-the small council. Its functions were to help the king, when the great council was not in session. In the beginning, the great council and Curia Regis were not differentiated from each other and their jurisdictions were never formally separated. Gradually, the Curia Regis developed into a professional body and came to deal with specific, specialised functions and they became two separate institutions. Thus one part of the Curia, known as the permanent council, developed into the privy council, devoted to general purposes. In the same manner other sections of Curia developed into the Exchequer, the council of common pleas, i.e., the privy council. All these institutions are based on British Political Traditions.

#### **1.5.6 Magna Carta (Limited Monarchy and Rights of Citizens)**

The institutions which developed during the Norman-Angevin period were feudal rather than democratic. The strong rulers could rule as virtual

despots while weak ones like king John ran into serious troubles if they tried to ignore the institutions of feudal democracy. That is why during king John's regime, the barons revolted against him in competent tyranny and compelled him to accept a charter of demands - Magna Carta (1215) which has been regarded as the greatest landmarks of British Constitutional history. Though the charter does not contain any list of rights for the citizens, but the charter may justly be said to have turned the current of constitutional development in Britain in the direction of limited monarchy and constitutional government.

### **1.5.7 Emergence of Parliament (Bicameral Legislature and Supremacy of Parliament)**

The Parliament called by Edward I in 1295 has come to be known as Model parliament and in later Parliaments for a considerable time, the three main classes represented, viz., the barons, the clergy and the commons, not together as a single body to hear the King's proposals, then sat separately to discuss them and, met as a single Assembly to vote upon them. Gradually, greater barons and higher clergy came together on account of common interests. They formed the "House of Lords". On the other side the lesser clergy gradually withdrew from Parliament altogether. Thus, Parliament became bicameral legislature. Gradually, powers of Parliament were established properly. But the steady rise in the powers of parliament and in particular, of the House of Commons was bound to result in a conflict between it and the king. The conflict was the most serious constitutional issue of the 16th and 17th centuries. The struggle continued for some time ultimately. The glorious revolution marked a definite stage in the evolution of the constitutional system. The Bill of Rights (1690) asserted in unequivocal terms, the supremacy of Parliament. It declared that laws should be made by Parliament and that the king had no power of suspending or dispensing with laws enacted by the Parliament. It also declared, further that Parliament should be constituted by free elections and members of the Parliament should enjoy complete freedom of speech and debate. What the Bill did was that the king in future held the throne by grace of Parliament. Kings could be made and unmade by Parliament. Parliament was, therefore, supreme.

### **1.5.8 Self Check Exercise**

1. What is feudalism?
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2. How can you define Monarchy?

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### **1.5.9 Emergence of the Cabinet System**

The powers of the monarch steadily diminished, the centre of the political stage was occupied by the ministers who gradually learnt to work as a team or a cabinet. A rudimentary cabinet existed under some Stuart Kings. Cabinet is the core of the British Constitutional system. With this institution developed a new convention that the monarch ceased to be an active force in administration, and the responsibility of running the government shifted towards ministers who were collectively answerable to Parliament for their deeds. William and Mary and their successors were Constitutional heads though not quite in the modern sense of term. They often behaved as though they were real executive.

### **1.5.10 Democratisation of House of Commons**

The nineteenth century brought the democratization of the House of Commons by enactment of a series of reform Bills which widely extended the right to vote and redistributed Parliamentary seats among localities on a fairly equitable basis. All these measures made the House of Commons more truly, representative of the people than the hereditary House of Lords. The Acts of 1918 and 1928 both brought the House of Commons to a point where it can easily be numbered among the most democratic parliamentary bodies in the world. On the other hand, the house of Lords stood still all through this period. It had, in fact, begun to play a secondary role on its own initiative, though it possessed legal parity of powers with the House of Commons. But with the gradual rise in the representative character and powers of the Commons, the House of Lords was in practice beginning to play a subordinate role in British politics. Such a position was bound to cause a conflict between the two houses, as it actually did in 1909 when the Lords refused to pass Lloyd George's Annual revenue Bill. This caused a tremendous upheaval and the Prime Minister, Asquith complained that Lords had violated a valuable convention of the constitution. Thus, the controversy ended in the passing of the Parliament Act of 1911 which stripped the upper chamber of its right to veto even for general legislation passed by the Commons. For more than two centuries thus, the prestige and the power of the House of Commons have been steadily increasing and today it stands the supreme organ of the British Government.

Many other political traditions have taken place since 1699. Local

government was reorganised and democratized. Similarly, judicial system overhauled through judicature Acts between 1873 and 1876. The Civil Service was transformed in spirit and method after 1870 and finally there had been an ever increasing multiplicity in the functions of the state which necessitated creation of new administrative agencies. Side by side with developments mentioned above, Britain saw the rise of political parties which kept the wheels of parliamentary government moving. Britain has evolved a two party system which makes parliamentary government strong and stable. All these British political traditions have been achieved in other fields such as those of local government and of judicial organisation and procedure.

Thus, a unique feature of the British constitutional system is that Britain does not possess what is generally known as "constitution" in the narrow sense of the term. The fact is that there is no such thing as British constitution in the sense of a body of rules in writing and embodied in one or more documents. The British constitution is in other words, unwritten and based on political traditions which have been evolved after a long time.

According to *Munro*, the British Constitution is a "complex amalgam of institutions, principles and practices. It is a composite of charters and judicial decisions and common law, of precedents, usages and traditions. It is not one document but thousands of them. It is not derived from one source but from several. It is not a completed thing but a growth. It is a child of wisdom and of chance whose course has been some time guided by accident and sometimes by high design."

The British Constitution has been a success largely because it had been loose and elastic and has left things to be determined by the common sense of state, as emergencies arise, instead of being decided with the precision of lawyers in interpretation of written documents.

In the end, we can say that the British Constitution is, to a large extent, an unwritten constitution. It is the product of history of British Political Traditions. It has grown with the growth of the English Nation, changed with its wants, and adopted itself to the needs of various times. Jennings has aptly remarked. "If the constitution consists of institutions and not of the paper that describes them, the British Constitution has not been made but has grown and there is no paper." The British Constitution is a body of basic rules indicating the structure and functions of political institutions and principles governing their operation. It is just the same



in nature as the constitution of any other country, the only difference being that the British constitution has never been systematized, codified and put in an orderly form. Probably, no attempt will be made in future, too to bring all these rules and principles together to make the constitution a consistent and coherent whole. In fact, it is an impossible task, for not only do the usages and traditions cover a wide range, but many of them are not sufficiently definite to be reduced to writing. Moreover, the Englishman, as a political animal, has never favoured a system of government based upon fixed principles involving the application of exact rules. He is practical, matter of fact, and zealous for business. Expediency is to guiding principle of his life and has seized opportunity by the forelock. Thus Ogg has remarked. "It is a constitutional structure which lacks symmetry, governmental system which abounds in the illogical". But it does not mean that it is a mere hotchpotch of heterogeneous elements. The rules and principles which govern the governmental machinery have been deduced from British political traditions and consciously adhered to and applied.

#### **1.5.11 Summary**

The important feature of British Political Traditions is its evolutionary character. The British constitution has not been enacted by any Constituent Assembly. Thus, no definite year can be marked for the emergence of the British Constitution. The roots of this constitution as we have already discussed, go back to the Anglo-Saxon time and all the basic principles of the British Government, such as kingship, limited monarchy, Parliamentary Supremacy, Parliamentary form of government, tradition of liberal democracy, Bicameralism, conservatism, unitary State, *Rule of law, independence of Judiciary, Biparty system* are based on British Political Traditions and are known as features of British Political Traditions. We have already discussed their history, the features of these political traditions will be discussed in details in the next lesson.

#### **1.5.12 Long Answer Type Questions**

1. Make an assessment of the British Political Tradition in detail.
2. Discuss the main characteristics of British Political Tradition.?

#### **1.5.13 Short Answer Type Questions**

1. What do you mean by Political Tradition?
2. What is Magna Carta?
3. What is Curia Regis?

#### **1.5.14 Key Words**



Democratisation  
Political Tradition  
Hereditary  
Kingship  
Liberal  
Democracy

**1.5.15 Suggested Readings**

Mackintosh : The Government and Politics of Britain  
A.C. Kapoor : Selected Constitution

## **MONARCHY**

### **STRUCTURE**

- 1.6.0 OBJECTIVES OF THE LESSON
- 1.6.1 INTRODUCTION
- 1.6.2 SELF CHECK EXERCISE
- 1.6.3 POWERS OF THE KING
  - 1.6.3.1 SOURCES OF THE POWERS OF THE KING
  - 1.6.3.2 EXECUTIVE POWERS
  - 1.6.3.3 LEGISLATIVE POWERS
  - 1.6.3.4. THE KING AND JUSTICE
- 1.6.4 ACTUAL POSITION OF THE MONARCH
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- 1.6.6 KINGSHIP, WHY IT SURVIVES OR JUSTIFICATION OF MONARCHY
- 1.6.7 SUMMARY
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- 1.6.9 SHORT ANSWER TYPE QUESTIONS
- 1.6.10 KEY WORDS
- 1.6.11 SUGGESTED READINGS

### **1.6.0 OBJECTIVES OF THE LESSON**

While discussing the salient features of the British Constitution it was pointed out that one of the dominant characteristics of this constitution is the gap between theory and practice. A striking illustration of this is to be found in the position occupied by the Monarch, in other words, the distinction between "**King and Crown.**" Gladstone once declared this is be the most vital fact of the British Constitution. It is therefore, very important to know what is the difference between King and Crown, and the position and powers enjoyed by the former. This will be the topic for discussion in this lesson.

### **1.6.1 INTRODUCTION**

What is the crown ? To know what is the character of the Crown it is necessary to know in brief the evolution of kingship in England. In the last lesson, we read that England has Monarchy i.e. that king is the Head of the State there. What an anomaly is that in such a democratic and progressive

country, like England, this kingship still survives and it still holds the same position and prestige. To begin with, a king was a personal ruler and exercised all the powers of the government. When kingship became hereditary, it took the form of an institution. As such, a distinction came to be observed between the King and Crown. The former was recognised to be a particular individual, a person who is born, who dies, who may abdicate, or who may be dethroned. The latter, on the other hand, i.e., Crown became that institution which went on without interruption regardless of the coming and going of individual Monarchs. The King as a person was one thing; the King as an institution surrounded by all the accumulated powers and traditions, was quite another.

For sometime in the history, however, the King in person exercised all the powers of kingship personally. Every word uttered by him was law. Everybody had to abide by his wishes. All the governmental officials were appointed by him and they used to hold their offices as long as he wished. But, in the course of time, when Kingship was democratised it came to be recognised that while the King may keep on wearing the Crown and thus exercise all the prestige of the institution, the actual powers and duties are transferred elsewhere. All the powers of the Crown went in the hands of an institution which is known as Crown. As a consequence, while the King continued to be a part of the government, his role in decision-making became a modest one. Thus, the appointment of officials, the direction of administration, the leadership in law making, and the initiative in opposing dictatorship of parties of the right or the left. There is, of course, nothing in the rule to prevent the prudent and carefully controlled delegation of legislative and judicial powers to specially selected bodies. Such delegation is of long standing in Britain; much of the attack made on it rests on exaggeration and the treatment of remote possibilities as real danger."

But this does not mean that the rule of law is dead. However, in the words of Wade Phillips, The Rule of Law remains a principle of our constitution. It is as true today as when Dicey wrote that officials are not exempted from the jurisdiction of ordinary courts and that the law of England knows nothing of exceptional offences punished by extra-ordinary tribunals. There are no special courts for the trial of crimes against the State or of civil claims against the officials. But the only thing is that the practice of delegated legislation, of giving ministers and their subordinates quasi-judicial powers and conferring

special privileges and immunities on public authorities and their officers can, of course, result in a distortion of the rule of law. Therefore, there is a dire need for constant vigilance on the part of the people and particularly on that of Parliament if the bureaucracy is to be prevented from establishing its depotism.

