

Legislature

Outline

- ✓ Representative vs Direct Democracy
- ✓ Functions of Legislature
- ✓ Presidential vs Parliamentary
- ✓ Unicameral vs Bicameral
- ✓ Bangladesh Parliament - A brief overview
- ✓ Some key parliamentary terms



Branches/Organs of Government



Legislature - An Innovation of Representative Government

- In a **representative democracy** - people cannot share the policy-making or policy formulation-- most important task of the government.
- In **direct democracy**, the policy-making was undertaken by the people themselves, which is not possible in today's hugely populated entity called states.
- Today, the policy-making is done by **peoples' representatives** who are elected directly by the people to become members of the Legislature and formulate policies on behalf of the people.
- Legislature, thus, forms a direct link between the government and the governed.

Legislature

- Legislature makes the law.
- In parliamentary government, the executive is under the command of legislature. Executive is responsible to the parliament.
- Legislature is known as Congress in USA, Parliament in UK and Jatiyo Sangsad ('House of the Nation' in English) in Bangladesh.



Functions of Legislature

1. Law-making:

It constitutes the law-making body within a country's system of government; thus making the law (or amending or repealing it) is a key function which it performs.

No policy of the government can be implemented without a law passed in the legislature

2. Control Over Budget:

A very important role of legislature is approving the budget and granting for the collection of taxes.

3. Control Over Executive:

In a parliamentary government, legislature/parliament has full control over executive. Parliament has right ask question to cabinet. They can bring 'no confidence motion' to remove cabinet.

Functions of Legislature

4. Judicial:

In some countries legislature has to perform certain judicial functions.

5. Amendment of Constitution:

Power to amend constitution rests with legislature. Two-third majority requires in Bangladesh for amending constitutions.

6. Right to Remove the Judges:

In India, China, Soviet Russia, England and the USA, the parliament has the power to remove the judges of the Federal or Supreme Court.

