

LEGISLATURE

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Legislature

Since the time of Aristotle, it has been generally agreed that political power is divided into three broad categories. There is first, the legislature which formulates and expresses the will of the state. Being a representative assembly, the legislature in a democratic government enacts the general rules of society in the form of laws. The laws of the state prescribe the manner in which people are expected to live in a politically organized society. In a democracy, the following are the general functions of legislature.

1.Law making : In modern times, the most important function of legislature is law making Ordinary bills can be introduced by the members of the parliament and by the ministers. The members of the legislature can by a majority vote accept or reject any bill. The members of legislature or the parliament enjoy full freedom of speech and also of criticism of the policies of the government.

2.Control over the budget : The legislature has control over the budget of the government. Without the approval of the legislature, not a single penny can be spent by the executive.

3. Control over the executive : In a parliamentary government, the legislature or the parliament exercises full control over the executive or the Council of Ministers. The parliament has the right to put questions and supplementary questions to the cabinet. The parliament can remove the cabinet by a No-Confidence-Motion. It can bring in adjournment motions and censure motions against the cabinet.

4. Judicial : In certain countries, the legislature has to perform certain judicial functions. For example, in India and America, the parliament and the cabinet can remove the President by a process of impeachment.

5. Electoral : In certain countries, the legislature elects the President, the Vice-President and the judges. In India, the parliament takes part in the election of the President and Vice President. In Russia, the judges of the Supreme Court are elected by the parliament of that country. In Switzerland also, the members of the Executive and Federal Tribunal are elected by the members of parliament.

6. Amendment to the constitution : In every democracy, the power to amend the constitution rests with the legislature of that country. The only difference is that in some countries, a similar procedure is adopted as that for the amendment of ordinary laws. In some other countries, a special procedure is adopted for the amendment of the constitution. In Bangladesh, the parliament can amend certain clauses of the constitution with a two-thirds majority and for amending certain clauses, the approval of one half of the state legislature is needed.

7. A mirror of public opinion : Now-a-days, the legislature acts as the mirror of public opinion because it criticizes and compels the executive to act according to the wishes of the people.

8..Right of the legislature to remove the judges : In India, China, Soviet Union, England and the USA, the parliament has the power to remove the judges of the Federal or Supreme Court.

9. As Board of Directors : In certain countries, the legislature acts as a Board of Directors for the Government Corporations because it decides the manner in which the Administration Branch is to be organized and performs its functions. It also decides the ways and means for raising money.

These are the functions of legislature in democratic countries. The situation in totalitarian countries is quite different. In these countries, the executive has a great control over the legislature and the executive is not responsible to the legislature. Its functions like law making and the passage of the budget are nominal. The legislature acts according to the directions of the executive. Thus one finds that in democratic countries, the legislature exercises a great control over the executive, but in totalitarian regimes, the legislature is controlled by the executive.

Organization of the legislature

In almost all the countries, legislatures are available for making laws. In democracy, the importance of legislature is still more. For law making, most of the countries have two houses, while a few countries have only one House. The system called bicameralism has two houses. The first chamber is called the Lower House and the second chamber is called the Upper House. There are two chambers of legislatures in France, Belgium, Germany, Britain, Holland, Sweden, Norway, Japan, America, Australia, Canada etc. In certain countries like Bangladesh, China, Portugal and Turkey there is only one chamber system called unicameralism.