However, it remains to be said that Dicey's exposition needs some modifications in the light of new conditions of the day. The rule of law still remains a principle of the British Constitution, but it needs restating in the light of present conditions. According to a recent statement, the rule of law "involves the absence of arbitrary power, effective control of and proper publicity for delegated legislation, particularly when it imposes penalties, that when discretionary power is granted the manner in which it is to be exercised should as far as practicable be defined that every man should be responsible to the ordinary law whether he be private individual or public officer, that private rights should be determined by impartial and independent tribunals and that fundamental rights are safeguarded by the ordinary law of the land." Since the principle of the Rule of Law is related to Supremacy of Parliament and thus, is in a position to influence the course of legislation. Though the principle of Rule of Law given by Dicey needs modifications yet we can say Rule of Law does exist in England policy-franking - all passed into other hands, i.e., Parliament and Cabinet. Thus, we find that retaining still the old legal fiction, all activities of the government are carried in the name of the king who is the source of all authority. But, the king that functions with respect to them is not the personal Monarch, but rather the institutional King. The institutional king, moreover, is only a fiction standing back of the actual supreme executive authority embodied in a complicated association of Monarch, Ministers and Parliament. As such, Sydney Law has described it as "a convenient working hypothesis."

Crown, therefore, is that convenient hypothesis which may sometimes be referred to the will of the people', 'The Nation', etc. It is the symbol of the entire British political system; or it may be called 'Government'. It is the permanent institution which does not perish with the death of its wearers the king. The cry. "the King is dead, long live the King" also conveys clearly the difference between the two. The King as a person dies, that Crown as an institution continues. The King does not exercise the power of the Crown on his own will but on the advice of ministers. The King, Ministers and Parliament

make a synthesis of the power called Crown.

The difference between the King and the Crown can be summed up in these words : The King is a human being, the Crown is an institution. The King dies but the Crown is somewhat a permanent institution that is why this proverb is used 'The King is dead, Long Live King.' The King has only a few powers; the Crown includes all the executive, legislature and a administrative powers which are used by the minister. The King is only the nominal head, the real executive is the Crown. The powers of the King are decreasing, whereas those of Crown are increasing. The King is a part of the Crown. In Crown, The ministers and the parliament are also included. The King is only an agent to use powers of the Crown.

### **1.6.2 SELF CHECK EXERCISE**

1. What is the different between the King and the Crown?  

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2. What is the Rule of Law?  

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### **1.6.3 POWERS OF THE KING**

**1.6.3.1 Sources of the Powers of the King :** The present day powers of the King are derived from two sources, prerogatives and statutes. By statute, we mean acts of the Parliament. Whenever an act of Parliament confers some additional duties on the executive authorities or the functions of the government, it adds to the duties of the King, and thus becomes a source of the powers of the King. Prerogative is defined by Dicey as "the residue of discretionary or arbitrary authority which, at any time, is legally left in the hands of the Crown." Originally, when the powers of the King were not limited, all the powers of the Crown were considered to be his prerogatives. With the ascendancy of the Parliament in power most of the prerogatives of the King were stripped away from him. Besides old powers fell into disuse and became obsolete. Those powers which survived along with the newer ones as were picked up by the usage and distinguished from statute, continued to form the prerogative powers of the King. Prerogatives thus, are those powers which have not been conferred upon or granted to the King by any authority. On the other hand, these are the powers which are acquired by prescription, confirmed by the usage or by judicial decisions and accepted even after the Parliament gained supremacy. Thus, the power to summon prerogue, or dissolve the Parliament; to create peers; to appoint ministers and judges; to declare war

and make peace; the power to pardon the offenders, are all examples of the prerogatives of the King.

But, whether a power is derived from statute or from prerogative is not of much practical importance, now. All the powers are subject to parliamentary restriction or abrogation. All of them are exercised under the supremacy of Parliament. All of them are carried under ultimate responsibility to Parliament, even though they may be employed without any consultation with Parliament advance.

**1.6.3.2 Executive Powers :** The King is the supreme executive of the state. As such, he supervises and controls the enforcement of national laws and directs the national administration in the whole of the state. The King appoints and directs executive and administrative offices of the army, navy and air force; removes all these officers except judges. All the Ministers including the Prime Minister are also appointed by the King. It conducts country's foreign relations and also its dealings with the colonies commonwealth. The envoys from the foreign states are received by the King and those deputed abroad are also accredited by the King. It holds supreme command over the armed establishments. The treaty making power belongs to the King. It can negotiate, sign and even ratify international agreements. Although there are some treaties, such as treaties changing the law of the lands alerting substantive right of British subjects, ceding territory, etc. which require approval by the action of the King alone.

**1.6.3.3 Legislative Powers :** The King is not only the custodian of executive power, he also has a vital share in the work of legislation. Technically, the law making function is vested in the 'Queen in Parliament', but in law making, as in other fields, the King has yielded to the Crown.

Thus, the King summons Parliament, prerogues it, and dissolves it. No bill passed by the Parliament can become a law unless and until it has received the royal assent. Although since the time of Queen Anne not a single bill has been dissented to by the monarch, royal assent on every bill is still a pre-requisite. The King creates the new peers and also nominates the law lords. Every year, budget is presented before the House of Commons on behalf of the Crown. Orders in Council, however, are issued in large numbers by the Queen in Council, i.e., the King and the Privy Council, although all these orders are actually issued by the Cabinet.

**1.6.3.4. The King and Justice :** King is the fountain of all justice in

Great Britain. Technically, the courts are still the Queen's courts. All judges are selected and appointed by the Crown authorities. All criminal prosecutions are carried in the Queen's name even today. All appeals from the courts of the colonies are decided by the Crown on the advice of the Judicial Committee of the Privy Council.

**1.6.4 Actual Position of the Monarch :** From the description of all the powers of the King, it is apparent that his powers are indeed very large and far sweeping. If all these powers were to be personally used by the Queen she would really have become very powerful. Rather the Queen now finds herself literally in the position of one who "reigns but does not rule." Thus, most of the functions and powers which are said to be those of the King are actually exercised by the ministers. Actually, British political system is a democratic, responsible system which has to basic principles underlying it. Firstly, the Monarch may not perform public acts having any legal effect, except on the advice of ministers and thus countersigned by one minister or the other. Secondly, for all the public acts of the Crown, it is not the Queen who will be held responsible, rather the Minister will be accountable to the Parliament. That is why, the saying that the Queen can "do no wrong" is upheld in the British political system. Three conclusions can be drawn from this rule; firstly, politically the King is outside politics. The King cannot be held responsible for any decision taken by the members of the party which has a majority in the House of Commons. He exercises the powers which are left to him impartially whether it is the government of Labour Party or Conservative, the party concerned will be responsible for implementing its policies. Secondly, legally the King cannot be held responsible for any crime or any decision though legally taken in his name. He is the source of law, he is above law. Therefore, though all the decisions are taken under his signatures but he acts only as a stamping figure. The responsibility lies with the concerned minister of the cabinet. Thirdly, constitutionally, this rule in the British Political system is absolutely correct. All the powers which are in the hands of the king, are exercised not by him in reality but by the Crown. He cannot be held responsible for the wrong exercise of power or function by the statutes of the Parliament or of by his prerogatives. Hence, it is unthinkable in Britain that any public decision or act adopted by a minister who has the confidence of his colleagues and Parliament will be rejected by the Monarch. Refusal of the Monarch to sign any such decision



will result into the resignation by the government, and the monarch will be unable to form an alternative government, thus precipitating a worst type of constitutional crisis. No Monarch would wish to do that. Hence, the Monarch is almost bound to be as asked by the Prime Minister and his Cabinet.

Hence, it is Cabinet which is the real executive in Britain and Monarch is only an adviser. The position of the Monarch is that of a constitutional head. He has no freedom in the selection of the Prime Minister and other ministers who are selected by the majority party in the House of Commons and by the Prime Minister respectively. Likewise law may be passed in the name of the Queen but her actual role in law making amounts to nil. So powerless has the Queen become that she is sometimes spoken of as a "**rubber stamp**" in the hands of the ministers. To signify the powerless position of Monarch, a courtier of Charles II wrote on the door of the royal bed chamber :

'Here lies our sovereign lord, the King,  
whose word no man relies on,  
He never says a foolish thing,  
Nor ever does a wise one.

To this, Charles retorted that it was all very true for that the King said was his whereas his acts were always acts of his ministers.

**1.6.5 Influence of the Monarch :** Despite the powerless position the Monarch, it will be wrong to say that kingship is a useless institution in the British political system. Absence of executive and legislative authority does not deprive the Monarch of considerable influence in the working of the government. As Bagehot points out, "British Monarch retains three important powers even now, i.e., right to advise, right to encourage and right to warn." The Prime Minister has to keep him informed of cabinet decisions and explain him the reasons for asking his signature on any official documents. The Monarch also keeps himself in touch with the debates and proceedings of the Parliament. The Monarch is the 'critic', adviser and friend of the government. Although the government is not bound by the advice of the Monarch, his views on matters of public policy are, however, carefully considered by the minister because of the long experience which the monarch had, and also on account of the non-partisan character of the advice. The Monarch, thus, has a very advantageous position on account of which his advice may be given careful weightage by the Prime Minister and other ministers. As Peel once

observed after ten years a king ought to know more about the government than any other man in the country. Of course, the influence exercised by the Monarch will depend to great extent upon his personality.

Moreover, this influence can be clearly seen during certain extraordinary circumstances when the Monarch may be called upon to take his discretionary decision. These circumstances may be summed up in the selection of the Prime Minister, when no single party is in clear majority in the House of Commons, or when the majority party does not have a clearly recognised leader. The role of Queen Victoria in the selection of Lord Rosebery after the retirement of Gladstone and that of George V in choosing Stanley Baldwin in preference to Lord Curzon are evidences of the discretionary powers wielded by the Monarch in the selection of the Prime Minister in Britain. Another circumstance which may require the sovereign to use his discretion is on the question of the dissolution of the House of Commons when asked for by the Prime Minister. For more than a 'century', however, no sovereign has rejected such an advice of the Prime Minister to dissolve the House of Commons. Whether the queen can refuse today is still a contested question.

**1.6.6 Kingship, why it survives or Justification of Monarchy :** To a foreigner, it is an anachronism that while Britain is a democracy on the one hand, it has a hereditary head of the state. While, such an institution has been discarded by most of the modern states in the world, it continues to exist in Britain even today. Not only this, British subjects do still esteem their Monarchs with great respect and regard. The fear that the Labour Party would try to introduce republican form of governments when placed in power, has also been proved baseless. Except for the communists, whose number is very small, no one seriously demands the abolition of Monarch in Britain. As Herbert Morrison observes "no monarch in the world is more secure or more respected by the people than ours."

One of the principle reasons for this institution grown strong is that Monarchs have lost all their powers or in other words, Monarchy has proved to be no hindrance to the working democracy in Britain. With the demands of democracy, the sovereigns have very gracefully agreed to the limiting of their powers. Hence, monarchs have proved to be a help rather than a hindrance in the smooth working of democracy in Britain.

*Secondly*, monarchy serves many useful purposes today, in case it is abolished some substitute arrangements will have to be made. These can be elected

head on the pattern either of U.S.A. or India. If it is the indirectly elected head on the like the President of India, namely a powerless and constitutional head, then it may be said that the situation will remain substantially the same, since functions and powers of President of India are more or less the same as those of the British monarch. On the other hand, if the head is a direct nominee of the people as in U.S.A., the President will no longer be the constitutional head acting always on the advice of the ministers, rather, he will exercise some real powers and shall be independent of the control of the Parliament to a great extent. Such an executive head, it may be stated, is inconceivable in the British political system which is based upon the supremacy of the Parliament. Thus, we find that both the possible alternatives for one reason or the other are not suitable to Britain.