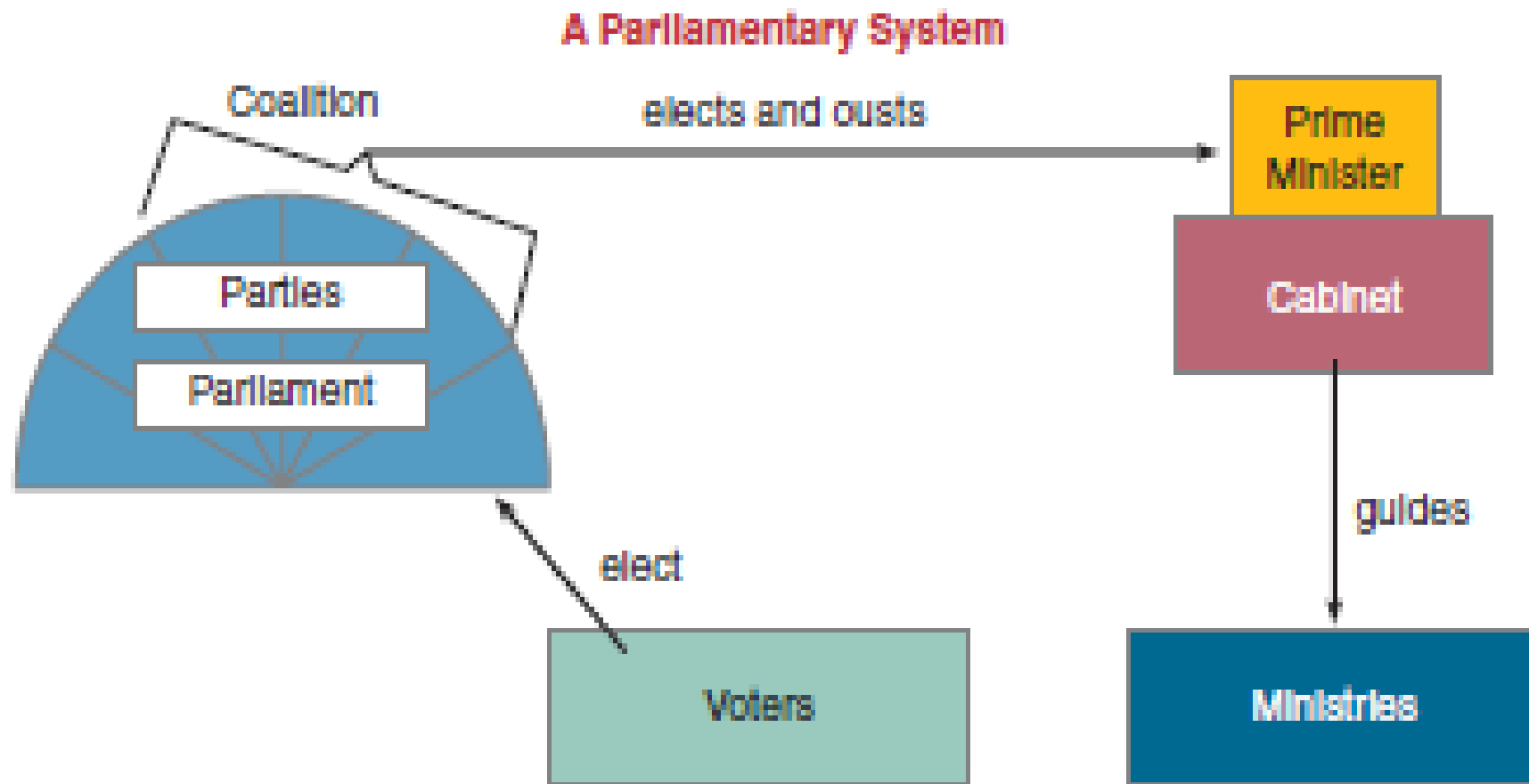
Functions of Legislature

7. Oversight:

- Parliament is called upon to see to it that the administration of public policy reflects and meets the peoples' needs.
- the Parliament is to “review, monitor and supervise the government and public agencies, including the implementation of policy and legislation.”
- To hold the government accountable in respect of how the taxpayers' money is used. It detects waste within the machinery of government and public agencies.
- To ensure policies announced by the government and authorized by parliament are actually delivered. This function include monitoring the achievement of goals set by legislation and the government's own program;

