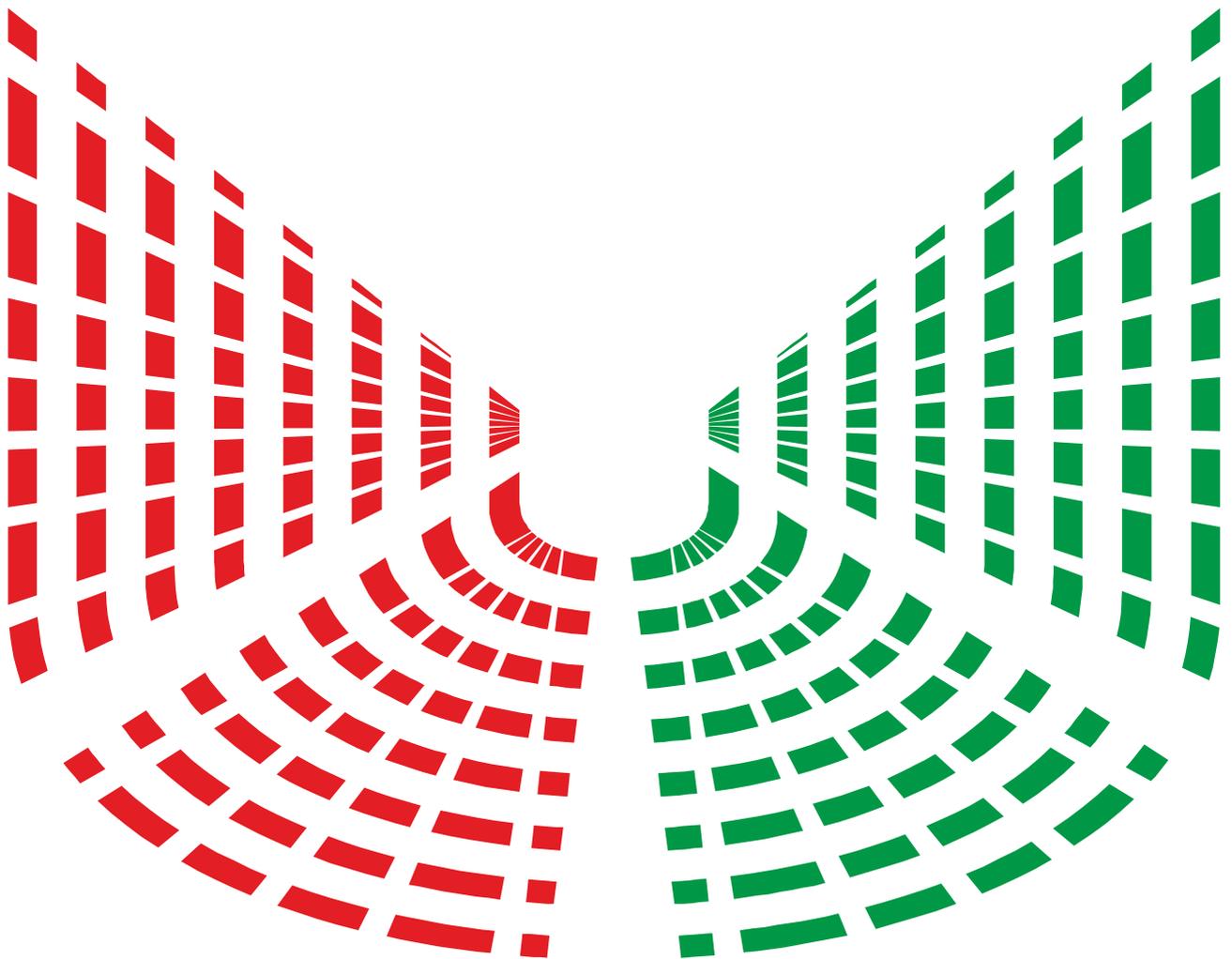




BICAMERALISM IN PARLIAMENTS OF THE WORLD

A Comparative Study



PARLIAMENT OF INDIA
RAJYA SABHA SECRETARIAT
NEW DELHI



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PARLIAMENT OF INDIA
RAJYA SABHA SECRETARIAT
NEW DELHI
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***Disclaimer:** Information contained in this study is sourced directly from the concerned Parliaments; provided by Indian Embassies / Missions located in some of the countries whose Parliaments are included in the study; and information available on the official websites of the concerned Parliaments and the Inter Parliamentary Union (IPU). Readers are advised to refer to the official websites of the concerned Parliaments or any other authentic sources(s) brought out by them for updation of the information. The Rajya Sabha Secretariat does not take the responsibility for the correctness or accuracy of the information and shall not be responsible for any loss whatsoever to any individual / organisation caused by inaccuracy of the information. Any discrepancy found may be brought to the notice of the Rajya Sabha Secretariat.*

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CHAIRMAN, RAJYA SABHA

FOREWORD

Bicameralism has been one of the most defining features of modern day democracies. Despite the perennial debate on the need, role and utility of a second chamber in a bicameral legislature, bicameralism has evolved and manifested itself in the form of various models across the world. Although the countries which have embraced bicameralism may have been guided by various factors germane to their respective historical, political, social and cultural circumstances, the concept of bicameralism has remained in vogue in one form or the other in the annals of modern democracy. Today, over forty per cent of the Parliaments of the world consist of two Houses or Chambers. Bicameralism has served the cause of democracy by providing wider representation to different sections of society, ensuring greater oversight of the executive, strengthening democratic edifice and public governance and safeguarding the interests of states or constituent units in a federal polity.

Given the fact that almost all the prominent democracies of the world have adopted bicameralism, it is all the more important to identify the various models of bicameralism existing world over. Interestingly, despite sharing the common strand of bicameralism, each bicameral legislature is distinct from the other in terms of its composition, manner of election, role and powers.

Indian bicameralism is no exception to this general trend witnessed across the world in the evolution of bicameralism. Our Constitution makers had vigorously debated the nature of Parliament in independent India including the need for a second chamber. After much debate and discussions in the Constituent Assembly, our Founding Fathers decided in favour of a bicameral Parliament consisting of the Council of States (Rajya Sabha) and the House of the People (Lok Sabha) in view of not only our experience with the working of the bicameral Central Legislature during pre-independence days but also to meet the formidable challenges of development and governance encountered by India as a newly independent nation in 1947.

Notwithstanding an intense debate over the nature of the Parliament of independent India before its birth amongst our Founding Fathers and even after that amongst constitutional experts, political scientists, political parties, researchers, political analysts and others, the fact remains that Indian bicameralism has stood the test of time. For the last seven decades of their existence, both Houses of Parliament, as legislative, deliberative and oversight bodies, have played a

(ii)

significant role in our nation building and in strengthening the roots of democracy in the country. Today, we take legitimate pride in the fact that our Parliamentary system has diligently guided the destiny of our nation over the years.

The Constitution of India has assigned a unique role to Rajya Sabha in our parliamentary system. It is a second chamber and not a secondary chamber. By putting aside the criticism to which it has often been subjected over the years even before its creation, the Rajya Sabha has played as much a pivotal and equivalent role as the House of the People (Lok Sabha) not just in the democratic evolution but also in the social, political, economic and cultural development of India. Rajya Sabha being a smaller House compared to the Lok Sabha, also helps in devoting more time to a variety of subjects for debates and discussions. Besides, consensus building on important and contentious issues is easier in the Rajya Sabha. As Chairman of Rajya Sabha, like my eminent predecessors, I feel privileged to have got the opportunity to preside over this exalted and august institution.

I am happy that the Rajya Sabha Secretariat has taken the initiative to undertake this study on bicameralism titled 'Bicameralism in the Parliaments of the World: A Comparative Study'. The study has identified, quite methodically, major models of bicameral Parliaments existing across the world. Besides, the study has also compared the models on various parameters such as manner of election of the Upper House, permanency of the Upper House, legislative powers of the Upper House *vis-a-vis* the Lower House, exclusive powers of the Upper House and mechanisms for resolution of a deadlock between the Upper and Lower House of the Parliament. In addition, it has endeavoured to group them into various sub-models based on their similarities and dissimilarities.

I hope that this study will be useful and interesting to all those who are interested in the subject of bicameralism.