*Thirdly*, the institution of monarchy also draws strength from the conservative and tradition-loving nature of the citizens of Britain. Whether these traditions are in sports or in their eating habits, or in politics, they love to continue them. They would not like to go in for any change unless and until they are assured that the change will work for the better.

*Fourthly*, there are strong psychological reasons for the popularity and security of monarchy in England. The sovereign, according to Begehot, represents the dignified part of the constitution, people love to have some colour and pageantry in politics. Monarchy fulfils need of the people. As Quintin Hogg points out. "The King represents the mystical element of the constitution without which, it seems, man can with difficulty be governed. Monarchy, it is further said, satisfied yet another psychological urge of the masses. In the present age of ever impending economic disaster, the individual feels like a frightened child and needs the sense of protection. The "father image" which the monarch convey gives a feeling of security to the people who also have deep affection and respect for monarchy. As it is said, "with the king in Buckingham Palace, people sleep more quietly in thier bed."

*Fifthly*, monarch is not only ceremonial head of the state, but also an indispensable and useful part of it. He establishes a continuity in the government. Monarch performs the functions of a constitutional head such as the signing of the bill, receiving and accrediting diplomatic an other envoys. Hence, it would be wrong to describe the monarch as a "cypher." It provides a symbol of unity, a magnet of loyalty of all sections of people whether members

of one party of the other. Since he is above party politics and has no vested interest the monarch may play the role of an arbitrator in certain political disputes such as Queen Victoria played in the settlement of disputes between the House of Commons and House of Lords, or that the George V in settlement of the issue of Irish Home Rule in 1921. The British Monarch, again has his value as the head of the British society. The monarch and his family are said to set the fashion for the country in matters of social norms, etiquettes and dress. There is glamour and glitter whenever the royal family attend any social even not least. Horse racing, "the king of sports" of which millions of Englishmen are votaries.

The British Monarch is also the symbol of unity of the Commonwealth of Nations. It is that formal and sentimental like which bind together Britain and her colonies on the one hand and Britain and the Commonwealth on the other. Since the Commonwealth of Nations is the loose association of independent states, the presence of British Monarch as its symbolic head provides that link which holds these diverse entries together. Winston Churchill called it the mysterious link' or "magic link" for the purpose.

*To conclude*, therefore, it may be said that monarch is deeply rooted in the constitutional system of Britain. The issue to mend or end the House of Lords has been raised a number of times. So much so that the question to reform the House of Commons or even the Cabinet has also been discussed from time to time. But there has never been any serious criticism of kingship. This shows that Monarchy is not likely to be abolished in Britain in the near future. Hence, monarchy is an indispensable and even a useful part of the kingship of state.

#### **1.6.7 SUMMARY**

We have read about the king and the institution of Crown in England. In the beginning, all the powers were in the hands of the King but steadily all these powers were transferred to an institution named "Crown". The King is part of Crown which includes King, Ministers and the Parliament. King in England draws his powers through two sources, firstly, by the statutes made by the Parliament and secondly, by his own prerogative. But all these powers of the king are exercised by the Ministers. This does not mean that king does not have any powers. King cannot be held responsible for anything done by the ministers. According to Bagehot, King has the right to advise, right to encourage and right to warn. Monarch in England cannot be abolished as it has become a part of the life of the Britishers.

**1.6.8 LONG ANSWER TYPE QUESTIONS**

1. Make a distinction between King and Crown in the British Political System.
2. Examine the position of Monarch in the British Political System.

**1.6.9 SHORT ANSWER TYPE QUESTIONS**

1. What do you understand by the Crown?
2. Write a short note on the Legislative Powers of the King?

**1.6.10 KEY WORDS**

Decision Making  
King  
Crown  
Depotism  
Rule of Law  
Instutitonal King  
Privy Council  
Conservative  
Rubber Stam

**1.6.11 SUGGESTED READINGS**

1. K.R. Bombwall: Major Contemporary Constitutional Systems.
2. Jacobs Zink : Modern Governments
3. A.C. Kapoor : Selected Constitutions.
4. Neumann : European Governments

**BRITISH CABINET DICTATORSHIP OF THE CABINET**

**STRUCTURE**

- 1.7.0 Introduction
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### **1.7.0 INTRODUCTION**

In the previous lesson, we discussed the origin, evolution and characteristics and functions of the British Cabinet. From that, it is clear that it is the cabinet, which is the real executive in Britain. It exercises immense powers and control over the entire governmental system. The constant increase in the powers of the cabinet has been a development witnessed in the British constitution since the present century. The supremacy of the cabinet has sometimes been described as the "dictatorship of the cabinet."

#### **1.7.1 OBJECTIVES OF THE LESSON**

We will discuss in this lesson the factors which have accounted for the dominant position of the cabinet. The status and role of the British Prime Minister will also be discussed in this lesson. Apart from these topics we will also discuss the relation between the political and permanent executives i.e. the cabinet and the civil services.

**1.7.2 Dictatorship of the Cabinet :** Till the end of the nineteenth century Parliament in U.K. was all powerful both in law and fact. The doctrine of the Parliament started with the advent of the present century or after the World War. Theoretical cabinet is responsible to the House of Commons. Members of the House can put questions to the minister and thus expose the inefficiencies and fallings of their departments to the public. A vote of censure can be passed against any minister or ministry as a whole. Not a single penny can be spent by the cabinet without the approval and sanction of the Parliament. But in reality everything is just the reverse. In other words, although under the control of the House of Commons in law, actually cabinet in a position to control the House itself. It is not the cabinet which functions according to the will of the House of Commons but it is the House which has to function according to the will of the cabinet.

The main reason for this is the organisation of political parties and two party system. So long as, the cabinet has a clear majority in the House, it is difficult for the House to oust the cabinet. The last occasion when the cabinet had to resign as a result of a vote of non-confidence in the House was in 1895.



Since then, no cabinet has been thrown out of office as a result of an adverse vote of the House. As such, this right to force the cabinet to vacate its office is no longer exercised by the House of Commons.

Cabinet also controls the legislative policy of the House. Legislations proposals are introduced in the House by the cabinet and piloted by the Cabinet members. House of Commons is only a stamping authority to register the political decisions which have already been taken by the cabinet. So much so that it is said that laws are framed with the permission of the cabinet. Almost 85 percent of the bills, if not more are sponsored and introduced by the cabinet. The House spends practically 7/8th part of its time on the consideration of the government bills. How much time is to be devoted on each proposal is also decided by the Cabinet.

**1.7.3 Cabinet controls not only the ordinary legislative policy but it also has upper hand on the financial matters**

Cabinet controls not only the ordinary legislative policy but it also has upper hand on the financial matters. Money bills can be introduced only by the ministers. House of commons cannot increase any demand for grant not can it reduce them. Budget is approved by the House in the form in which it is prepared and introduced by the Chancellor or Exchequer and approval by the cabinet. Cabinet does also enter into treaty arrangements with other without consulting the Parliament.

**1.7.4 Cabinet has its dominance practically on all government matters:**

In short, cabinet has its dominance practically on all government matters. parliament seems to have become, in Ramsay Muir's words registering body and he calls it the growing dictatorship of the cabinet. How are we to account for the fact that the theoretical supremacy of Parliament or to be more, specific House of Commons has been converted into its actual subordinations to an allegedly omnipotent cabinet or virtual dictator? These factor are as follows :-

**1.7.4.1. Two Party System :** Perhaps the most important factors responsible for this development is the existence of only two well-organised and strong political parties in Britain. In ensures that one of the two parties will have to clear majority in the House and therefore the Government constituted by it will be strong, secure and stable. The members of the party will always support the policies of the cabinet as otherwise action can be taken against them for the breach of party discipline and party directives. The ideologies of two parties are absolutely different from each other that defection from the one party to the other is out of question. So the party which gets majority in the House is quite

successful in becoming the dictator.

**1.7.4.2. Party Discipline :** Party discipline plays a vital role in the establishment of dictatorship of the cabinet, up to 19th century the parties were not that well organised as they are now. So long as the parties were not well organised it was very easy for the members to shift their party loyalties by resigning from one party and becoming members of the other party. Because of limited franchise the number of voters was very small most of the candidates used to contest independently. They were not bound by any party. But with the rise of adult franchise the constituencies have become very vast and the expenditure to maintain them has also increased. To be successful it became necessary for a candidate to be affiliated with one party or the other. With the dependence on the party discipline became very strict. While in the House a member bound by the party discipline has to vote for his party. To go against the party is breaking the party discipline and a member can be shunted out. The party which gets the majority in the House makes the cabinet and without any fear it stays in office till the next general elections. the members of the majority party support the minister without any reservation. And thus on the bases of majority a party gets that authority which originally belongs to the House.

**1.7.4.3. Power of Dissolution :** With its right to dissolve the House of Commons the cabinet can regiment its followers in the House of Commons. As such members of the House vote completely on party line. It is, therefore, the two party system and a tight party discipline which give the cabinet an assured majority of pledged supporters in the House of the Commons enables it to have things in its own way.

**1.7.4.4. Collective Responsibility of the Ministers :** The principle of the collective responsibility of the ministers is also responsible for the growth in the powers of the cabinet. Every Minister is responsible not only for his own department but also for the ministry as a whole. The ministers might differ among themselves on certain matters in the cabinet, but once a decision is taken all have to stand for it as a united team. If, therefore, there is any criticism on a particular decision pertaining to a department, the whole cabinet will defend it. This unity of the cabinet also makes it strong and powerful.

**1.7.4.5 Heavy Load of Business on the House of Commons :** Modern state is a welfare state, the purpose of which is to seek all kinds of welfare of the masses. This has lead to increase in the functions of the

government and legislation business. Due to lack of time the House is incapable of passing laws with all the details. Nor do they ordinary members of the House have enough knowledge to understand the technicalities of law. Hence, House passes only skeleton legislation laying down the broadlines and the details are left to be filled in the Ministers/ Secretaries. This is called delegated legislation and the rules enacted under it are in the form of orders in council. This has, indeed, been a very powerful factor in the making of the cabinet very strong and dictatorial.

**1.7.4.6. Control of the Cabinet over the Business of the House :** The rulers of the procedure of the Parliament are also under the control of the cabinet. Parliament is summoned by the Monarch on the advice of the cabinet. The agenda for each session of the Parliament is also prepared by the cabinet. Although this is useful in as much the Parliament is put on the right lines and thus saved from wasting its time on unnecessary items, it also enables the cabinet to hold a check or restraint on the will of the Parliament.

**1.7.4.7. National Emergencies :** National crisis in England has also contributed towards the strengthening of the position of the cabinet since a government is necessary to be able to meet the crisis successfully. As such the cabinet acquired many powers during the Ist World War. The period in between the two World Wars has been very significant in this respect due to the great depression regarding Labour unrest and many other problems in Nineteen twenties and thirties. The National Government which was constituted in U.K. in 1931 assumed almost a dictatorial position. It could even raise taxes without the approval of the Parliament. During the second world war the parliament has given several additional powers to the cabinet which were necessary to maintain public safety and security. Due to an extremely interdependent nature of relationships among the sovereign state of to-day and the unpredictability of the world scene the executive has to be vested with sufficient powers to meet any unforeseen grave situation in the country as well as outside.

**1.7.4.8. Cabinet's Control Over Finance :** Constitutionally the powers of raise taxes and to pass the budget lies with the Parliament, but the influence of political parties has shifted this power to the cabinet. The majority party exercises considerable influence in the House and as such the cabinet exercises full control on the finance.

**1.7.5 The supremacy of the cabinet is clearly fundamental:**

As such there is no doubt the cabinet is a very powerful agency in the British political system. The supremacy of the cabinet is clearly fundamental. It is perhaps the most powerful executive found in the entire democratic world; the only exception being the President of U.S.A.