Presidential and Parliamentary Systems

A PARLIAMENTARY SYSTEM



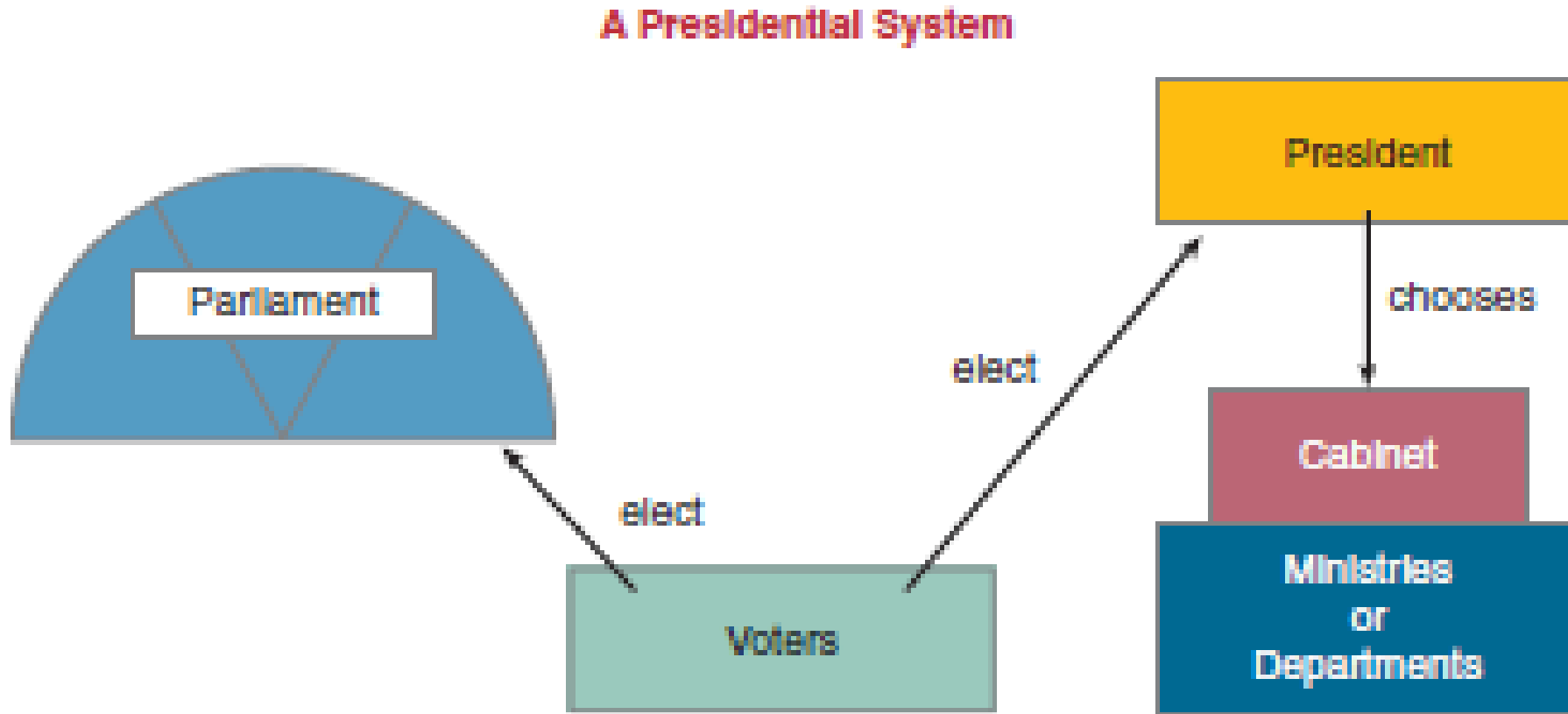
Parliamentary Systems

- In **parliamentary systems** voters elect only a legislature; they cannot split their tickets between the legislature and executive.
- The legislature then elects an executive from its own ranks.
- If the electoral system is based on proportional representation, there will likely be several parties in parliament.
- If no one party has a majority of seats, two or more parties must form a **coalition**.
- Whether one party or several, a majority of parliament must support the cabinet; if not, it “ **falls** .” Usually a monarch (as in Britain and Spain) or weak president (as in Germany or Israel) “asks” — there’s no real choice in the matter—the head of the largest party to become prime minister and “form a government.”

Parliamentary Systems

- The prime minister, after consulting with the parties likely to support him or her, names a team of ministers for the cabinet who are themselves members of the parliament.
- These ministers then guide the various ministries or departments of government that form the executive branch.
- The prime minister and cabinet are “responsible” (in the original sense of the word, “answerable”) to the parliament.