I compliment Shri P.C. Mody, Secretary-General, Rajya Sabha; Shri Desh Deepak Verma and Dr. P.P.K Ramacharyulu, former Secretaries-General and the team of officials of Research Division of Rajya Sabha Secretariat for undertaking this study.

NEW DELHI;
4 August 2022



(M. VENKAIAH NAIDU)

PREFACE

Bicameralism is an important aspect of modern democracy. It is a principle wherein two legislative or parliamentary chambers co-exist sharing legislative power. The roots of modern bicameralism can be traced back to the 17th century Europe, particularly England. The adoption of American Constitution in 18th century saw the advent of bicameralism in a federal set up. Currently, there are as many as 81 countries in the world which have a bicameral Parliament/legislature. The rationale of a second chamber for Parliament/legislature and its status and role in a polity has constantly been a subject of intense debate and discussion amongst constitutional experts and political thinkers.

Bicameralism in India can be traced back to the Vedic times. References to the existence of two assemblies called *Samiti* and *Sabha*, one consisting of the entire people and the other representing a select section of the people, are found in the *Rigveda* and *Atharvaveda*. However, in modern times it was during the British colonial rule when India's journey of bicameralism commenced in 1921 with the implementation of the Government of India Act of 1919. This Act provided for bicameral legislature. The Central Legislature thus consisted of two Chambers known as Legislative Assembly and the Council of State. The issue of having a Second Chamber for Indian Parliament was extensively debated in the Constituent Assembly. The framers of our Constitution had studied various models of Second Chamber in major Parliaments of the world, besides having the experience of the working of the bicameral Central Legislature set up under the Government of India Act, 1919. Our Founding Fathers thus set up a bicameral Parliament consisting of the Council of States (Rajya Sabha) and the House of the People (Lok Sabha) to address the challenges of governance and development faced by the country at the time of her independence. The Rajya Sabha was meant to provide a second look at the legislation passed by the Lok Sabha as also to prevent hasty legislation and not 'to prove a clog either to legislation or administration'. Besides, it also aimed at providing opportunity to the seasoned and eminent persons who have distinguished themselves in diverse fields such as literature, art, science and social service to serve the country. It was designed to give representation to the States in the highest democratic decision making.

Given the importance of the subject of bicameralism in modern democracy, my worthy predecessor and the then Secretary-General, Shri Desh Deepak Verma took the initiative to undertake a study on bicameralism prevailing in the countries across the world. The main objective of the study is to understand the role played by the Second Chamber in bicameral Parliaments by comparing them with the First Chamber (Lower House) in terms of their composition, tenure and powers drawing out similarities and dissimilarities. For this purpose, a detailed and comprehensive questionnaire was prepared which was mailed to the Secretaries-General/Clerks of 78 bicameral Parliaments, excluding India. It may be mentioned

that as per the latest PARLINE database of the Inter - Parliamentary Union (IPU) currently there are 81 countries having bicameral Parliaments, however at the time of undertaking this study, this number was 79 including India.

Out of 79 bicameral Parliaments, a sample size of 38 countries having bicameral Parliaments, namely, Antigua & Barbuda, Argentina, Austria, Australia, Belize, Belarus, Bhutan, Bolivia, Bosnia & Herzegovina, Brazil, Cambodia, Canada, Czech Republic, Democratic Republic of Congo, France, India, Italy, Ireland, Germany, Hashemite Kingdom of Jordan, Japan, Kenya, Kingdom of Bahrain, Madagascar, Mexico, Myanmar, Philippines, Republic of Cameroon, Romania, Russian Federation, Slovenia, South Africa, Spain, Switzerland, the United Kingdom, the United States of America, Uruguay and Uzbekistan, has been taken for this study. The sample size of 38 countries encompasses all continents of the world as well as major geographical groupings of its Member Parliaments by IPU as reflected in Chapter 1 of the study report. Therefore, the sample size of the study is sufficient to reflect broadly the features of bicameralism existing in various parts of the globe. 21 bicameral Parliaments replied to the questionnaire, while in case of 13 bicameral Parliaments, replies to the questionnaire were arranged by the Ministry of External Affairs, Government of India through Indian Embassies/Missions in those countries and information about 4 bicameral Parliaments has been drawn from authentic sources by the Research Division of the Rajya Sabha Secretariat.

I would like to acknowledge the valuable contributions made by Shri Desh Deepak Verma and Dr. P. P. K. Ramacharyulu, former Secretaries-General of Rajya Sabha to this study.

I express my gratitude to the Clerks/ Secretaries-General of 21 Parliaments, namely, Parliaments of Argentina, Australia, Austria, Bhutan, Brazil, Cambodia, Canada, Czech Republic, Democratic Republic of Congo, Germany, Ireland, Italy, France, Mexico, Myanmar, Philippines, Republic of Slovenia, Spain, Switzerland, the United Kingdom and Uruguay for their timely response to our questionnaire.

I would like to place on record my sincere thanks to the Ministry of External Affairs for arranging information in respect of 13 Parliaments, namely, Parliaments of Antigua & Barbuda, Belarus, Belize, Bolivia, Bosnia & Herzegovina, Kenya, Kingdom of Bahrain, Hashemite Kingdom of Jordan, Madagascar, Republic of Cameroon, Romania, Russian Federation and Uzbekistan through Indian Embassies/Missions in these countries.

Besides the information received and compiled in respect of these 38 bicameral Parliaments, the study has also relied on the PARLINE database of the IPU. I acknowledge the important role of the IPU database which helped us in conducting this study.

I would also like to briefly outline the various aspects of the study report. The study has identified two major models of bicameralism, namely, (i) Bicameralism in Parliamentary Form of Democracy; and (ii) Bicameralism in Presidential Form of Democracy. Apart from the two major models, the study has also identified

various sub-models based on further division of the two major models into unitary and federal systems of governance. In all, the study has identified 7 sub-models. Out of 7 sub-models, 5 are in Parliamentary form of democracy and 2 sub-models are in Presidential form of democracy. Under each sub-model, the Parliaments have been categorised into different types based on certain basic features such as manner of election of the Upper House, permanency of the Upper House, legislative powers of the Upper House *vis-a-vis* the Lower House, exclusive powers of the Upper House and mechanisms for resolution of a deadlock between the Upper and Lower House of the Parliament. In Chapter 5 of the study, the major findings and conclusions of the study have been laid out. The study has largely made an attempt to identify various models of bicameralism operating across the world; it does not intend to project any particular model as being better than the others.

On conclusion of the draft study report, concerned Parliaments were requested to vet the information pertaining to them. Parliaments of 13 countries, namely, Argentina, Canada, Cambodia, Czech Republic, Japan, Germany, Mexico, Myanmar, Philippines, Slovenia, Switzerland, the United Kingdom and Uruguay have vetted the information pertaining to them.

I express my deep sense of gratitude to the Hon'ble Chairman, Rajya Sabha for his illuminating foreword as also for his valuable guidance and constant encouragement to us for all our endeavours in Rajya Sabha including this study.

I would like to express my gratitude to Dr. Vinay P. Sahasrabuddhe, Hon'ble Member of Parliament, Rajya Sabha and Prof. Manoj Kumar Jha, Hon'ble Member of Parliament, Rajya Sabha for their valuable inputs/suggestions on this study.

I would also like to place on record my appreciation for Shri Mukul Pande, Officer on Special Duty; Shri A. A. Rao, Media Advisor to Hon'ble Chairman; and officials of the Research Division of the Rajya Sabha Secretariat, namely, Shri S. D. Nautiyal, Joint Secretary, Shri D. S. Prasanna Kumar, Director, Shri Narendra Kumar, Additional Director, Ms. Noyaline Vinitha F.C., Deputy Director and Ms. Vunglunmoi Hangzo, Assistant Research Officer for rendering excellent assistance to me in conducting this study.

I would like to appreciate the Printing and Publications Service as also Government of India Press for printing this publication.

I hope that being one of its kind of a study on bicameralism, it will prove to be a useful reference tool for the Presiding Officers, Legislators, parliamentary officials, researchers, scholars and all others interested in the working of the bicameral Parliaments across the world.