Yet, however, powerful it may be, the cabinet is still essentially a democratic organ. It has not usurped its powers, but derives its authority from the people. There is an equally organised and disciplined, doubly alert and vigilanti opposition in the House ready to expose any failing on the part of the Government and thus mould public opinion in its favour leading ultimately to the victory of the opposition part. As such, no government can afford to ignore the Parliament and the public opinion. Through questions, debates, adjournment motions, votes of on confidence motion of censure and motions of confidence, the members of the House and particularly those of opposition can keep the searchlight of criticism and publicity fixed upon the activities of those in power. Thus, even if the business of the government is not to govern but it sees that cabinet governs in accordance with the rules of the game. Since each cabinet seeks to maintain itself in power and it cannot do so unless it keeps to the right side of the popular mind. Even if the cabinet behaves like a dictator, it can do so only on one condition and that is that it has been able to convince the people that there cannot be a better government under the existing situation. If by any chance public opinion is disturbed and agitated on one issue or the other, the cabinet will have to bow before the public opinion. There are many instances which can be cited to prove how the cabinet was forced to change its original line of policy as a consequence of a heavy criticism from the people.

**1.7.6 Relations between Ministers and Civil Servants :** So far we have discussed the cabinet system in Britain. But cabinet or ministry constitutes only the political executive i.e. it is concerned only with the formulation of state policy. But, in reality, the ministers, presidents of different boards and like officers do not collect the taxes themselves. Nor do they check the accounts themselves. All these jobs are done by a group of persons which is known as civil service. The executive which is concerned with the execution and implementation of the decisions taken by the cabinet is known as permanent executive. It is this executive on which depends, to a great degree, the efficiency of the governmental system in any country. We will now discuss the relation which it bears to the political executive or the cabinet.

Some writers like Ramsay Muir hold the view that civil service dominates the ministers, that ministers are tools of civil servants and play in their clever hands. Ministers are the nominal rulers and it is the bureaucracy that actually governs England. The main contention for this view is that ministers are amateurs having little or no knowledge of the departments of which they take charge. On the other hand civil servants are experts who have spent long years in the service of departments and have thus acquired rich experience and knowledge of their working. Qualifications which make a man minister are of a different sort. He should be a good party manager, a good speaker, a good parliamentary debater or a good trade union leader or a man of means of influence. Such qualifications do not fit a man to head a government's department. Moreover, ministers have little time to understand their departments or to master its working or study the proposals of their civil servants. They have to attend cabinet meetings, parliamentary sittings and public functions. Every ministry has persons who are altogether new to the department they are allotted. Such being the case, it is contended, the minister must play second fiddle to their experiences and expert subordinates and ditto whatever the latter proposes to them.

**1.7.7 Views Not Correct :** The above picture of equation between minister and civil servant is exaggerated and over drawn. As Morrison says, "it is untrue as a generalisation though it can be true in particular cases." The view started above, is wrong for the following reasons :-

- (1) All ministers are not weak and unfamiliar with the fundamental work. Weak ministers may submit to departmental pressure. Strong ministers who know their mind and policy like Churchill Lloyd George, Disraeli etc., always command respect from civil service and had their ways.
- (2) This view forgets the selective function of the House of Commons. A member of the House of Commons does not become minister overnight. He has to serve a long period of apprenticeship in the House. He has to prove his ability to understand and examine public affairs in parliamentary debates. Departmental matters come up before the House and as such, members and ministers are not unfamiliar with them. A energetic and intelligent minister can grasp the affairs of his department quickly and need not be led by others.
- (3) Civil servants are not experts in the sense in which scientists

are. They need not be, therefore, superman. The knowledge, they possess need not frighten ministers. Ministers can understand their reasons and arguments without much difficulty.

- (4) Ministers need not be experts. They should be able to present public point of view. Modern democratic administration is a combination of popular and expert elements. Without the former, the latter degenerate into bureaucracy. The job of a minister is to examine the proposals and policies of his department from the angle of public interest. He is there to tell the civil servants what the public wants and what the public will not tolerate.
- (5) The above view is an indirect reflection on civil service as well. It assumes that civil servants are power hungry bureaucrats always eager to dominate the ministers and to govern the country themselves. Nothing can be farther from truth. Members of civil service may make a mistake interpreting the mind of a minister, obstinacy may be met here and there, but on the whole the civil service serves ministers with loyalty and sincerity.

We can conclude that civil service plays an important part and exercises influence in the administration of England today. It must contribute towards the shaping and execution of policy. Here, there is no question of domination. Civil servants must tender advice to the ministers who are, however, free to accept or reject it. In fact, both are complementary and supplementary to each other. As Morrison says, the relationship between the ministers and the civil servants should be and usually is, that of colleagues working together in a team. With mutual cooperation the other's needs. The senior civil servant should confer with ministers freely, should supply them all facts and information as best as they can. Ministers should not discourage honest advice. The view point of civil servant should be patiently heard and carefully weighted. It is for the minister to take the final decision. It is for civil servant then to carry it out irrespective of his advice or not. As the final decision rests with ministers, civil servants naturally expect of him to take initiative and give direction.

### **1.7.8 SELF CHECK EXERCISE**

1. What is two Party System?
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2. What is the dictatorship of the Cabinet?

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### 1.7.9 THE PRIME MINISTER

While discussing the characteristics of the British cabinet system it was said that one of its characteristics is the leadership of the Prime Minister. We will now examine the position and status of the Prime Minister in detail.

Both of the origin and role of the Prime Minister is entirely conventional. Walpole was the first one who exercised the function of presiding over the meetings of the cabinet, since George I was unfamiliar with English and had no interest in the English affairs. Till 1937 there was no mention even of the office of the Prime Minister in any statute of the parliament. The Minister of the Crown Act of 1937 for the first time mentions the office. "There will be Prime Minister and First Lord of the Treasury who shall be paid as annual salary of ten thousand pounds." But even this Act does not define the powers and the role of the Prime Minister which continue to be entirely conventional.

**1.7.9.1 Appointment :** The office of the Prime Minister of England is one of the most powerful executive offices of the world. He is appointed by the King. But the King cannot use his own direction in appointing the Prime Minister as he has to invite the leader of the majority party in the House of Commons to form the government. The King can use his power only when one of the parties gets majority or when the leader of the majority party resigns.

As based upon constitutional conventions the functions of the Prime Minister may be discussed as under the following heads :-

**1.7.9.2. Formation of the Cabinet :** Since Prime Minister is the leader of the Cabinet and Government his first great task is that of the formation of the Government. After he has been invited by the Monarch to constitute his government, he prepares a list of the persons whom he wants to include in the cabinet and ministry. Although there are several considerations which limit the choice of the Prime Minister such as important members of the party, geographical representation and so on and so forth. yet whatever freedom is left, that is of the Prime Minister and no body else's. It is true that he consults some important leaders of his own party while forming his cabinet and minister, yet it is for him to decide how many members should there be in the cabinet, whom to put in the cabinet and whom to exclude. As Finer says, it is the responsibility



of the Prime Minister "to make the cabinet work", he further writes" he must arbitrate differences of view and personality." In short "he must fit all the necessary talents together into a reputable team."

As such Prime Minister distributes portfolios among the ministers. He can reshuffle the cabinet and ministry as and when he wants even redistributes the portfolios. He can even ask a member to resign. If he feels that his presence in the government will weaken the position of government, he can even advice, the Monarch to dismiss such a Minister. It is for these powers of the Prime Minister, therefore that he is described by Lord Morley as "the key-stone of the Cabinet arch." His position in the cabinet is so central that the life and the death of the cabinet depends upon him.

**1.7.9.3. Chairman of the Cabinet :** Prime Minister calls the meetings of the cabinet and presides over them. He also prepares the agenda of the cabinet meeting. In the cabinet meetings and discussion through the views of all members count, the Prime Minister's decision is the final. A minister who cannot see eye to eye with the Prime Minister has either to yield or to resign. So complete is the Prime Minister's control over the cabinet that the resignation of even a powerful colleague like Anthony Eden in 1933 failed to shake the position of Chamberlain who was, at best a mediocre Prime Minister. As such normally a Prime Minister whose leadership does not stand challenged in the party can exercise great control over the cabinet of which he is the Chairman.

**1.7.9.4. As Co-ordinator :** Prime Minister stands distinctly above his colleagues as the co-ordinator of policy. It is his responsibility to see that there are no departmental disputes among the ministers. Even if there are any such disputes Prime Minister through his mediation will get them settled. In order to be able to do so, it is very necessary that the Prime Minister should be fully informed of the activities of all the departments of the Government. Although, it is humanely impossible for any one to know about each and every detail of each department of the Government, but he should have as much information as will prompt him to intervene at the right moment whenever there is some fear of any thing going wrong in any department.

**1.7.9.5. Leaders of the Majority Party and House of Commons :** Prime Minister is also the leader of the House since he is the leader of the victorious party in the House. He can be displaced from the Prime Ministership only if he is displaced from the leadership of the party.

Although officially some other member is deputed as leader of the House yet he has some privileges which are those of the House of Commons. Prime Minister is the chief spokesman of the Government before the House. Hence, all important policy statements are made by him. Since he represents the entire cabinet, all super-departmental questions and debates are answered by him, whenever any minister fails to defend his departmental policies and decisions it is the Prime Minister who comes to his defence on such occasions. As leader of the House, he also decides about the date on which the Parliament is to be summoned, time for which will remain in session and its agenda so on.

**1.7.9.6. Power to ask for the dissolution of the House :** Prime Minister of Britain is the sole person who has the power to ask for the dissolution of the House of Commons. During the nineteenth century it was held that a request made by the Prime Minister to the Monarch to dissolve the House of Commons can be turned down by the Monarch. But during the last one hundred years such a request of the Prime Minister has never been declined by the Monarch. As such, it is within the powers of the Prime Minister to decide whatever the electorate should go to the polls or not, and if so when?

**1.7.9.7. Link between the Queen and his Cabinet :** The Prime Minister is the principal, and sometimes the only medium of communication between the cabinet and the Sovereign. Although Queen Victoria used to do so but, it is not conventional for the King or Queen to confer with ministers behind the Prime Minister's back. It is, therefore, the Prime Minister who will convey to the Queen full account of the cabinet decisions and his interpretations cannot be corrected by any other minister.

**1.7.9.8. Chief Dispenser of Patronage :-** A large number of appointments which in law are to be made by the Prime Minister. These fall in various fields such as political administrative ecclesiastical and even university appointments are made by the Queen on Prime Minister's recommendation. He has also the power to advise the Queen to create peers and confer other covered honours. This is, indeed, a great source of influence of the Prime Minister in the public affairs of Britain.

#### **1.7.10 POSITION OF THE PRIME MINISTER**

An account of the functions and powers of the Prime Minister will convince any student of the comparative government that the position of the British Minister is very powerful. The primacy of that Prime Minister indeed the fundamental principle of the British cabinet system. The Prime

Minister is, according to Laski, "the pivot of the whole system of government." Lord Morley has called the Prime Minister *primus inter pares* i.e. first among equals. The observation on the position of the Prime Minister does help in distinguishing the status of the British Prime Minister from that of the U.S. President who is not the leader of the cabinet, but its master; the members of his cabinet are his subordinates. But, the members of the British cabinet are Prime Minister's colleagues, not his subordinates. He is their leader no doubt but not boss. He is not "a grand vizier ruling over a set of slaves." He can persuade his colleagues to follow his lead, but he cannot dictate them. Still, he is not only the first among equals. It would be more appropriate if his position is described, as to use the phrase, *inter stellas luna minores* i.e. a moon among the lesser stars.