A PRESIDENTIAL SYSTEM

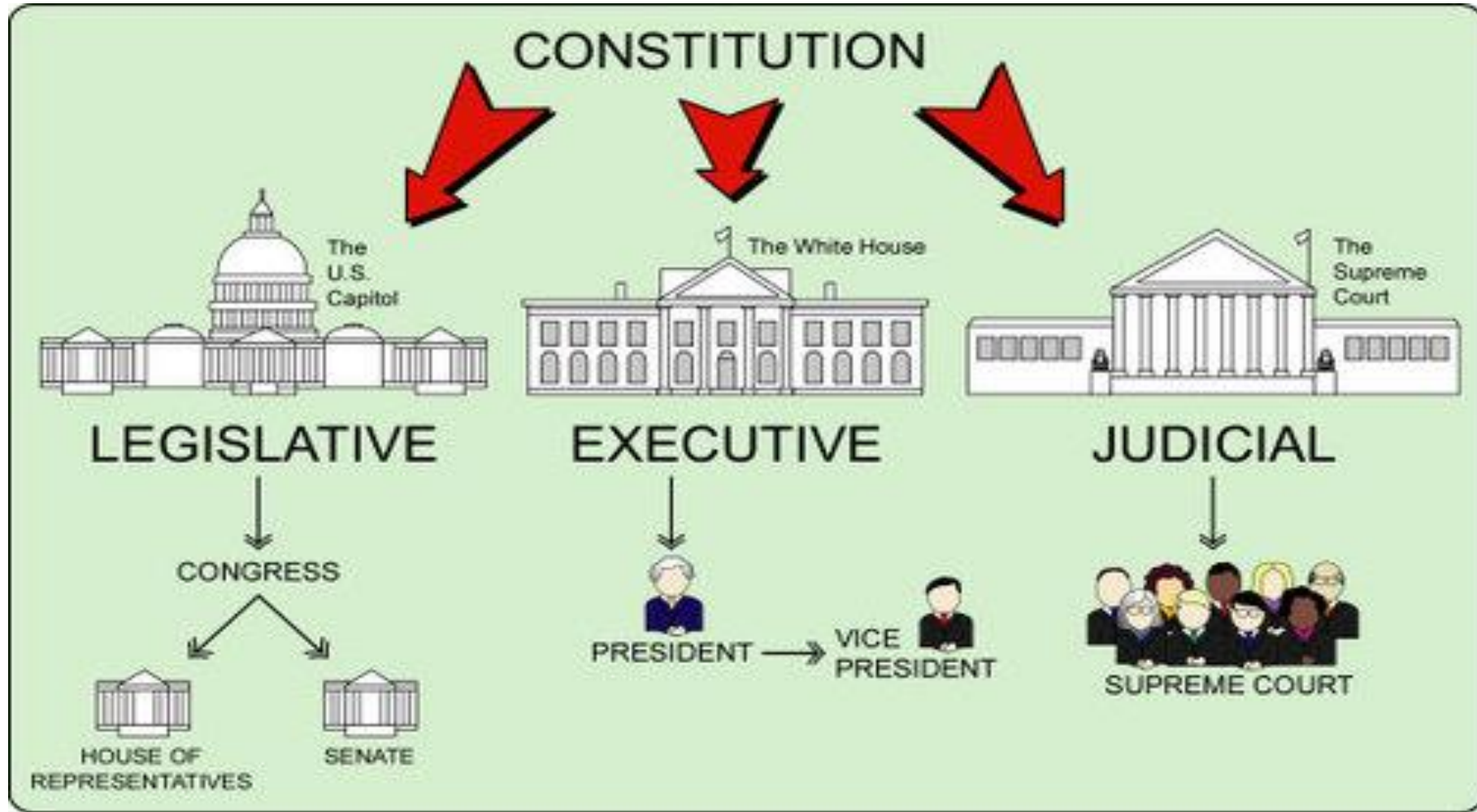


Presidential Systems

- Presidents in **presidential systems** are not responsible to legislatures. The close connection between the legislative and executive branches is broken.
- **Presidents are elected on their own and choose cabinet ministers or department secretaries from outside the legislature.**
- **In the United States, of course, top executive and judicial officers must be confirmed by the Senate.**
- The two branches of government cannot control, dissolve, or oust the other, as happens in parliamentary systems. This gives presidential systems great stability.
- Presidents may be unpopular and face a hostile Congress, but they can still govern with the constitutional and statutory powers they already have.

Parliamentary	Presidential
The executive is not separated from the legislature. The members of council of ministers are the members of legislature	The executive is completely separated from the legislature. The members of executive are not the members of the legislature.
The executive is accountable to the legislature.	The executive is not accountable to the Legislature.
one person is head of state while another person is head of government.	same person is head of state as well as head of government.
the Prime Minister is most powerful	the President is most powerful
the Prime Minister can appoint only the members of parliament as minister.	the President appoint persons from outside the legislature as minister.

