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Unitary states

The United Kingdom often is cited as the quintessential example of a unitary state, despite the presence of regional governments. Northern Ireland has alternated between periods of special autonomy and direct rule by the British government; in the 1990s an autonomous government for the region was reestablished, though autonomy was sometimes suspended by the British government. Also in the 1990s a Scottish Parliament and a Welsh Assembly were established (the former, but not the latter, was given extensive powers, including taxation), and the government debated introducing assemblies in some English regions. In the absence of a rigid constitution at the national level, however, the powers of the regional parliaments remained ill-defined. Indeed, an act of the central Parliament at Westminster theoretically could take powers away from the regional governments or in fact abolish them. Although France is a unitary state, in 1982 it established elective regional governments less dependent on the centre.

Executives and legislatures

States may be classified as monarchical or republican and as having presidential or parliamentary executives. The United States, which possesses a presidential government, and the United Kingdom, which is the oldest practitioner of parliamentary government, have long served as models of their respective systems of executive authority, both for scholarly analysis and for the drafting of the constitutions of other countries.

Monarchical systems

Although the institution of monarchy is as old as recorded history, since the beginning of the modern era many monarchies have been replaced with republics. Of the monarchies that remain—such as those in the United Kingdom, Japan, Spain, the Scandinavian countries, and the Low Countries—many are best described as “constitutional monarchies”: the monarchs are primarily titular heads of state and do not in fact possess important powers of government. Most of the executive powers are in the hands of ministers—headed by a prime minister—who are politically responsible to the parliament and not to the monarch. The executive powers of government in the United Kingdom, for example, are exercised by ministers who hold their offices by virtue of the fact that they command the support of a majority in the popularly elected House of Commons. A constitutional monarch can act only on the advice of the ministers. The position of the monarchs in Scandinavia and the Low Countries is similar to that of the monarch in Britain: they reign but do not rule. In countries where no political party has a majority of its own in the parliament, the monarch may exercise some discretion in deciding whom to invite to form a government. Even where they have this discretion, however, monarchs must first consult with the various party leaders, a requirement that severely limits their freedom of action. In countries with stable two-party systems, all the monarch can do is offer the prime ministership to the leader of the majority party. Since 1975 the Swedish king has not even possessed this formal power; it is the president of

the legislative assembly who chooses and appoints the prime minister. A constitutional monarch is the head of the state, not of the government. Standing above the political controversies of the moment, the sovereign is an object of national pride and loyalty and a symbol of the nation's unity and its continuity with the past.

In a few monarchies, however—for example, those of Jordan, Morocco, and Saudi Arabia—the king exercises real powers of government. The ministers are chosen by and are responsible only to the king rather than to an elective parliamentary body. Hereditary rulers with this degree of personal power were quite common in the 18th century but are rare today. Although Jordan and Morocco have augmented the powers of their elected parliaments, the monarchs retain ultimate authority in those countries. In Thailand the constitution promulgated in 1932 greatly reduced the powers of the monarch, relegating him to a role similar to that of the European monarchs. Although he retained considerable formal powers, he could exercise them only upon the advice of elected leaders. His most important function was to serve as a living symbol of the country and as a focus of national unity.

Presidential systems

By definition, presidential systems must possess three basic features. First, the president originates from outside the legislative authority. In most countries such presidents are elected directly by the citizens, though separation of origin can also be ensured through an electoral college (as in the United States—see electoral college—or in Argentina before constitutional reforms were adopted in the mid-1990s), provided that legislators cannot also serve as electors. Second, the president serves simultaneously as head of government and head of state; he is empowered to select cabinet ministers, who are responsible to him and not to the legislative majority. And third, the president has some constitutionally guaranteed legislative authority.

The U.S. system is based on a strict concept of separation of powers: the executive, legislative, and judicial powers of government are vested by the Constitution in three separate branches. The president is neither selected by nor a member of the Congress. He is elected indirectly by the public through an electoral college for a fixed term of four years, and he holds office no matter how his legislative program fares in Congress and whether or not his political party controls either or both houses of Congress. (A president may be removed from office only for “Treason, Bribery, or other high Crimes and Misdemeanors”; removal requires impeachment by a majority of the House of Representatives followed by conviction by two-thirds of the Senate.) The members of the cabinet, as noted above, are chosen by the president and are politically responsible to him (though they must be confirmed by the Senate). The Constitution prohibits cabinet officials from serving simultaneously in Congress. Moreover, the president shares legislative powers with Congress: all bills passed by Congress are signed into law or vetoed by the president, though Congress may override a presidential veto by a two-thirds vote in each chamber. (For further discussion, see presidency of the United States of America.)

Presidential systems may differ in important respects from the U.S. model. In terms of constitutional provisions, the most important variation is in the powers that the constitution delegates to the president. In contrast to the requirement that Congress need a supermajority to override a presidential veto in the United States, for example, in some countries (e.g., Brazil and Colombia), a presidential veto may be overridden by a simple majority. Many presidential constitutions (e.g., those in Argentina, Brazil, Colombia, and Russia) explicitly give the president the authority to introduce new laws by decree, thereby bypassing the legislature, though typically the legislature can rescind such laws after the fact.