There is no doubt that the office of the prime Minister is of great prestige and power. But his actual position will depend upon his personal qualities which vary from Prime Minister to Prime Minister. Persons like Peel, Disraeli, Gladstone, Lloyd George & Churchill etc. have been very powerful. As a matter of fact elections in Britain revolve so much around personalities as if it was almost the question of the election of the Prime Minister. This system of election gives the Prime Minister a national status which no other person not even the leader of the opposition can acquire. Yet it would be wrong to call him a dictator. The British Prime Minister's dictatorship, if there can be such a thing at all, can be exercised on the supreme condition viz., that he must have the support of the House of Commons. He has to face the Commons day after day and his own party also. He is constantly under scrutiny by his own cabinet colleagues. There may be some rivals to him within the party itself who will try to assert their better points both inside and outside the House. These are the forces which press on the Prime Minister's mind and constantly effect his policy and actions.

#### **1.7.11 British Prime Minister and U.S. President-A Comparison**

The British Prime Minister and U.S. President are often compared with each other. Both of them, in their respective political system, occupy the highest executive office and both of them, are responsible to the people. During war and other emergencies both the officers acquire extraordinary powers. But the similarities are not to be stretched too far.

Both of them represent two different political systems, and therefore,

the differences between the two are more prominent. U.S. President representing Presidential type of government is elected for a fixed term of four years and almost irremovable during this time. British Prime Minister, on the other hand has no fixed term to serve. He remains in his office so long as he is accepted as leader of the majority party in the House of Commons and therefore supported by the House as such. Besides, U.S. system is a governmental system of limited powers and as such the powers of the President are defined and limited by the constitution. Moreover, due to separation of powers the President is the head of the executive only and is not only the real executive head in Britain but also the leader of the House of Commons. In this respect therefore, British Prime Minister is more powerful than U.S. President.

But in both the cases it is very true that the actual position will depend upon the incumbent of the office. For example, if U.S.A. has had a President F. Roosevelt then Britain did also have Churchill. Likewise in both the countries there have been weak executive head also.

Where we can mark the difference between the two is that while U.S. President derives his powers mostly from the constitution although not completely; the source of powers of the British Prime Minister are, Cabinet Parliament; and the conventions. If therefore, all of them join together and support the Prime Minister fully then the Prime Minister can, indeed, become very powerful. As a matter of fact, it is very important for the Prime Minister to keep the confidence and support of colleagues in the cabinet. In contrast, U.S. President is alone responsible for his policies and therefore he need not and many a time does not even consult the cabinet while adopting a decision. The members of the cabinet are his advisers and subordinates and not his colleagues. As such while it is not very easy for the British Prime Minister to ignore the advice of his colleagues. The U.S. President can ignore the wishes of his cabinet. But British Prime Minister, for his office, depends upon the majority in the House of Commons while the office of the U.S. President goes by calendar. It would be wrong to conclude from this that U.S., President is not responsible to any one, or that he behaves in an arbitrary manner. Even if it is true that the U.S. President does not depend upon the Congress for his term of office or election, but to a very great extent he is dependent upon the wishes of the Congress or to be more particular, U.S. Senate . This is in the held of foreign affairs, foreign policy and in the matters of appointments. Since the approval of the Senate on all appointments made

by the President and treaties negotiated by him is necessary, by not giving its approval the senate can cause sufficient embarrassment to him and thus weaken his position. The actual position occupied by the American President, therefore, depends upon good homogeneous relations between him and the Congress, and also on the fact as to which part holds majority in the Congress.

Thus, we find that both, U.S. President and British Prime Minister are equally powerful in their respective government system although under different conditions and requirements.

#### **1.7.12 SUMMARY**

In this lesson, we have discussed the dictatorship of British Cabinet and the powers and position of British Prime Minister. British cabinet is the central figure of the governmental machinery. The powerful position of the cabinet is due to many reasons. Two party system, party discipline, leadership of the Prime Minister, his right to dissolve the House of Commons, have all constituted to make the British cabinet so powerful. As the leader of the cabinet we have read about the office of the Prime Minister. He has many powers and functions. He forms the cabinet distributes the portfolios among the ministers. He is also the leader of the House of Commons, thus can also dissolve the House. Observing the functions performed by the Prime Minister, his position becomes very powerful. That is why the office of the Prime Minister of England is compared with the office of the President in America. But both these offices cannot be compared so distinctly as both the persons enjoy different powers in their respective spheres and to decide which is more powerful is wrong. It depends upon the personality and nature of the individual himself. There are similarities and dissimilarities between both of them.

#### **1.7.13 LONG ANSWER TYPE QUESTIONS**

1. Discuss the main features of Cabinet System as it works in Britain.
2. "Is there dictatorship of Cabinet in the United Kingdom"? Answer with reasons.
3. Examine the powers and position of British Prime Minister.

#### **1.7.14 SHORT ANSWER TYPE QUESTIONS**

1. What role does party discipline play in the establishment of dictatorship of the Cabinet?
2. What do you understand by the collective responsibility of the Ministers in Britain?
3. What is Delegated Legislation?

**1.7.15 KEY WORDS**

Dissolution  
Collective Responsibility  
Adjournment Motion  
Public Opinion  
Debates  
Dictators

**1.7.16 SUGGESTED READINGS**

1. Andre Mathew : The British Political System.
2. Herman Finer : The Major Governments of Modern .
3. Dr. A.C. Kapoor : Select Constitutions.

**BRITISH PARLIAMENT  
(HOUSE OF LORDS)**

**STRUCTURE**

- 1.8.0 Objectives of the Lesson
- 1.8.1 Introduction
- 1.8.2 Present Composition of House of Lords
- 1.8.3 Organisation of the House of Lords
- 1.8.4 Powers
- 1.8.5 Self Check Exercise
- 1.8.6 Criticism of the Composition of the House of Lords
  - 1.8.6.1. Hereditary Character
  - 1.8.6.2. Irresponsible and Unrepresentative House
  - 1.8.6.3. The House of Lords is criticised because it is overwhelmingly conservative
  - 1.8.6.4. Another charge against the House of Lords is absenteeism
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- 1.8.7 Utility of the House of Lords
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- 1.8.9 Controversy about its reform centres on two issues : Its composition and its powers
- 1.8.10 Summary
- 1.8.11 Long Answer Type Questions
- 1.8.12 Short Answer Type Questions
- 1.8.13 Key Words
- 1.8.14 Suggested Readings

**1.8.0 Objectives of the lesson**

The government of any state consists of three organs-Legislature, Executive and Judiciary. The executive organ of the British government comprises of the Crown and Queen, Cabinet and Ministry and the Civil Service, which we discussed in the previous four lessons. From this lesson, we start with the discussion on the legislative organ of the British Government namely the Parliament, bicameral legislature consisting of



two Houses—House of Lords and House of Commons. After reading this lesson you have an understanding of the house of laws.

### **1.8.1 Introduction**

The British Parliament is the oldest legislature in the world and its origin can be traced back to the Witanagemot, the assembly summoned by Anglo-Saxon Kings to advise and give consent to laws and to agree to the imposition of taxes. During this period, Parliament was not an elected body, but represented all the sections of the people in the country. In 1215, the great nobles, by means of the Magna Carta compelled King John to promise that he would not impose any tax 'save by the consent by common council of the realm.' In the Parliament summoned by Simon de Montfort in 1265, for the first time representatives of the boroughs and shires attended. In 1295, Edward I called what is known as Model Parliament and it was attended by representatives of all classes in the community, the clergy, the barons and the commons. Towards the middle of the fourteenth century, however, the higher nobility and the Lord Spiritual and Temporal sat separately in their own chamber and the elected knights and citizens sat in their own chamber. In this way developed the House of Lords, as the upper chamber and the House of Commons, as the lower chamber. In the beginning the House of Lords and the House of Commons enjoyed coequal powers with the exception that money bills were to be initiated in the House of Commons only. In course of time with the democratisation of the House of Commons, its powers and authority increased. The Parliament Act of 1911 and 1949 seriously curtailed the powers of the House of Lords so that it became virtually a secondary chamber. Even then powers of the House of Lords were still substantial. We will presently explain to you the composition, powers, utility of the House of Lords and the suggestions for its reform.

### **1.8.2 Present Composition of House of Lords :**

At present the House of Lords consists of about 1049 members including almost 900 hereditary peers. There are five classes of members in the House of Lords; hereditary peers by right; Scottish peers and Irish representative peers elected for life, archbishops and bishops, Law Lords or the Lords of Appeal in ordinary, appointed for life and life peers created under the Life Peerage Act of 1958. The membership of the Lords was entirely male until 1958, when it was thrown open to women life peeresses.

Hereditary peers who form the great bulk of the House of Lords derive their rank and power from the fact that they are eldest sons of their parents. The nine law lords are eminent jurists and are created peers for life. They must have held high judicial office or must have practised as barristers for 15 years before their appointment as Law Lords. They take part in the ordinary business of the House and also perform judicial functions. They are members of the Appellate Committee of the House of Lords and also sit on the Judicial Committee of the Privy Council in alternative weeks. They receive an annual salary of \$9000 a year and retire at the age of 75. Except for the Law Lords, no other member of the House of Lords receives any salary. But the peers who attend the sittings of the House get some daily allowance which should not exceed \$4.14S.6P. Members of the House of Lords have certain privileges and certain disabilities. They enjoy all such privileges which are enjoyed by the members of the House of Commons. Individually the members have the right to be free from arrest and from judicial complaint for words spoken in the Parliament. Collectively the House has the powers to exercise disciplinary action on members and non-members to carry but its functions and to preserve its autonomy. The members of the House of Lords also suffer from certain disabilities. They cannot vote a parliamentary elections and cannot become members of the House of Commons. Until recently peerage could be declined by a person who has to be given this title but if the title came through inheritance it could not be surrendered or alienated. With the enactment of peerage Act of 1963 which was passed as a consequence of an event which occurred in 1961 a member of House of Lords is at Liberty to renounce his peerage. Anthony Wedgewood was an active labour member of the House of Commons was not permitted to sit in its meetings after the death of his father although, he twice contested elections to the House of Commons in which he was declared elected. As a consequence of this event, the Parliament passed an act known as the Reluctant Peers Act of 1963. This act now grants the right to any hereditary peer to renounce the title of a peer. It was under the provisions of this legislation that, among others, Lord Douglas Home and Lord Hailsham gave up their titles.

### **1.8.3 Organisation of the House of Lords :**

The proceedings of the House of Lords are regulated by the Lord

Chancellor whose the presiding office of the House and also the head of the Judiciary . He need not be a Peer, since the Woolsack on which he sits as presiding officer is technically outside the premises of the House. However, he is invariably a peer. Unlike the Speaker of the House of Commons, who is politically impartial, the Lord Chancellor is a party man. He is always a member of the Cabinet and is free to take part in debate and vote. His powers as presiding officer are much less than those of the Speaker of the House of Commons, especially in questions of order and adjournments of the House which are determined by the peers themselves. Speakers address the House in General and not to the Lord Chancellor. The Lord Chancellor has deputies and is assisted by various clerks and executive officers. He is also assisted by Sergeant-at-arms in the maintenance of orders. The internal administration of the House is entrusted to the House of Lords. Order Committee, consisting of 59 peers from all parties. Each party has its whip organization which keeps the party members informed of the current business and requires the members to be present for the important debates and divisions. The House of Lords usually sits for tree or four afternoon a week, Monday to Thursday and usually completes its business much earlier than the Commons.

#### **1.8.4 Powers :**

The powers of the House of Lords may be classified into legislative deliberative judicial and constitutional. The Legislative powers of the House of Lords include the passing of bills which are introduced in this House and the consideration of those which have been sent to it by the House of Commons. Most of the non-contentious bills a re initiated in the Lords and this means a saving of a lot of time of the House of Commons. There are no standing committees in the House of Lords as there are in the House of Comons. Bills, after second reading are submitted to a committee of the Whole House, unless they are sent to a select committed (if it is desired to hear evidence), or to a joint committee of both Houses (if it is felt that this would be useful). Since the passage of Parliament Act of 1949, the House of Lords have only the power to delay laws passed by the commons for a maximum period of one year. If a bill is passed by House of Commons in two successive sessions, with the lapse of one year between the first introduction and the third reading of its second introduction, the use of Commons without the concurrence of the Lords can get the assent of the Crown. Under the Parliament Act of 1911, the delaying powers used to be two years. But the period, since the Parliament Act of 1949 has been reduced

to one year. It cannot, however, override the Lords in respect of a refusal to agree to a statutory instrument. In this matter the powers of the two Houses are equal.