NEW DELHI;
August 2022

P.C. Mody
Secretary-General
Rajya Sabha

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CHAPTER 1

BICAMERALISM *vs* UNICAMERALISM IN THE PARLIAMENTS OF THE WORLD : AN OVERVIEW

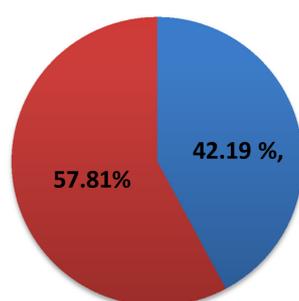


CHAPTER-1

BICAMERALISM *vs* UNICAMERALISM IN THE PARLIAMENTS OF THE WORLD : AN OVERVIEW¹

Out of the 193 countries in the world, the Inter-Parliamentary Union (IPU) has compiled the information about the structure of Parliaments of 192 countries. Of these 192 countries, Parliaments of only 179 countries are members of IPU. As many as 111 Parliaments of these 192 Parliaments, are unicameral and the remaining 81² Parliaments are bicameral. In terms of percentage, unicameral Parliaments account for 57.81 per cent of the total. The remaining 42.19 per cent Parliaments are bicameral. Empirically, the unicameralism has a clear edge over the bicameralism. In the succeeding paragraphs, an analytical snapshot of the data compiled by IPU is presented. For the ease of understanding, the data analysis is done continent-wise followed by a cross-continent comparison.

Structure of Parliaments across the World



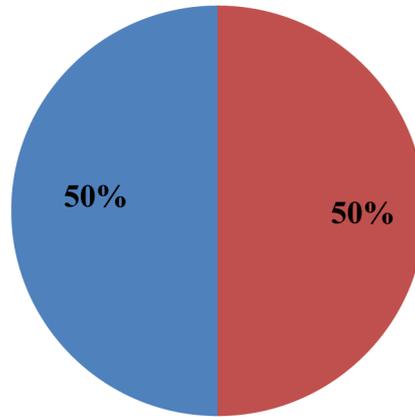
■ Bicameral ■ Unicameral

¹ All data/figures represented in this Chapter are based on the Parline Database maintained by the Inter-Parliamentary Union.

² As per the latest Parline Database, there are 81 countries (as on 28.4.2022) having bicameral Parliaments. Egypt and Turkmenistan which were unicameral Parliaments at the time of the study are now bicameral Parliaments.

ASIA

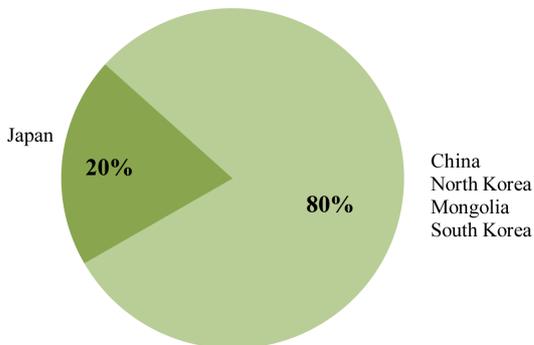
■ Bicameral ■ Unicameral



Unicameralism and bicameralism have an equal presence in Asia with 50% of the Parliaments being unicameral and the remaining 50% being bicameral. Some of the prominent countries having unicameral Parliaments are China, Iran, Indonesia, South Korea, Vietnam, Bangladesh and Sri Lanka. The prominent countries which have bicameral Parliaments are India, Japan, Malaysia, Thailand, Philippines, Kazakhstan and Myanmar. The charts below depict bicameralism vs. unicameralism in the sub-divided regions of Asia:

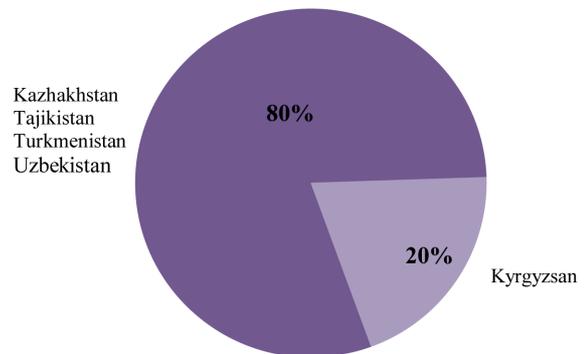
EAST ASIA

■ Bicameral ■ Unicameral



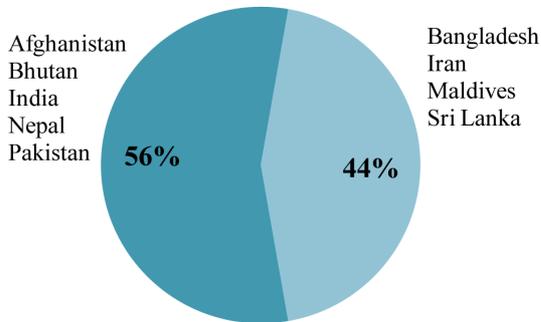
CENTRAL ASIA

■ Bicameral ■ Unicameral



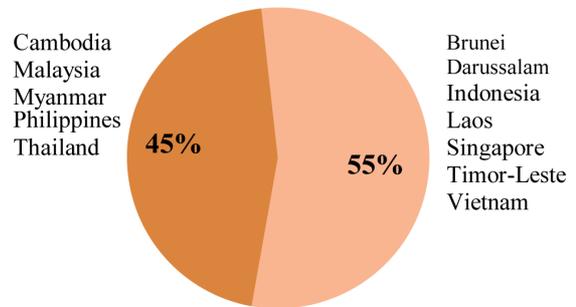
SOUTH ASIA

■ Bicameral ■ Unicameral



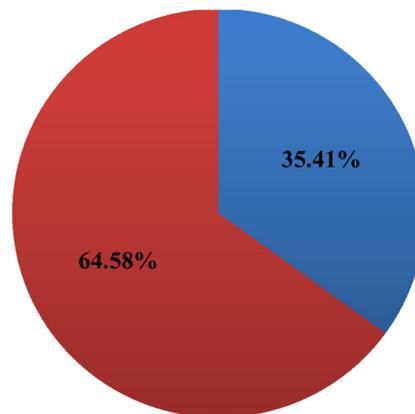
SOUTH EAST ASIA

■ Bicameral ■ Unicameral



EUROPE

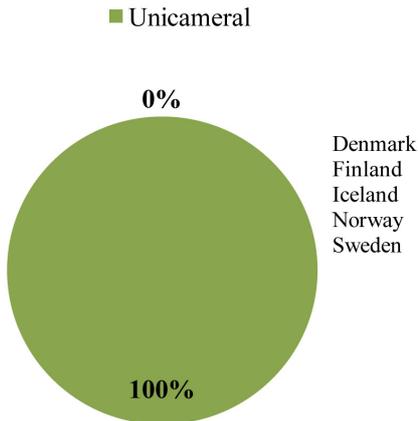
■ Bicameral ■ Unicameral



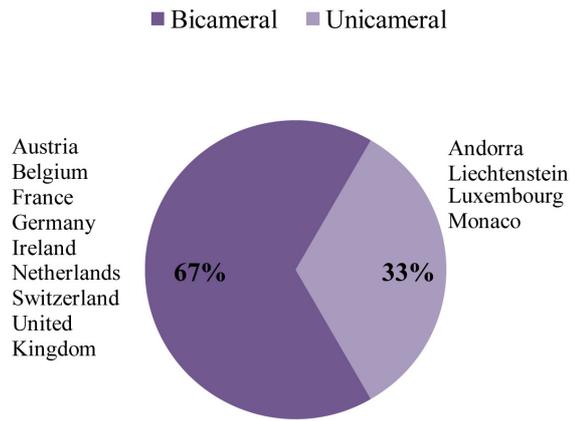
The percentage of unicameral Parliaments is even higher in Europe with 64.58 per cent Parliaments being unicameral in nature. Some of the prominent unicameral Parliaments of the region belong to Greece, Norway, Sweden, Portugal, Hungary, Denmark, Finland and Ukraine. The bicameral legislatures account for 35.41 per cent of all the Parliaments of the continent. Some of the prominent

countries which have bicameral Parliaments are the United Kingdom, Russian Federation, Spain, Switzerland, the Netherlands, Italy, France, Germany, Belgium and Austria. The following charts depict the region-wise picture of Europe:

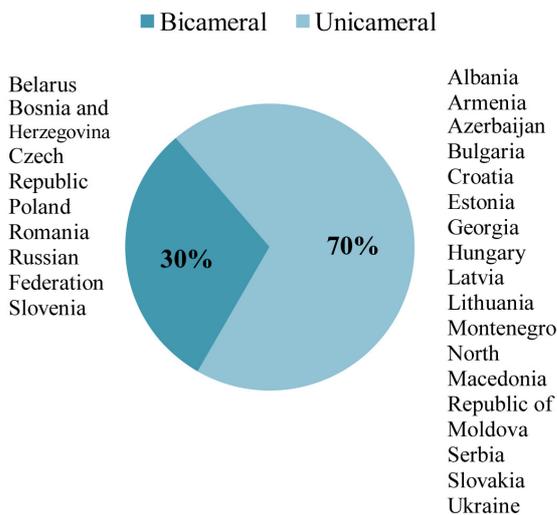
NORDIC COUNTRIES



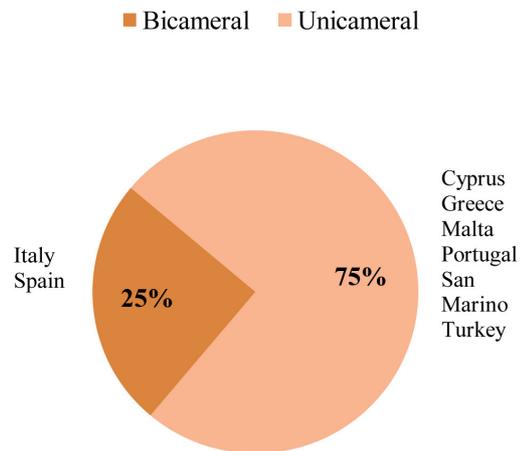
WESTERN EUROPE



CENTRAL AND EASTERN EUROPE

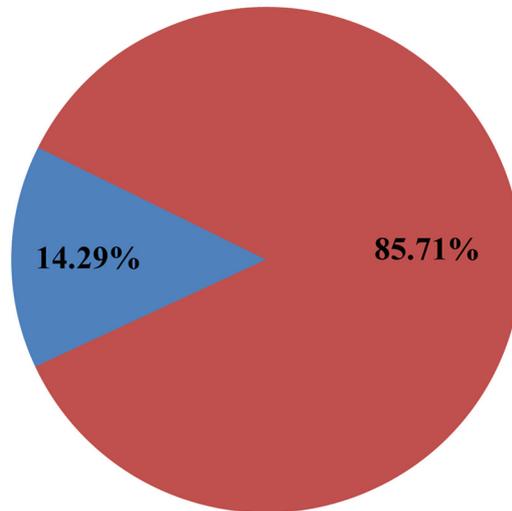


SOUTHERN EUROPE



PACIFIC

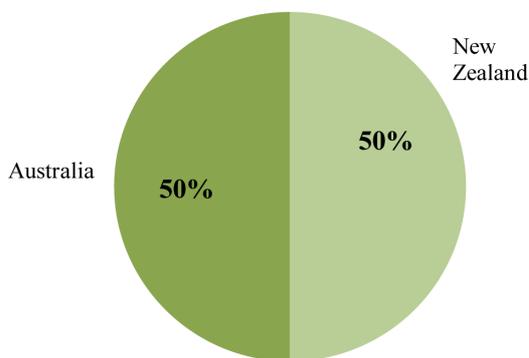
■ Bicameral ■ Unicameral



The spread of unicameralism is even greater in the Pacific where as much as 85.71 per cent of all the Parliaments are unicameral and the remaining 14.29 per cent are bicameral. Some of the prominent unicameral Parliaments belong to New Zealand, Fiji, Kiribati and Papua New Guinea. Interestingly, only two countries of the region, namely, Australia and Palau have bicameral Parliaments.

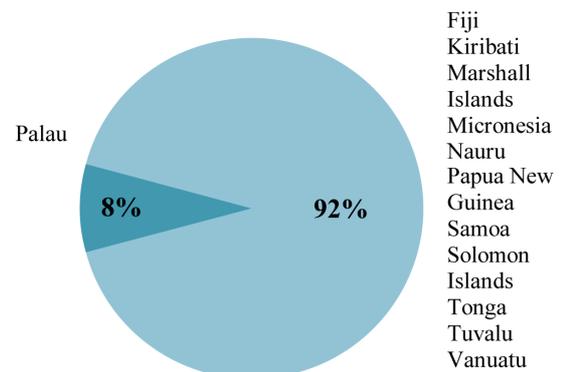
AUSTRALIA AND NEW ZEALAND

■ Bicameral ■ Unicameral



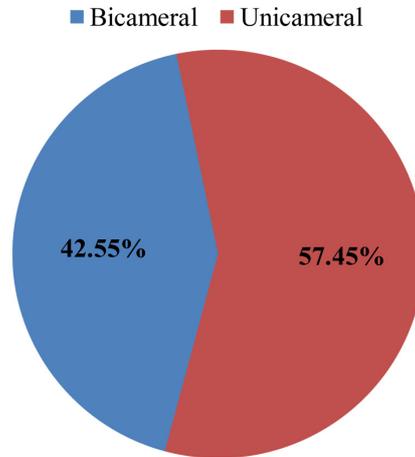
PACIFIC ISLANDS

■ Bicameral ■ Unicameral



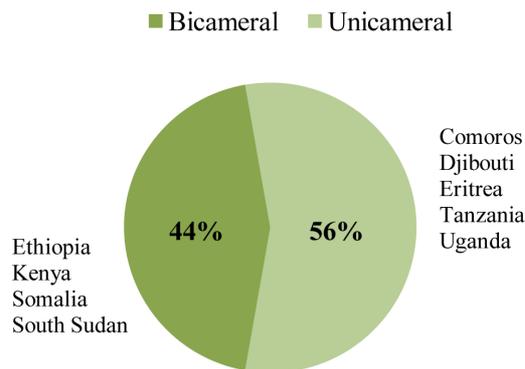
AFRICA

SUB-SAHARAN AFRICA

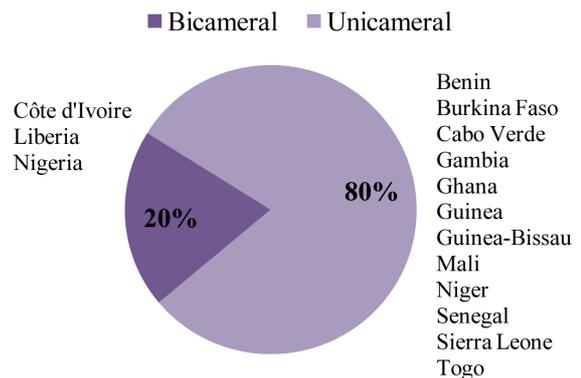


In the Sub-Saharan African region, the share of unicameral Parliaments is pegged at 57.45 per cent. The prominent countries having unicameral Parliaments are Angola, Botswana, Ghana, Senegal, Chad, Burkina Faso, Mozambique and Mauritius. The bicameral Parliaments have a share of 42.55 per cent. Some of the prominent bicameral Parliaments are Parliaments of Cameroon, Congo, Ethiopia, Kenya, Liberia, Madagascar, Namibia, Nigeria, South Africa and Zimbabwe. The charts presented below depict the existing scenario in various regions within Africa:

EAST AFRICA

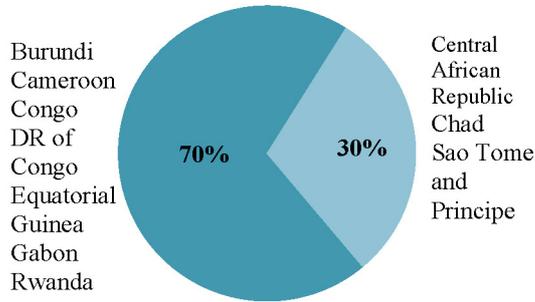


WEST AFRICA



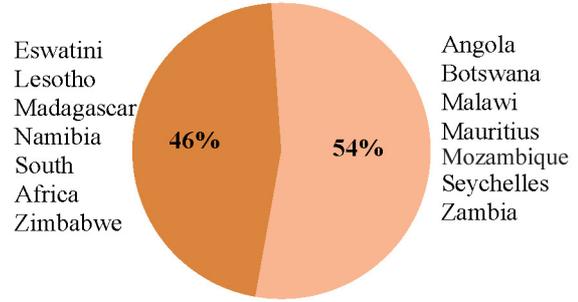
CENTRAL AFRICA

■ Bicameral ■ Unicameral



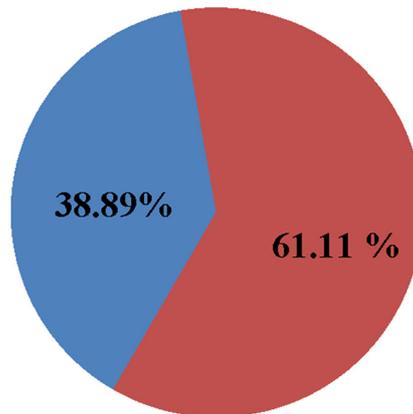
SOUTHERN AFRICA

■ Bicameral ■ Unicameral



MIDDLE EAST AND NORTH AFRICA

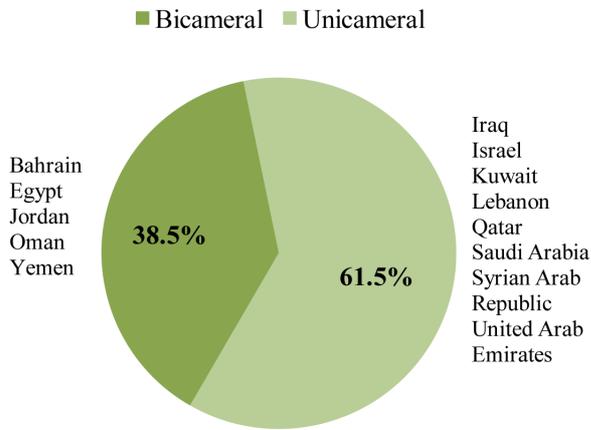
■ Bicameral ■ Unicameral



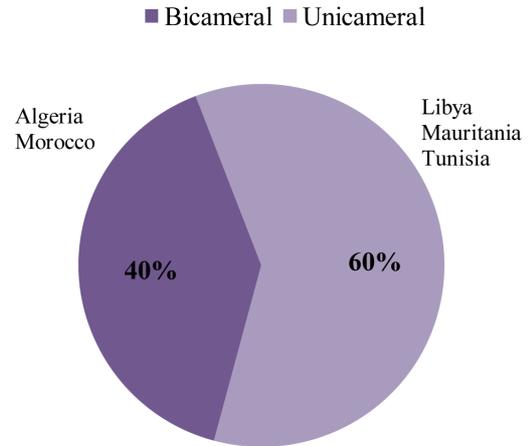
The Middle East and North Africa region is ahead of Europe in percentage terms in its preference for unicameralism. The share of unicameral Parliaments in the region is as high as 61.11 per cent. Some of the prominent unicameral Parliaments belong to Israel, Libya, Saudi Arabia, Qatar, United Arab Emirates, Iraq and Tunisia. The bicameral Parliaments have a share of 38.89 per cent. Some of the prominent countries having bicameral Parliaments are Algeria, Egypt, Jordan, Morocco, Oman and Bahrain.



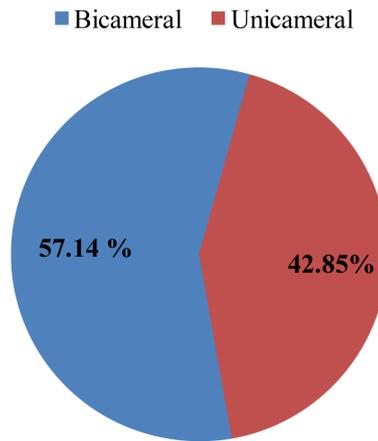
MIDDLE EAST



NORTH AFRICA



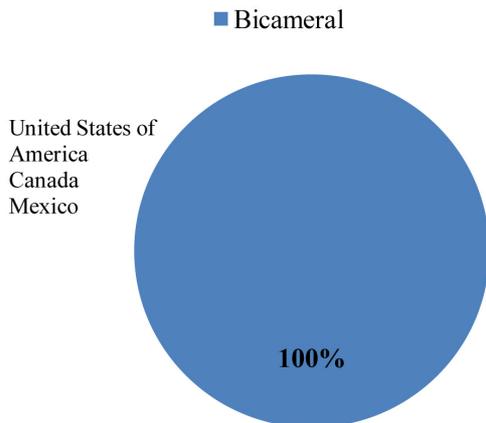
AMERICAS



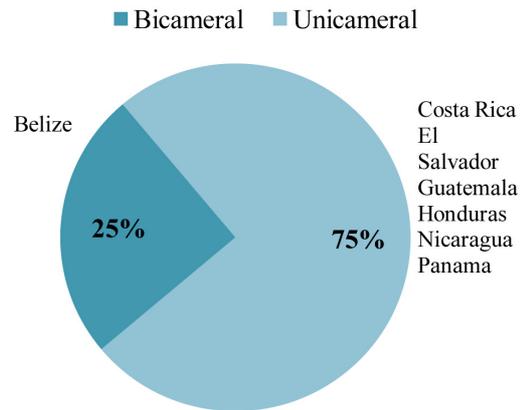
The Americas seem to prefer bicameralism as they have more bicameral Parliaments than the unicameral ones. Twenty out of 35 countries of the region have bicameral Parliaments. Some of the prominent countries which have bicameral Parliaments are the United States of America, Canada, Mexico, Brazil, Chile, Colombia, Paraguay and Trinidad and Tobago. In percentage terms, 57.14 per cent Parliaments of the region are bicameral which is, as a matter of fact, the highest across all the continents. Among the unicameral Parliaments of the region, the prominent ones are those of Cuba, Costa Rica, Venezuela, Ecuador, Nicaragua, El Salvador and Panama. The region has the lowest percentage of unicameral legislatures across the continents at 42.85 per cent. Further sub-divisions in the region can be seen below:



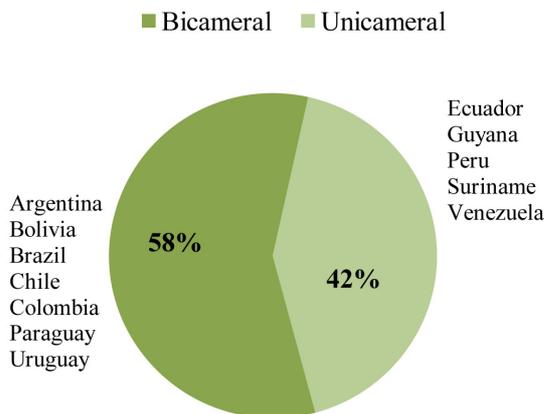
NORTH AMERICA



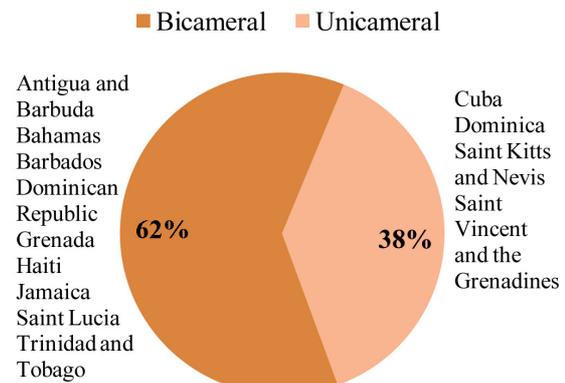
CENTRAL AMERICA



SOUTH AMERICA



CARIBBEAN



FINDINGS

In the light of above analysis, it is hard to decipher a particular pattern for the growth of either structure in any particular continent or region. In order to try and find out a probable pattern behind the preference for either unicameralism or bicameralism in a particular continent or across continents, it was subjected to a hypothesis test. The hypothesis that the countries which were once colonies of the United Kingdom and are now part of the Commonwealth Nations may have preferred bicameralism on the lines of the bicameral colonial British Parliament was subjected to an empirical test. Interestingly, the outcome of the test failed to sustain the hypothesis. The test revealed that out of the fifty-four member countries including the United Kingdom, as many as 32 member countries of Commonwealth have unicameral Parliaments and remaining 22 have bicameral Parliaments.