US Presidential Systems



Bicameral or Unicameral?

- Some two-thirds of parliaments in the world have two chambers, an upper house (the U.S. Senate, British House of Lords, French Sénat, German Bundesrat) plus a lower house (the U.S. House of Representatives, British House of Commons, French National Assembly, or German Bundestag). These are called **bicameral** (two chambers) legislatures.
- **Despite its name, the upper house usually has much less power than the lower house. Typically, if the upper house objects to something passed by the lower house, the lower house can override the upper house's objections, often by a simple majority.**
- Only the two houses of the **U.S. Congress** are coequal and must pass identically worded versions of a bill.

Bicameral or Unicameral?

- A smaller number of parliaments are **unicameral (one chamber)**, such as China's National Peoples Congress, Sweden's Riksdag, and Israel's Knesset. Yugoslavia once experimented with a five-chambered parliament. South Africa had a curious and short-lived three-chambered parliament with one house each for whites, mixed-race peoples, and East Indians. The majority black population was unrepresented. (Since 1994, South Africa has had a bicameral parliament with a black majority.)
- The reason for two chambers is clear in federal systems. The upper house represents the component parts, and the lower house represents districts based on population.

Bangladesh Parliament



Bangladesh Parliament



- The Constitution of **the People's Republic of Bangladesh** gives the legislature the name **Jatiyo Shangsad** in Bengali and **House of the Nation** in English. It is commonly known as **Parliament**.
- Parliament of Bangladesh is a **unicameral** legislature consisting of **350** members of which **300** Members from 300 territorial constituencies.
- The president calls Parliament into session. Speaker works as chief of this body where Deputy Speaker assists the speaker.

Bangladesh Parliament

- The remaining **50** seats are reserved for women who are elected by the aforesaid elected Members.
- The term of a Parliament is **five years**. It is ordinarily dissolved on completion of five years from the date of its first meeting after the general elections.
- Qualifications for parliament election:(Article 66)
 - i.A citizen of Bangladesh
 - ii. Attained the age of twenty-five years

Legislature of Bangladesh

Qualifications for parliament election:(Article 66)

- i.Citizen of Bangladesh
- ii. Attained the age of twenty-five years

Disqualifications for parliament election:(Article 66)

- i. Who is declared by a competent court to be of unsound mind and is an undercharged insolvent
- ii. Acquires the citizenship of, or affirms or acknowledges allegiance to, a foreign state
- iii. Who has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years unless a period of five years has elapsed since his release;
- iv. Holds any office of profit in this service of the Republic other than an office which is declared by law not to disqualify its holders.

Parliamentary Terms

- **Absolute majority** – more than half the votes of the total number of members of the house,
- **Cabinet** - the group of ministers
- **Gazette** - an official government publication which gives information about government matters and makes government announcements
- **Standing Committee**
- **Quorum** the minimum number of members required to present in the house. As per house rule in Bangladesh, the presence of at least 60 MPs is required for a session, which is called quorum
- **Constituency** - the electoral division or area, or the people in it, which a member of Parliament represents
- **Constituent** - someone who votes, or lives, in an electoral division or area which a member of Parliament represents

Parliamentary Words – terminology

Bill: A bill is a draft of the Act. Once passed by the Parliament (in Bangladesh), a bill becomes an Act.

Motion: A **motion** is a proposal moved by a member of the house (MP) to attract the attention of the house to something urgent or of public interest.

Resolution: A resolution is a motion that has been passed by the members of the meeting of the board of director. Technically, a motion that is passed by majority of the members present and voting becomes a resolution.

Therefore,

- A **motion** is a proposal from a member of the meeting whereas a **resolution** reflects the general opinion of the board
- Not all **motions** can be resolutions but all **resolutions** come from motions
- A **motion** can be put forward verbally whereas a **resolution** is written down and recorded