The power of the House of Lords with respect of money bill is almost nil. It has practically no power over money bills. This was made possible by the Parliament Act, 1921 according to which a bill, certified by the Speaker of the House of Commons as a money bill and passed by Commons when sent to the Lords at least one month before the end of the session, would become an Act even if the House of Lords refused its consent. Earlier in 1909, the House of Lords had rejected the Finance Bill embodying the Lyod George Bydget. This led to a constitutional crisis. Parliament was dissolved in January 1910 and after general elections the Liberal government was returned to power. The use of Lords had no other choice but to pass the previously rejected Finance Bill. The House of Commons did not want that the House of Lords should be able to repeat its conduct in future and it introduced the Parliament Bill of 1910. Since all the parties did not agree on it Parliament was dissolved once again in December, 1910. Liberals won the battle once again but House of Lords passed the Bill only when the king gave the threat that he would create a sufficient number of Liberal peers for passing the bill in the Lords if the House of Lords refused to pass the bill. The Lords give way to this pressure and passed the bill.

As a deliberative body of the House of Lords performs useful functions. Although it can not overthrow the government by its adverse vote, it has power to ask questions and to debate general lines of policy, especially on foreign affairs. Debates by eminent men are of a high order and this helps to form and inform public opinion. The House of Lords performs judicial functions. It is still the highest court of appeal in Great Britain and Ireland, with both original and appellate jurisdiction. The judicial functions of the House of Lords are performed by the Lords of Appeal who are the Lord Chancellor, nine Lords of Appeal in ordinary and other peers who hold or have held high judicial offices.

Lastly, the Lords concurrence for constitutional changes is necessary. The duration of Parliament, five years, can not be changed by the House of Commons alone.

#### **1.8.5 Self Check Exercise**

1. What is upper Chamber and the lower Chamber?
-

## 2. How are Law lords?

**1.8.6 Criticism of the Composition of the House of Lords :**

While making an evaluation of the House of Lords it should be borne in mind that House of Lords in Britain originated neither as a need to represent the units, since Britain is not federation but a unitary state, nor to secure a different kind of popular lines. The two main arguments put in favour of bicameralism are not applicable to the British House of Lords. Besides, the House of Lords has some serious defects in its composition. The House of Lords is criticised on account of its composition. The main points of attacks are :-

**1.8.6.1. Hereditary Character :**

The House of Lords has predominantly hereditary character of membership. Above 90% of members sit in the House solely by their hereditary right. So far there has been no agreement on the proposals of reform in the composition of the House Act of 1958 seeks to modify the composition of the House of Lords by bringing into the House persons of distinctive in various fields as life peers. This practice would improve the calibre of the House and make it representative of various organised groups in society.

**1.8.6.2. Irresponsible and Unrepresentative House :**

The House of Lords also criticised because it has become a stronghold of the rich and well-to-do sections of people. Middle and lower middle classes are not represented in the House at all. Most of its members hold their seats by hereditary rights; and they do not represent the people at large. These members do not pay much importance to public opinion and their seats are secure and they do not have any obligation towards any constituency. In other words, this house is not only unrepresentative but also irresponsible.

**1.8.6.3. The House of Lords is criticised because it is over-whelmingly conservative** and has blocked the passage do legislative measures involving social and economic change. In June 1968, the House of Lords took an unprecedented step by rejecting an order of the government calling for trading sanctions against Rhodesia which was passed by the House of Commons earlier. This caused great resentment among the rank and file in the country.

**1.8.6.4. Another charge against the House of Lords is absenteeism.**

Although the size of the House is unusually large, very few are able to

attend its session. This absenteeism is largely the result of the accidental composition of the House. A vast majority of the members are there not because of their choice or inclination but due to sheer accident of birth. Consequently members do not attend because they feel themselves unfit for parliamentary work, or they are so busy in their own work that they have no extra time.

#### **1.8.6.5. A Weak Secondary Chamber :**

The House of Lords is known as one of the weak and secondary chambers of the world. The weakness of the chamber is obvious when we compare it with other second chambers of the world. The Senate in America is known as the strongest upper House in the world. Senate being an elective house whose members are elected directly by the people, commands far greater prestige than does the mainly hereditary House of Lords. The House of Lords can delay a money bill only for a month and an ordinary bill can be passed even if it does not give its assent and can delay it for one year. But Senate has the power to make amendments even in the money bills. In Soviet Russia, the Soviet of Nationalities and in Switzerland the Council of States have got equal Legislative powers. In England the Executive is responsible to the House of Commons only and not to the Lords but in Switzerland, the Executive is responsible to both the Houses. After comparing the House of Lords with other second Houses of the world we come to the conclusion that the House of Lords is not merely a second chamber but a secondary chamber.

#### **1.8.7 Utility of the House of Lords :**

Though the House of Lords is condemned yet, the usefulness of the House of Lords is conceded by all, including the Labour party. It is argued that the House of Lords brings to the work of legislation and deliberation men superior to those of the lower chamber. A large number of non-controversial bills are piloted in the House of Lords, thus relieving the House of Commons of Burden of work and enabling the latter to devote more time to important matters. The House of Lords does useful work as a revisional chamber. With much more time at its disposal than the Commons and consisting of highly eminent persons, the House of Lords functions as a valuable revising chamber. During the Labour Government's tenure of office the Lords moved many amendments to the Labour Government's Transport Act of 1947 and a substantial number of them were accepted by the Government. It is estimated that out of 1400 amendments moved by Lords in recent times, only forty were rejected by the Commons.



The House of Lords also serves useful purpose as a ventilating chamber. It provides a forum for the full and the free discussion of general question of national policy, in a calmer atmosphere and with less hurry than is possible in the House of Commons. The Lords constitute a pool of talent from which Peers may be drawn for specific purposes. The membership of the House of Lords has a diversified range of specialized knowledge training background and skills. Their level of debates is of a very high order and they are able to enlighten the House with their valuable suggestions of public good.

#### **1.8.8 Proposals for Reform :**

In spite of the utility of the House of Lords as a ventilating and revising chamber, the consensus of opinion regards its present composition indefensible.

**1.8.9 Controversy about its reform centres on two issues : Its composition and its powers :** It is difficult to treat the two issues as separate from each other, since the functions which a second chamber should perform depend largely on how it is composed. So far no common agreement to the principles upon which the house of Lord should be reformed has been discovered among the leading political parties. The parties of the Left wants either no second chamber at all or one which will confine its functions to those of a technically revising body in the narrowest sense of the term. The parties of the Right want real second chamber which will have the necessary authority to delay the proposals of the Left.

In 1917 a conference of thirty members of all parties were called to suggest ways of reforming the House of Lords. This conference was presided over by Lord Bryce. It was agreed that hereditary peers should form only a minority of the second chamber, and that there should be no property qualifications for memberships. Proposals for selecting the majority of the chamber fell not four classes :

- (a) Direct elections by large constituencies;
- (b) Election by local authorities grouped together in geographical areas;
- (c) Election by the House of Commons;
- (d) Nomination of a small number of people of proved eminence.

In case of deadlock the Bryce committee suggested setting up of a joint conference committee, consisting of 30 chamber which would resolve the conflict.



These suggestions were not carried out. Objection to the first method of election as that a body so composed would become almost equally as representative as the House of Commons and would become a rival of it. The second plan was rejected because it would introduce irrelevant considerations into local elections. The third proposal secured most support. It was agreed that out of a membership of 327, 246 would be elected by proportional representation by M.P.'s and the remaining 81 would be chosen from existing peers by a standing joint Committee of both Houses. Members of this reformed Second Chamber would sit for 12 years, one third retiring every fourth year, thus allowing for periodical renewal. The fourth plan was considered impracticable because eminent persons would not necessarily be good legislators.

The conclusions of Bryce Committee proved abortive. Suggestions for reform were put forward either by the Government or in the House of Lords, but nothing came out of them. Labour Party Conference in 1931 passed resolutions calling for the abolition of the House of Lords. The postwar Labour government did not pass any legislation either for abolition or reform of the House of Lords.

The recent plan for reform of the House of Lords was put forward as a Fabian Tract in 1952 by Anthony Wedgewood Benn. He argued that a second chamber is necessary, because the House of Commons can not cope with all work that is to be done. He attacked the hereditary principle of the composition of the Lords. He suggested that House of Lords should primarily be an advisory body, with power to assist the House of Commons but not to frustrate it. The House of Lords was to be composed of men and women of marked ability. Peers and Privy Councillors who were neither in the Lords nor in the Commons should constitute the second chamber.

No concrete step was taken to implement these suggestions. However, when the Labour party came to power in 1964, it was trying quietly to change the complexion of the House of Lords. It did not create hereditary peers and conferred life peerages to politicians and others who had distinguished themselves in public life particularly in the field of science. In June, 1968 when the House of Lords rejected the order of government calling for trading sanctions against Rhodesia which was passed by House of Commons earlier, Prime Minister Wilson announced his plans to weaken the remaining powers of the Lords. He proposed to end the power of the Lords of delaying the passage of a bill passed by the Commons. He also

proposed to eliminate the hereditary elements of the Lords and suggested creation of life peers chosen for distinguished services, scholarship or professional and scientific achievements. This would have converted the House of Lords into a kind of national brain trust, above politics. The House of Lords would not have had any powers but would have served only as an advisory on important matters. However, with the defeat of the Labour Party in the 1979 election, the question of reforming the House of Lords on these lines would remain pushed up for the time being. As for the abolition of the House of Lords, it may be said that British opinion does not favour its complete disappearance from the political system. Even when the Labours were in power, proposal to abolish the House of Lords was rejected by the House of Commons of June 26, 1968, In the end, we consider that all proposals for the reform of the House of Lords, however widely they may differ, stress the need for some kind of second chamber. The exponents of these proposals want that the House of Lords should exercise some kind of restraint on hasty legislation passed by the lower house. The existence of the House of Lords is justified because it relieves the burden on the House of Commons by dealing with bills of a noncontroversial nature and also because it suggests desirable changes in the bills passed by House of Commons. In the words of the Marquis of Salisbury who delivered a speech in the House of Lords in 1947, "There is not a single bill that has been sent to us in the last three years has not been improved during its passage through this House."

#### **1.8.10 SUMMARY**

We have read in this lesson, about the evolution of British Parliament and its upper house known as House of Lords. It is a hereditary and permanent House, the membership of which exceeds even one thousand. The members of this House are known as Peers which are taken from different spheres of society. The Presiding Officer is known as Lord Chancellor. The House is given legislative, judicial, deliberative and constitutional functions. It is the highest Court of Appeal in Britain. This House has been criticised from many angles but it has not been dissolved because it has its now utility. Many proposals have been put forward to improve its composition but none has been put into practice. The House of Lords can not be dissolved as it performs many important functions. It lightens the burden of the popular House, the House of Commons, by passing many simple and uncontroversial bills and by proposing many improvements in the bills passed by the House of Commons.