A somewhat similar hypothesis, however, seems to be holding its ground in the Americas where as many as 20 out of 35 countries have bicameral Parliaments on the lines of one of the oldest bicameral Parliaments of the world *i.e.* the Congress of the United States of America. The hypothesis that the US Congress may have been the point of reference and inspiration for the rise and growth of bicameralism in the region, however, needs to be subjected to an in-depth study before a safe conclusion may be drawn.

Another case in point could be the Pacific region where a majority of the Parliaments are unicameral despite the presence of an important and one of the oldest bicameral Parliaments in the region *i.e.* the Parliament of Australia. Similarly, the Europe too has an overwhelming presence of the unicameral Parliaments despite the presence of one of the most prominent bicameral parliaments of the world in that continent *i.e.*, British Parliament.

In the light of above, it may be safe to say, for the limited purpose of this brief empirical analysis, that no definite pattern is discernible when it comes to identifying the reasons for the rise and growth of the either forms of Parliaments in a particular region or continent. Apparently, nations have opted for either of the two forms of Parliaments on the basis of their own sets of peculiar historical, geographical, social, cultural, economic and political factors.



Structure of Parliaments

A. Bicameral Parliaments

Sl. No.	Country	Chamber (s)	Structure of Parliament
1.	Afghanistan	House of the People House of Elders	Bicameral
2.	Algeria	National People's Assembly Council of the Nation	Bicameral
3.	Antigua and Barbuda	House of Representatives Senate	Bicameral
4.	Argentina	Chamber of Deputies Senate	Bicameral
5.	Australia	House of Representatives Senate	Bicameral
6.	Austria	National Council Federal Council	Bicameral
7.	Bahamas	House of Assembly Senate	Bicameral
8.	Bahrain	Shura Council Council of Representatives	Bicameral
9.	Barbados	House of Assembly Senate	Bicameral
10.	Belarus	House of Representatives Council of the Republic	Bicameral
11.	Belgium	House of Representatives Senate	Bicameral
12.	Belize	House of Representatives Senate	Bicameral
13.	Bhutan	National Assembly National Council	Bicameral

Sl. No.	Country	Chamber (s)	Structure of Parliament
14.	Bolivia (Plurinational State of)	Chamber of Deputies Chamber of Senators	Bicameral
15.	Bosnia and Herzegovina	House of Representatives House of Peoples	Bicameral
16.	Brazil	Chamber of Deputies Federal Senate	Bicameral
17.	Burundi	National Assembly Senate	Bicameral
18.	Cambodia	National Assembly Senate	Bicameral
19.	Cameroon	National Assembly Senate	Bicameral
20.	Canada	House of Commons Senate	Bicameral
21.	Chile	Chamber of Deputies Senate	Bicameral
22.	Colombia	House of Representatives Senate	Bicameral
23.	Congo	National Assembly Senate	Bicameral
24.	Côte d'Ivoire	National Assembly Senate	Bicameral
25.	Czech Republic	Chamber of Deputies Senate	Bicameral
26.	Democratic Republic of the Congo	National Assembly Senate	Bicameral
27.	Dominican Republic	Chamber of Deputies Senate	Bicameral
28.	Egypt [®]	House of Representatives Senate	Bicameral

[®]As per the latest Parline Database, there are 81 countries (as on 28.4.2022) having bicameral Parliaments. Egypt and Turkmenistan which were unicameral Parliaments at the time of the study are now bicameral Parliaments.

Sl. No.	Country	Chamber (s)	Structure of Parliament
29.	Equatorial Guinea	Chamber of Deputies Senate	Bicameral
30.	Eswatini	House of Assembly Senate	Bicameral
31.	Ethiopia	House of Peoples' Representatives House of the Federation	Bicameral
32.	France	National Assembly Senate	Bicameral
33.	Gabon	National Assembly Senate	Bicameral
34.	Germany	German Bundestag Federal Council	Bicameral
35.	Grenada	House of Representatives Senate	Bicameral
36.	Haiti	Chamber of Deputies Senate	Bicameral
37.	India	House of the People Council of States	Bicameral
38.	Ireland	House of Representatives Senate	Bicameral
39.	Italy	Chamber of Deputies Senate	Bicameral
40.	Jamaica	House of Representatives Senate	Bicameral
41.	Japan	House of Representatives House of Councillors	Bicameral
42.	Jordan	House of Representatives Senate	Bicameral
43.	Kazakhstan	House of Representatives Senate	Bicameral
44.	Kenya	National Assembly Senate	Bicameral

Sl. No.	Country	Chamber (s)	Structure of Parliament
45.	Lesotho	National Assembly Senate	Bicameral
46.	Liberia	House of Representatives The Liberian Senate	Bicameral
47.	Madagascar	National Assembly Senate	Bicameral
48.	Malaysia	House of Representatives Senate	Bicameral
49.	Mexico	Chamber of Deputies Senate	Bicameral
50.	Morocco	House of Representatives House of Councillors	Bicameral
51.	Myanmar	House of Representatives House of Nationalities	Bicameral
52.	Namibia	National Assembly National Council	Bicameral
53.	Nepal	House of Representatives National Assembly	Bicameral
54.	Netherlands	House of Representatives Senate	Bicameral
55.	Nigeria	House of Representatives Senate	Bicameral
56.	Oman	Shura Council State Council	Bicameral
57.	Pakistan	National Assembly Senate	Bicameral
58.	Palau	House of Delegates Senate	Bicameral
59.	Paraguay	Chamber of Deputies Senate	Bicameral
60.	Philippines	House of Representatives Senate	Bicameral

Sl. No.	Country	Chamber (s)	Structure of Parliament
61.	Poland	Sejm Senate	Bicameral
62.	Romania	Chamber of Deputies Senate	Bicameral
63.	Russian Federation	State Duma Council of the Federation	Bicameral
64.	Rwanda	Chamber of Deputies Senate	Bicameral
65.	Saint Lucia	House of Assembly Senate	Bicameral
66.	Slovenia	National Assembly National Council	Bicameral
67.	Somalia	Upper House House of the People	Bicameral
68.	South Africa	National Assembly National Council of Provinces	Bicameral
69.	South Sudan	Transitional National Legislative Assembly Council of States	Bicameral
70.	Spain	Congress of Deputies Senate	Bicameral
71.	Switzerland	National Council Council of States	Bicameral
72.	Tajikistan	House of Representatives National Assembly	Bicameral
73.	Thailand	House of Representatives Senate	Bicameral
74.	Trinidad and Tobago	House of Representatives Senate	Bicameral
75.	Turkmenistan [@]	Assembly People's Council	Bicameral

[@]As per the latest Parline Database, there are 81 countries (as on 28.4.2022) having bicameral Parliaments. Egypt and Turkmenistan which were unicameral Parliaments at the time of the study are now bicameral Parliaments.

Sl. No.	Country	Chamber (s)	Structure of Parliament
76.	United Kingdom	House of Commons House of Lords	Bicameral
77.	United States of America	House of Representatives Senate	Bicameral
78.	Uruguay	House of Representatives Senate	Bicameral
79.	Uzbekistan	Legislative Chamber Senate	Bicameral
80.	Yemen	House of Representatives Consultative Council	Bicameral
81.	Zimbabwe	National Assembly Senate	Bicameral

B. Unicameral Parliaments

Sl. No.	Country	Chamber (s)	Structure of Parliament
1.	Albania	Parliament	Unicameral
2.	Andorra	General Council	Unicameral
3.	Angola	National Assembly	Unicameral
4.	Armenia	National Assembly	Unicameral
5.	Azerbaijan	National Assembly	Unicameral
6.	Bangladesh	Parliament	Unicameral
7.	Benin	National Assembly	Unicameral
8.	Botswana	National Assembly	Unicameral
9.	Brunei Darussalam	Legislative Council	Unicameral
10.	Bulgaria	National Assembly	Unicameral
11.	Burkina Faso	National Assembly	Unicameral
12.	Cabo Verde	National Assembly	Unicameral
13.	Central African Republic	National Assembly	Unicameral
14.	Chad	National Assembly	Unicameral
15.	China	National People's Congress	Unicameral
16.	Comoros	Assembly of the Union	Unicameral
17.	Costa Rica	Legislative Assembly	Unicameral
18.	Croatia	Croatian Parliament	Unicameral
19.	Cuba	National Assembly of the People's Power	Unicameral
20.	Cyprus	House of Representatives	Unicameral
21.	Democratic People's Republic of Korea	Supreme People's Assembly	Unicameral
22.	Denmark	The Danish Parliament	Unicameral