Some countries with presidential systems require that cabinet appointments be approved by the legislature. Thus, in the United States the president's cabinet appointments must be confirmed by a majority vote of the Senate. In the Philippines appointments of cabinet ministers must be approved by a Commission on Appointments, which consists of members of both houses of the legislature. Once appointed, however, cabinet secretaries or ministers cannot be removed by the legislature, except by impeachment.

Parliamentary systems

The executive is organized very differently in a parliamentary system. In the United Kingdom, whose Westminster system has been adopted in many countries, the executive branch is not entirely separate from the legislative branch. On the contrary, the British cabinet may be described as the leading committee of Parliament. Formerly, the British prime minister, the head of the government, could sit in either the House of Lords or the House of Commons, but contemporary convention dictates that he serve as a member of the House of Commons. The other ministers who make up the cabinet must be members of one or the other house of Parliament. If the prime minister wishes someone who is not in Parliament to serve in the cabinet, he must either appoint him to the peerage or find a vacancy in the House of Commons to which he can be elected.

Whereas the doctrine of separation of powers in the U.S. system does not require the executive branch to hold a majority in the legislature, in Great Britain the ministers of the crown hold office only so long as they enjoy the support of a majority in the House of Commons. A cabinet that loses such support must resign and permit others to form a government.

It follows that in the British system the prime minister and the cabinet are fully in charge of Parliament. They are responsible, as the guiding committee of Parliament, for the preparation and enactment of most legislation and of the budget. There can be no permanent or serious conflict between the House of Commons and the cabinet, for responsibility means that the government of the day must either prevail or give way to another government. Thus, the deadlocks between the chief executive and the Congress that occur from time to time in the United States cannot occur in the British system.

Many parliamentary systems, however, lack the two-party system that typifies Britain's model of parliamentarism. Although there are in fact more than two parties in Britain, one party almost always holds a majority of seats, which thus enables the cabinet to be formed by ministers from a single party and prevents changes in the partisan complexion of the government between elections. Unless the government loses its majority before the next election (as a result of defections in the legislature or of by-elections to fill vacancies caused by death or resignation), the only event that can produce a change of government is an election that results in a legislative majority for another party.

In contrast, many other countries possess parliamentary systems in which it is rare for a single party to obtain a majority of seats. In such systems the cabinet may be formed by a coalition of two or more parties, or it may be formed by a party that lacks a majority in the parliament. Because a party may withdraw from a coalition over a policy or some other issue, and because the opposition may demonstrate through a vote of no confidence that the government has lost its majority, it is possible for the government to change between elections. In some of these countries, however, it is also possible for a government to persist in office despite a lack of majority support. In countries that have adopted a "constructive" vote of no confidence, for example, a government may be removed by the legislature between elections by a majority vote of no confidence only if a majority also elects a successor government. The constitution of the Federal Republic of Germany was the first to require a constructive vote of no confidence, its authors hoping to avoid the frequent votes of no confidence (without majority agreement on a replacement) that had typified executive-legislative relations during the Weimar Republic (1919–33). Constructive votes of no confidence also have been adopted in Hungary and Spain.

Parliamentary systems also vary in the role performed by the head of state. In constitutional monarchies the monarch occupies office by virtue of heredity. In parliamentary republics the head of state is usually a president. Presidents in parliamentary systems may be elected by direct popular vote (e.g., Ireland), by the legislature (e.g., the Czech Republic and Israel), or by an electoral college that consists of members of the legislature as well as delegates of regional assemblies (e.g., Germany, India, and Italy). They usually serve for fixed terms that are longer than the term of the parliament, and they may have some discretion in the appointment of a prime minister or the dissolution of the parliament.

MCQ

1. What is the current salary of Chief Justice of the Supreme Court?

- (A) 1.10 lakhs Rupees
- (B) 1 lakh Rupees
- (C) 2.8 lakh Rupees
- (D) 1.25 lakhs Rupees

2. The President can declare a judge an executive chief justice of the Supreme Court of India when ...

- (A) The post of Chief Justice is vacant
- (B) Chief Justice is temporarily absent
- (C) Chief Justice is unable to discharge his obligations
- (D) All of the above

3. Who among the following has the right to establish the bench of Supreme Court elsewhere in the country?

- (A) The Chief Justice of the Supreme Court
- (B) The President of India
- (C) The Parliament
- (D) Chief Justice of the Supreme Court has the right to allow to establish the bench of the Supreme Court elsewhere in the country with prior approval of the President.

4. Which of the following Article talks about the establishment of the Supreme Court?

- (A) Article 176
- (B) Article 153
- (C) Article 124
- (D) Article 324

5. Which of the following is not matched correctly?

(A) Article 145: salary of judges

(B) Article 143: Power of President to consult with the Supreme Court

(C) Article 141: orders of the Supreme Court is applicable to all courts of India

(D) Article 139: Power of Supreme Court to issue writ petition