**1.8.11 LONG ANSWER TYPE QUESTIONS**

1. Discuss the composition, powers and position of the House of Lords.
2. "House of Lords is the weakest second chamber in the world." Discuss

**1.8.12 SHORT ANSWER TYPE QUESTIONS**

1. Who is Lord Chancellor?
2. Write any two weaknesses of the House of Lords?

**1.8.13 KEY WORDS**

Barons  
Lord Spiritual  
Hereditary Peers  
Bishops  
Bicameralism

**1.8.14 SUGGESTED READINGS**

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**BRITISH PARLIAMENT  
(House of Commons)**

**STRUCTURE**

- 1.9.0 Objectives
- 1.9.1 Introduction
- 1.9.2 The house at work
- 1.9.3 Conduct of business :
- 1.9.4 Self Check Exercise
- 1.9.5 Powers and Functions of the House of Commons :
- 1.9.6 Legislative Powers :
- 1.9.7 Financial Powers :
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- 1.9.9 The Speaker of the House of Commons :
- 1.9.10 Functions of the Speaker :
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- 1.9.14 Legal Implications:
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- 1.9.16 Summary :
- 1.9.17 Key Words
- 1.9.18 Long Answer Type Questions
- 1.9.19 Short Answer Type Questions
- 1.9.20 Suggested Readings

**1.9.0 Objectives**

In an earlier lesson you were told that British Parliament is a bicameral legislature and consists of two chambers, known as the House of Lords and the House of Commons. We also discussed the composition and functions of the House of Lords. You were also told how the Parliament Acts of 1911 and 1948 severely curtailed the power of the House of Lords, reducing it to a secondary upper chamber. In this lesson you will have a clear idea of the composition of the House of Commons. The House of Commons today

occupies a dominant position as sovereignty of parliament resides in the House of Commons.

### **1.9.1 Introduction**

The sovereignty of the Parliament means that its authority is unlimited and not subject to challenge by any other body and laws framed by it, cannot be questioned by any court of law.

The House of Commons is a large body consisting of almost 630 members, elected for five years but subject to earlier dissolution. The members are elected directly by voters, by the method of secret ballot. There is the system of universal adult suffrage. It means that every person who has attained the age of 18 years is eligible to vote. The persons who are not entitled to vote are peers, lunatics, persons convicted of treason or felony. Those who are entitled to vote can also contest for parliamentary elections. The entire country is divided into territorial areas, called constituencies. Each constituency elects one member of Parliament (and is thus, known as a single member constituency). The major political parties exercise great influence in selecting the candidates and conducting the elections. The electoral system does not impose much financial burden on the candidate contesting election. He need not spend huge amount of money on his election. He can contest from any electoral constituency even though he does not reside there. A candidate must find a constituency which will finance her election campaign and support him at election. A potential candidate will be interviewed first by the selection committee of the constituency party and after selection the candidate's candidature is confirmed by the higher organs of the party. All national parties usually respect the autonomy of the local unit in making the selection, although they assist the constituency parties by preparing lists of approval candidates. After final approval, the candidate is not required to finance his own election campaign. Funds are raised by the local branches of the party sponsoring the candidate. After the candidate is elected to the membership of the Parliament, the constituency organisation attempts to exercise some control over the member. He is expected to report occasionally to his constituency on his political performance. A member who displeases his local party organization, may not be given ticket by the latter in the next general elections. Law imposes a limit to the expenditure to be incurred by a candidate in election. If the prescribed limit is exceeded it is treated as corrupt practice. A defeated candidate can file a petition to have the election invalidated on the alleged ground of corrupt practice on the part of the victor candidate. Such petitions are heard by the

higher courts. The decision of the court is approved by the vote of the House of Commons.

The elections process starts, when the election is announced by the Queen. Writs are issued to all the constituencies to elect representative to Parliament. A candidate who intends to get elected to the House of Commons, has to file a nomination paper to the returning officer. It must be proposed by a person seconded by another, and signed by eight other voters. The candidate has also to deposit \$150 along with his nomination, which is returned to him if he is able to score at least one eighth of the total votes cast, otherwise the security deposit is forfeited. Polling take place nine days after the last day for nomination. The polling hours are from seven in the morning till 10 in the night. Counting of votes is done at one central place in the presence of the candidates and party officials with the help of electric machines. This helps in the announcement of results on the television and the radio within an hour after the voting is over.

To maintain independence from outside pressures and to uphold dignity of the members of the house, they are protected by privileges and immunities of the House. These relate to (i) freedom from arrest for 40 days before and after the session and during its continuance except for treason, felony, breach of peace, sedition, libel and contempt of court; (ii) freedom of speech (within the House); (iii) freedom of access to the Crown collectively through the Speaker; (iv) Right to regulate its own constitution and proceeding; (v) Right to prohibit publication of debates and the right to authorise publication of its proceeding; (vi) Right to excluding strangers; (vii) Right to demand for the most favourable rules of construction of their proceedings; (viii) Right to punish members of the House, guilty of privileges or contempt of the House. Every member is also paid an annual salary \$3250 besides free railway travel to enable him to discharge his functions as representative of his constituency.

### **1.9.2 THE HOUSE AT WORK**

If the House of Commons is meeting for the first time after general election, members assemble in their chamber to elect a Speaker as their presiding officer. On getting elected the Speaker takes an oath of allegiance which is followed by other members. The next day, the House headed by the Speaker presents itself to the House of Lords to obtain royal approval of the election of the Speaker and to get promise of the guarantee of ancient rights and privileges of the commons. This is all a formality but it is still observed. The third day,

the commons again proceed to the House of Lords, to hear the speech from the throne which is prepared by the Prime Minister in consultation with his cabinet. It deals with general state of the realm, mentions briefly the foreign policy of the country and indicates measures to be taken for improving the government and requests the House of Commons to grant funds for carrying on government. After this the Commons returns to their chamber where the speech from the Throne is re-read and debated, followed by a vote of thanks in reply.

**The Regular Sittings :**

The House of Commons normally meets on Mondays, Tuesday, Wednesday and Thursdays at 2-30 p.m. and continues till 10.30 p.m. On Fridays, the hours sitting are 11.00 a.m. to 4.30 p.m. and the sitting are reserved for private business, motions, petitions and notices. Each day of the week the Speaker's procession moves down at 2.30 p.m. accompanied by the Sergeant-at-arms bearing the Prayers and carried by the Champlain. The Speaker takes the chair from 2.45 until 3.45 p.m. questions concerning, administration or other matters are moved. From 3.45 p.m. till 10.00 p.m. the House is busy with the agenda already announced by the clerk of the House.

**1.9.3 CONDUCT OF BUSINESS :**

The House of Commons has formed rules of procedure for the smooth conduct of business. The rules are administered by the Speaker who regulates the procedure of the House and maintains decorum and order. The rules of procedure are of two types : (1) Standing orders which are permanent; and (2) Sessional orders which last for a session. To enable 'Parliament to take decisions expeditiously, various devices have been employed to bring a debate to an end and to circumvent the dilatory tactics of the oppositions. These are three in number. The first is the closure motion. Any member can move for closure and such a motion for closing the debate must be supported by one hundred members. The Speaker has the right not to put the motion to vote, unless he is satisfied that all points of view have had a fair hearing. The second device is the 'guillotine'. According to this, a time is fixed for the debate. On the expiry of the time the debate automatically ceases and the vote is taken. The third device is the Kangaroo. In this form of closure, the Speaker singles out those amendments to a motion, which he deems most appropriate. It means that the Speaker will lead from one amendment to another, Kangaroo like, so that the selected amendments may be debated and no others.



**1.9.4 Self Check Exercise**

1. Who heads the House of Commons?

2. What is Closure Motion?

**1.9.5 Powers and Functions of the House of Commons :**

After having seen the composition and procedure of the House of Commons. We will see the powers and functions of the House. The functions of the House of Commons may be broadly discussed under three heads (1) to debate general principles and less laws; (2) to control finance; and (3) to control the executive.

**1.9.6 Legislative Powers :**

The House of Commons is a powerful legislative body. Its power to discuss general matters of policy, is undoubted. The Commons spend about half of all available time in discussing policy matters. Debates are the means by which, views are exchanged between the government and its critics. Through these debates members attempt to influence government policy. The House of Commons has the power to make, amend or repeal both ordinary and constitutional laws. In early time (before 1911), its power of passing laws was subject to the veto of the crown. But, by a well-established convention, the Crown's exercise of veto became extinct. The powers of the House of Lords over money bills has been taken away by the Parliament Act of 1911, by which the House of Lords cannot delay the bill for more than a month. The suspensive veto of the Lords over non-money bill by Parliament Act of 1949, has been reduced to one year.

**1.9.7 Financial Powers :**

The House of Commons has supreme control over national finances. Money Bills must originate in the House of Commons and can neither be amend nor rejected by the Lords. The House of Commons determines the amount of money to be spent by the government on various heads. It sanctions this money supervise the spending of this money. It controls national revenues the Financial Act and controls national expenditure through the Appropriation Act, through its own officer, the Auditor General and through the Committee on Public Accounts, the House of Commons ensures that the Cabinet is spending funds properly in accordance with the approval and authority of the Commons.

In actual practice, the initiative in the matter of legislation and finance has passed on from the Commons to the Cabinet as well vital legislation is presented by the ministers and no legislative measure has any chance of getting enacted

unless it has the approval of the Cabinet, because the Cabinet belongs to the majority party.

### **1.9.8 Control over the Executive**

The most important power of the House of Commons is its control over the Executive. The House of Commons has other techniques of control over the executive besides its power of enacting laws and sanctioning funds. These are parliamentary questions, adjournment motions, voting on demands for grants during Budget passage, votes of censure and general debates on government policies. Questions are addressed to ministers to elicit information and to draw the attention of the Government to, abuse the authority and inefficiency of the administration. Adjournment motions provide an opportunity to discuss urgent matters of public importance and for criticising the government because of its power to deal with particular matters. Budget debates provide an opportunity to criticise the government for its part in dealing with certain situations effectively. If the opposition is unable to defeat the government in a straight vote, it can on some occasion get concession from the government in some policy matters. The weak policy of Chamberlain Ministry was criticised in 1940 by the House, to such an extent that it led to the resignation of Neville Chamberlain and his replacement by Winston Churchill as Prime Minister. Sir Ivor Jennings quotes the withdrawal by the government of certain controversial bills to which members of Parliament were opposed. The over-bearing bureaucratic action by civil servants in the famous 'Crichel Down Case' was criticised by members of the House of Commons in 1954 and this led to the resignation of the minister of agriculture who held himself ultimately responsible for what had happened.

The House of Commons through its commitments, also controls executive action. Parliament is so much over-burden with work of legislation and has neither time nor expert knowledge for close examination of vast number of bills submitted to it. It, therefore passes 'skeleton' form of legislation delegating rule-making powers to the administrative departments to fulfil the purpose of the main act. As the rules framed by government departments, may vitally affect the rights of liberty and property of the citizens, a committee to scrutinize these rules has been constituted with an opposition member as its Chairman. The committee consists of eleven members of the House and it draws the attention of the House to abnormal exercise of delegated legislation i.e. whether it imposes tax, excludes challenge by courts purports without authority of the parent act to have retrospective effect, or whether there has been delay in publication

or laying before Parliament, or whether is some unusual or unexpected use of the powers conferred by the Parent Act. Parliament has also set up Council of Tribunals, under the Tribunal Inquiry Act, 1958, to examine the working of administrative tribunals. The annual report of the working of these tribunals is submitted to Parliament. In this manner, parliament is able to exercise control and supervision over the civil servants. There is also a Parliamentary Committee over Nationalised Industries which keeps a watch on the working of public enterprises, as Parliament has an interest to see that these industries should operate efficiency and economically. The popular criticism that the House of Commons instead of controlling the executive, acts like a rubber stamp for the Executive, is not correct. Cabinets of today cannot exercise their power in an arbitrary manner. They are faced with constitutional opposition, who are always on the alert to find out faults in the government. The House still functions as the 'grand in quest' of the nation on the day-to-day activities of the government. It provides a forum where public grievances are ventilated and public opinion on important questions is focussed. It affords protection against arbitrary and repressive administration.