Sl. No.	Country	Chamber (s)	Structure of Parliament
23.	Djibouti	National Assembly	Unicameral
24.	Dominica	House of Assembly	Unicameral
25.	Ecuador	National Assembly	Unicameral
26.	El Salvador	Legislative Assembly	Unicameral
27.	Eritrea	National Assembly	Unicameral
28.	Estonia	The Estonian Parliament	Unicameral
29.	Fiji	Parliament	Unicameral
30.	Finland	Parliament	Unicameral
31.	Gambia (The)	National Assembly	Unicameral
32.	Georgia	Parliament	Unicameral
33.	Ghana	Parliament	Unicameral
34.	Greece	Hellenic Parliament	Unicameral
35.	Guatemala	Congress of the Republic	Unicameral
36.	Guinea	National Assembly	Unicameral
37.	Guinea-Bissau	People's National Assembly	Unicameral
38.	Guyana	Parliament of the Co-operative Republic of Guyana	Unicameral
39.	Honduras	National Congress	Unicameral
40.	Hungary	National Assembly	Unicameral
41.	Iceland	Parliament	Unicameral
42.	Indonesia	House of Representatives	Unicameral
43.	Iran (Islamic Republic of)	Islamic Parliament of Iran	Unicameral
44.	Iraq	Council of Representatives of Iraq	Unicameral
45.	Israel	Parliament	Unicameral
46.	Kiribati	House of Assembly	Unicameral

Sl. No.	Country	Chamber (s)	Structure of Parliament
47.	Kuwait	National Assembly	Unicameral
48.	Kyrgyzstan	Supreme Council	Unicameral
49.	Lao People's Democratic Republic	National Assembly	Unicameral
50.	Latvia	Parliament	Unicameral
51.	Lebanon	National Assembly	Unicameral
52.	Libya	House of Representatives	Unicameral
53.	Liechtenstein	Diet	Unicameral
54.	Lithuania	Parliament	Unicameral
55.	Luxembourg	Chamber of Deputies	Unicameral
56.	Malawi	National Assembly	Unicameral
57.	Maldives	People's Majlis	Unicameral
58.	Mali	National Assembly	Unicameral
59.	Malta	House of Representatives	Unicameral
60.	Marshall Islands	Parliament	Unicameral
61.	Mauritania	National Assembly	Unicameral
62.	Mauritius	National Assembly	Unicameral
63.	Micronesia (Federated States of)	Congress	Unicameral
64.	Monaco	National Council	Unicameral
65.	Mongolia	State Great Hural	Unicameral
66.	Montenegro	Parliament	Unicameral
67.	Mozambique	Assembly of the Republic	Unicameral
68.	Nauru	Parliament	Unicameral
69.	New Zealand	House of Representatives	Unicameral

Sl. No.	Country	Chamber (s)	Structure of Parliament
70.	Nicaragua	National Assembly	Unicameral
71.	Niger	National Assembly	Unicameral
72.	North Macedonia	Assembly of the Republic	Unicameral
73.	Norway	Parliament	Unicameral
74.	Panama	National Assembly	Unicameral
75.	Papua New Guinea	National Parliament	Unicameral
76.	Peru	Congress of the Republic	Unicameral
77.	Portugal	Assembly of the Republic	Unicameral
78.	Qatar	Shura Council	Unicameral
79.	Republic of Korea	National Assembly	Unicameral
80.	Republic of Moldova	Parliament	Unicameral
81.	Saint Kitts and Nevis	National Assembly	Unicameral
82.	Saint Vincent and the Grenadines	House of Assembly	Unicameral
83.	Samoa	Legislative Assembly	Unicameral
84.	San Marino	Great and General Council	Unicameral
85.	Sao Tome and Principe	National Assembly	Unicameral
86.	Saudi Arabia	Shura Council	Unicameral
87.	Senegal	National Assembly	Unicameral
88.	Serbia	National Assembly	Unicameral
89.	Seychelles	National Assembly	Unicameral
90.	Sierra Leone	Parliament	Unicameral
91.	Singapore	Parliament	Unicameral
92.	Slovakia	National Council	Unicameral

Sl. No.	Country	Chamber (s)	Structure of Parliament
93.	Solomon Islands	National Parliament	Unicameral
94.	Sri Lanka	Parliament	Unicameral
95.	Suriname	National Assembly	Unicameral
96.	Sweden	Parliament	Unicameral
97.	Syrian Arab Republic	People's Assembly	Unicameral
98.	Timor-Leste	National Parliament	Unicameral
99.	Togo	National Assembly	Unicameral
100.	Tonga	Legislative Assembly	Unicameral
101.	Tunisia	Assembly of People's Representatives	Unicameral
102.	Turkey	Grand National Assembly of Turkey	Unicameral
103.	Tuvalu	Parliament of Tuvalu	Unicameral
104.	Uganda	Parliament	Unicameral
105.	Ukraine	Parliament	Unicameral
106.	United Arab Emirates	Federal National Council	Unicameral
107.	United Republic of Tanzania	National Assembly	Unicameral
108.	Vanuatu	Parliament	Unicameral
109.	Venezuela (Bolivarian Republic of)	National Assembly	Unicameral
110.	Vietnam	National Assembly	Unicameral
111.	Zambia	National Assembly	Unicameral

CHAPTER 2

BICAMERALISM IN PARLIAMENTS OF THE WORLD: A COMPARATIVE STUDY



CHAPTER-2

BICAMERALISM IN PARLIAMENTS OF THE WORLD: A COMPARATIVE STUDY

Bicameralism is broadly divided into the following two models:

- I. Model A - Bicameralism in Parliamentary Form of Democracy**
- II. Model B - Bicameralism in Presidential Form of Democracy**

Out of the above-mentioned two major models of bicameralism, the following seven sub-models have been deduced:

- i. A1 - Parliamentary Form of Democracy with Federal Government**
- ii. A2 - Parliamentary Form of Democracy with Unitary Government**
- iii. A3 - Parliamentary Form of Democracy with Semi-Presidential Federal Government**
- iv. A4 - Parliamentary Form of Democracy with Semi-Presidential Unitary Government**
- v. A5 - Parliamentary Form of Democracy with Quasi-Federal Government**
- vi. B1 - Presidential Form of Democracy with Federal Government**
- vii. B2 - Presidential Form of Democracy with Unitary Government**

Further, even within the above mentioned seven sub-models, various distinct types have been found to be existing across the countries. These distinct types with their salient features along with the Parliaments practising/having these types in operation have been mentioned in this study.

Annexure provides an exhaustive list of the countries under the Types of a particular Sub-Model.

Also, under each particular sub-model a feature-wise categorisation has been undertaken. The broad features that have been taken for this study are as follows:

- A. Manner of Election** – Categorisation of the bicameral Parliaments has been done on the basis of mode of election of the Members to the Second Chamber of Parliament.
- B. Permanency of the House** – Categorisation has been done on the basis of whether the Second Chamber of the Parliaments is subject/ not subject to dissolution.
- C. Legislative Powers of the Upper House *vis-à-vis* the Lower House**–The bicameral Parliaments under this category have been further sub-divided on the basis of powers of the Second Chamber *vis-à-vis* (a) Ordinary Bills; (b) Money/Financial Bills; and (c) Special Legislative Powers.
- D. Exclusive Powers** – The Second Chambers of some of the Parliaments have been bestowed upon with certain exclusive powers which are not legislative in nature, for instance, ratification of appointments to constitutional posts, ratification of international treaties/ bilateral agreements, etc. The categorisation of Parliaments has been done on the basis of this feature as well.
- E. Mechanism to resolve dispute arising between both the Houses in the passage of legislations** – The categorisation of Parliaments has also been done as to whether or not the two Houses of Parliament have a mechanism in place to resolve disputes which arise during course of passage of a legislation.