#### **1.9.9 The Speaker of the House of Commons :**

Parliamentary system will not function effectively without the Speaker who regulates the proceedings of the House and maintains decorum and order. Curiously enough the Speaker does not speak in debate. He is supposed to speak for the House and not to it. His office is as old as the House itself, and his title is derived from the fact that he alone had the right to speak for the House to the Sovereign. When the House of Commons was a petitioning body rather than a law making body, the Speaker would take petitions and resolutions of the House of the king. The earlier office of the Speaker was held by Sir Thomas Hungerford in 1875. The earliest Speaker were subservient to the Crown and it was only from the middle of eighteenth century that efforts were made to free the Office from the control of the Sovereign and from partisanship. The Speaker today is an impartial presiding officer. From the moment he takes the Chair, he ceases to be a party man. In the words of Munro, "he discards his party colours, be they buff blue or red." He is no longer a conservative, liberal or a labour partisan. He does not attend a party meeting and cannot join a political club. He maintains neutrality in politics. The Speaker's neutrality is established by the fact that, he is never opposed for re-election in his own constituency. Thus Colonel Clifton Brown first, elected Speaker in 1941 when the Conservatives were in the majority in the House of Commons, was

re-elected in 1945 and again in 1950, although the House of Commons on both these occasions, had a Labour majority. This tradition was broken by the Labour party in 1945 and 1950 who put up candidates against the Speaker, but they were defeated. It, therefore, seems that the electorate is determined to maintain the tradition that the Speaker be re-elected to the House as often as he is willing to serve.

It is no wonder then that the Speaker's office is held in high esteem. He has status of dignity and in order of precedence he ranks only two places behind the Prime Minister. He has an official residence on Westminster palace and gets a salary of \$1500 a year plus \$1250 as a Member of Parliament.

#### **1.9.10 Functions of the Speaker :**

The functions and powers of Speaker are weighty. He presides over the House, interprets the rules and procedure of the House, decides points of order and gives rulings which are subject to no appeal. He is particularly careful to protect the rights of minorities and gives them due opportunity of expressing their point of view. He does not take part in debated and does not exercise his right of vote except in case of a tie, when he does it according to the well-established custom of maintaining the status quo i.e. to enable reconsideration of the matter again. By the Parliament Act of 1911, he given the power to decide whether a particular bill is a money bill or not.

The Speaker is the custodian of the dignity and privileges of the House. He represses unparliamentary language and conduct. He can 'name' of member (i.e. reprimand him by name) for disregarding his authority and suspend him from the sitting of the House. He can punish a member with suspension for a number of days on a vote of the House moved by him. He can take the assistance of the Sergeant-At-Arm to expel a member forcibly if the latter persists in disorderly conduct. This may cost the member suspension for the rest of the session. The Speaker has other duties also. He appoints a panel of members for Chairmanship of Standing Committee. He spends warrants for contempt and writs for by-election to the House.

The Speaker of the House of Commons is a marked contrast to the American Speaker who is a party leader and uses the influence and authority of his position to promote party interests. Due the non-partisan character of the British-Speaker, there is more of orderliness and harmony in the House of Commons, then exists in the American House of Representatives where the Speaker's rulings are liable to be challenged by the minority leaders in

the house.

The Speaker of House of Commons gets advice from the Clerk of the House of rules of procedure. When the Speaker is not able to preside over the House, their is Deputy Speaker who takes his place. He is chosen from the government side of the House of Commons, but, he too, is expected to preside with complete impartiality.

Before closing this lesson, a word of mention is necessary for Party whips, whose duty is to secure attendance of members of the party for divisions and necessary occasion. They also inform members of their party of the programme of parliamentary business. The term 'whip' has obvious association with hunting where, 'whipperin' used the whip to keep the guards from sleeping. Here the word is used for party leaders who inform members what business is coming up in parliament and also their attendance is required on necessary occasions in Parliament. The 'Whips' of the Government and of the opposition parties confer together to arrange the business of the House. They are all members of the House of Commons.

#### **1.9.11 The Role and Status of the Opposition in British Parliament :**

A democratical system is founded on the right to disagree and the freedom to express opinion, on matters of public importance. Recognizing this truth, the British parliamentary system has an arrangement under which within the parliament there is a strong check on the party in power from becoming self-complacent and dictatorial. This is Her Majesty's Opposition, who keeps a strong and persistent vigilance on the ruling ground. The term which originated in 1827 was regarded by several politicians as something immoral and unpatriotic is now deeply ingrained in governmental structure. As Finer says, "without a concerted opposition, the collectively responsible cabinet, would not be spurred on to its highest merits."

The opposition in Britain, has certain characteristics of its own. It is organized. It presents a united challenge to the government. On all issues it chooses to contest. The opposition is representative. It is the leader of a group of dedicated party - followers throughout the country, with whom it is originally connected. The opposition is the alternative government. If the government falls, the opposition succeeds it. If the government is beaten in an election, the opposition takes over. This possibility forces the opposition to be more moderate in what it condemns and what it promises. It helps the government shape the programme of the House and participates in the decisions made in each session. So every important and indispensable is the task of the 'opposition' that the leader of the

opposition in the British Parliament is paid from out of the treasury. He receives an annual salary of \$4500 besides \$1250, as an ordinary member of the House of Commons.

#### **1.9.12 The Functions of the Opposition :**

Firstly, the function of the opposition is to participate in the deliberation of the House of Commons. For this purpose, there are very close consultations between the Prime Minister and the Leader of opposition on matters of policy or business of the House. The leader of opposition is sometimes informed of vital facts about foreign policy, defense and the economic situation in order to enable them to be well equipped for participation in debates. While participating, the opposition will oppose the objectionable policies of the government and expose the follies and acts of omission of the government to the public. But while doing so, the opposition would also try to compel the government to change or modify its policies. Thus the opposition can bring amendments to legislation provided the public opinion outside the House or other pressures on the government are also on the same lines.

But, while doing all that opposition is also educating the public opinion, preparing the electorate for forthcoming elections. The criticism that it inflicts on the government is, therefore, meant to weaken the position of the ruling party and at the same time to strengthen its own.

The fact, however, remains that opposition cannot expect to defeat the government in a floor vote and turn it out of office. The last time that an adverse vote overthrew a government was in 1895. No opposition would count on repeating that now a days. The most it can hope for, is to mould public opinion in its favour and thus reap the fruits of its furious criticism in the next election. Or, the opposition may be able to get a few members from the ruling party who would abstain on an issue, when voted upon in the House. In 1940, when Prime Minister Chamberlain's war policy was so strongly criticized by the opposition and others, about 60 conservative members abstained from voting and about 30 voted against their government. Although Chamberlain won with a majority 81, which should have been almost double, he had to resign.

Such a dramatic success for the opposition could scarcely be expected in peace time when it can be expected to do only three things. Firstly, it can and often does introduce amendments to legislation from the government, and sometimes they are substantial in number. Secondly, the opposition can expose the weaknesses or injustices of government policies, and sometimes get them modified or even cancelled. For instance, in 1967 the tuition fees for



overseas students were increased from \$50 to \$250. As a result of the protest from the universities which was taken up by the opposition, action had to be taken to modify the policy. Finally, the attacks of the opposition can create a mood among the electorate. By alienating a section of the electorate the party can be voted out of power in the next election.

Yet, the opposition may never forget that while it puts the government on trial, it too is simultaneously on trial. The character and abilities of the leaders of the opposition and the Prime Minister are being rigorously assessed in public context every minute. In their promises, thus the opposition will not be overambitious. In their criticism they would not be truthless and destructive. As such both, the major parties play this game of borrowing their opponents most popular measures and adapting them to their own use. For instance, the Labour Party which opposed the Conservative efforts to join European Economic Community, when it was out of office, was making an effort to get in when it was in power under the leadership of James Callaghan. In a nut shell, British opposition is constructive and responsible while criticising the government and while participating in Parliamentary debates.

#### **1.9.13 SUPREMACY OF THE PARLIAMENT :**

As already stated, one of the fundamental characteristics of the British political system is the supreme position occupied by the British Parliament. Legally speaking, Queen-in-Parliament is sovereign. There is no other authority which is superior to the parliament and no law which is above the law of the Parliament. Dicey writing in 1885, reiterated this view : "The sovereignty of parliament is from a legal point of views, the dominant characteristic of our political institutions." So Supreme is Parliament's authority that it can not be limited even by its own legislation. In other words, no law passed by one Parliament can bind subsequent parliaments.

#### **1.9.14 Legal Implications :**

There are three legal consequences of the Supremacy of the Parliament Firstly, that the powers of Parliament are unlimited. It can legalise past illegality by passing retrospective legislation. It has the power to amend or replace any rule of common law, to override any decision of the courts and to make any established convention, illegal.

Secondly, the supremacy of the Parliament implies, that, it has unlimited powers to make or amend the constitution. As a matter of fact, in Britain there is no difference between constitutional law and acts enacted by the Parliament.



As such Parliament can change any constitutional rule by passing an ordinary act. It can abolish Monarch and House of Lords, can establish any religion in Great Britain, raise or reduce the minimum age for the exercise of the right of vote, change the jurisdiction of the courts of law and so on. In order to do all this, Parliament has to go through the same procedure as required for passing of ordinary acts.

Parliamentary sovereignty, in the third place, means that no law passed by Parliament, whether, constitutional or statutory, can be declared ultra vires by the courts. As such every law passed by the Parliament, has to be enforced by the judiciary in Britain. Still, when it is said in Britain, that a particular law of the Parliament is 'unconstitutional', it does not mean that the particular law is outside the competence of the parliament, rather that the law is improper or that it is out of keeping with established 'custom' or with what has come to be regarded as fundamental law in Great Britain.

#### **1.9.15 Parliament Sovereignty in Reality :**

Although legally Parliament is sovereign and omnipotent, but actually the position is not so. The supremacy of the Parliament is exercised under various restraints and is by no means "transcendent and absolute". Some of these restraints are psychological and others are political. Psychologically speaking Parliament is a body of individuals who bound to have some reason, inhibitions and morals of their own. These are bound to set checks on the behaviour of the Parliament. Besides, British Parliament functions within a democratic order of the government and society. As such, it will be responsive and responsible to the popular demands and pressures and can never act in an arbitrary manner. As such, however, powerful Parliament may be, it functions ultimately under the authority of the people. Yet, another source of limitation on the powers of the Parliament are those implied in International Law and Treaties. As a matter of fact British Parliament is very respectful towards the rules of International Law.

To sum up, therefore, the principal of the sovereignty of the Parliament is only a legal fiction and in actual practice it does not exist. This is another illustration of the fact that in the British constitution there are many things which do not appear to be what they are, and things which are not the same as they appear to be.

#### **1.9.16 Summary**

In this lesson, we studied about the popular chamber of the British Parliament known as House of Commons. The members of this lower house are elected directly by the people for a period of five years. In its

first meeting, the members elect a Speaker as their presiding officer. He conducts the business of the House, maintains law and order and protects the rights and privileges of the members. The main functions of the house can be divided into three categories-to pass laws, to control the finance and to control the executive. There is a strong opposition party in the British Parliamentary system to check and control the party in power. The British Parliament as we have seen is fully competent to make any laws and that is why it is called Supreme. Supremacy of the British Parliament is supported by its right to make laws which can not be challenged by any other institution. But this supremacy is just a legal fiction. In reality the parliament is restricted by psychological and political pressures.

#### **1.9.17 Long Answer Type Questions**

1. Explain the role of British Parliament in British Political System.
2. Write an essay on the sovereignty of the British Parliament.
3. Examine the position and powers of the House of Commons.
4. What are important conventions associated with the office of the Speaker?

#### **1.9.18 Short Answer Type Questions**

1. What do you mean by the Sovereignty of the Parliament?
2. Write a short note on the role of opposition in British Parliament.
3. What is Guillotine?

#### **1.9.19 Key Words**

Sovereignty  
Adjournment  
Constituency  
Monorach  
Jurisdiction  
Statutory  
Whipperin

#### **1.9.20 SELECTED READINGS:**

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