The list of the countries whose bicameral Parliaments have been included in the study is as follows:

1. Antigua & Barbuda
2. Argentina
3. Australia
4. Austria
5. Bahrain
6. Belarus
7. Belize
8. Bhutan
9. Bolivia
10. Bosnia & Herzegovina

11. Brazil
12. Cambodia
13. Cameroon
14. Canada
15. Czech Republic
16. Democratic Republic of Congo
17. France
18. Germany
19. India
20. Ireland
21. Italy
22. Japan
23. Jordan
24. Kenya
25. Madagascar
26. Mexico
27. Myanmar
28. Philippines
29. Romania
30. Russia
31. South Africa
32. Slovenia
33. Spain
34. Switzerland
35. U.S.A.
36. United Kingdom
37. Uruguay
38. Uzbekistan

CHAPTER-3

MODEL A

**BICAMERALISM IN
PARLIAMENTARY
FORM OF DEMOCRACY**



CHAPTER-3

MODEL A

BICAMERALISM IN PRESIDENTIAL FORM OF DEMOCRACY

SUB-MODEL A1: PARLIAMENTARY FORM OF DEMOCRACY WITH FEDERAL GOVERNMENT

AUSTRALIAN TYPE

In the Australian Type, the Upper House is fully and directly elected which enjoys equivalent legislative powers along with the Lower House, except for initiating or amending Bills imposing taxation and appropriating money (Money Bills). As a result, the Lower House does not have any overriding powers over the Upper House. The only way to resolve a deadlock over Bills between the two Houses is to simultaneously dissolve both Houses so an election can be held, after which the Bills can again be presented to the Parliament. If the Bills again fail to pass the Upper House, a joint sitting of both Houses can be called to vote on the Bills. As there is partial separation of powers, the Executive is drawn from the Parliament and as such remains responsible to its Lower House which enjoys the power to remove the Executive through a vote of no-confidence. The salient features of this type are as under:

- i. Fully and directly elected Upper House. Two Houses enjoy equivalent powers except in case of money bills
- ii. Deadlock between the two Houses subject to resolution through joint sitting
- iii. No over-riding power to Lower House over the Upper House
- iv. Partial separation of powers
- v. Government responsible to Lower House which can pass vote of no-confidence to remove it.
- vi. Lower House is subject to dissolution

The above type is distinctly visible in the bicameral Parliament of Australia (See Annexure I).

CANADIAN TYPE

The Canadian Type is distinct from the Australian Type inasmuch as the Upper House is an appointed and not an elected House. Despite being an appointed House, the Upper House enjoys equivalent legislative powers with the Lower House except in case of money bills. Rest of the features of Type II are identical to those of Type I. The salient features of this type are as under:

- i. A fully appointed and not elected Upper House
- ii. The Upper House enjoys equal legislative powers with the Lower House except in case of money bills
- iii. With respect to amendments to the Constitution, the Upper House exercises a suspensive veto which only delays federal approval of an amendment if it is adopted by the Lower House
- iv. Resolution of deadlocks on legislation through mutual agreements
- v. Executive responsible to Lower House which can pass vote of no confidence against it
- vi. Partial separation of powers between Parliament and Executive
- vii. Lower House is subject to dissolution for purposes of a general election during which time the Upper House is also dissolved and cannot sit

The above type exists in the Parliament of Canada (See Annexure II).

GERMAN TYPE

In the context of a fully nominated/ appointed Upper House, one comes across the German Type wherein the Upper House is a fully nominated House with only participative role in the legislative process. As such, the Lower House is the main legislative body endowed with overriding powers over the Upper House. Despite the fact that the Lower House has the overriding powers, there exists a provision for resolution of deadlocks over Bills between the two Houses. Besides, in certain cases, the consent of the Upper House is mandatory without which a Bill cannot be deemed to have been passed by the two Houses. The salient features of this type are as under:

- i. A fully nominated Upper House which is not subject to dissolution; a perpetual body
- ii. Upper House only having a participative role in legislative process with limited cases where its consent is mandatory

- iii. Lower House is the main legislative body having overriding powers over the Upper House
- iv. Resolution of deadlocks through a mediation committee
- v. Partial separation of powers between Parliament and the Executive
- vi. Government drawn from the Lower House
- vii. Executive is responsible to the Lower House which can vote out the Government through no-confidence motion

The above type exists in the Parliament of Germany (See Annexure III).

SPANISH TYPE

In the Spanish Type, one comes across a directly elected and partially appointed Upper House which is subject to dissolution. Despite being a largely elected House, the Upper House does not enjoy legislative powers at par with the Lower House which has the overriding powers over the former. There is no provision for resolution of a deadlock between the two Houses. The executive is responsible to the Lower House which can vote it out by adopting a censure motion. The salient features of this type are as under:

- i. A directly elected and partially appointed Upper House subject to dissolution
- ii. Upper House does not enjoy legislative powers at par with Lower House
- iii. Lower House having over-riding powers and final say in all legislations
- iv. No question of deadlock as the Lower House has final say
- v. Partial separation of powers
- vi. Government responsible to Lower House which can vote it out

The above type exists in the Parliament of Spain (See Annexure IV).

SOUTH AFRICAN TYPE

In the South African Type, the Upper House is an indirectly elected House which is not subject to dissolution. The Upper House does not enjoy equal legislative powers *vis-à-vis* the Lower House. There is a mechanism for resolution of deadlock. However, in the event of failure to reach an agreement, the Lower House has a final say if it passes the Bill with a requisite majority. The salient features of this type are as under:

- i. Indirectly elected Upper House not subject to dissolution
- ii. Upper House does not enjoy equal legislative powers
- iii. Mechanism for resolution of deadlocks between Houses
- iv. Lower House can still have its say by 2/3rd of vote

- v. Partial separation of powers
- vi. Lower House can initiate resolution for removal of President

The above type exists in the Parliament of South Africa (See Annexure V).

BOSNIA AND HERZEGOVINA TYPE

In this Type, the Upper House is an indirectly elected House which can dissolve itself. This is a unique feature that we have come across. There is full bicameralism wherein both Houses have equal legislative powers. The passage of financial bills and motion of no confidence is done in a joint sitting of both Houses. Besides, there is partial separation of powers between the Parliament and the Executive.

The salient features of this type are as under:

- i. An indirectly elected Upper House and appointed Members which can dissolve itself
- ii. Upper House has equal legislative powers with the Lower House
- iii. No mechanism for resolution of deadlocks between the two Houses
- iv. Partial separation of powers between the Parliament and the Executive

The above type is in operation in the Parliament of Bosnia and Herzegovina (See Annexure VI).

FEATURE-WISE CATEGORISATION

A. Manner of Election

Among the 6 countries having Parliamentary Form of Democracy with Federal Government, Australia has a directly elected Upper House while Bosnia & Herzegovina, Canada, Germany, South Africa have a fully nominated/appointed Upper House. Spain has both directly elected and partially appointed Upper House. It has been observed that in the case of an indirectly elected or a nominated Upper House, the purpose is to pave the way for representation of the federal constituents in the national legislature.

B. Permanency of the House

Among the 6 countries having Parliamentary Form of Democracy with Federal Government, it has been observed that 3 (amounting to 50%) countries, namely, Canada, Germany and South Africa have a permanent or a continuous Upper House wherein a fraction of its Membership is renewed after a certain period of time as prescribed by the Constitution of the country. The Upper Houses of these Parliaments are not subject to dissolution. However, the Parliament of Spain

and Bosnia & Herzegovina have an Upper House that is subject to dissolution. The Parliament of Australia is a unique case wherein there is an Upper House which is continuous in nature *i.e.* a fraction of its Membership is renewed after a certain period of time, however, it can be dissolved under special circumstances as prescribed by the Constitution of the country.

C. Legislative Powers of the Upper House *vis-a-vis* the Lower House

1. Ordinary Bills

Among the 6 countries having Parliamentary Form of Democracy with Federal Government, it has been observed that in 3 (amounting to 50%) countries, namely, Australia, Bosnia & Herzegovina and Canada, the Upper House can amend or reject Ordinary Bills, whereas in 3 (amounting to 50%) countries, namely, Germany, Spain and South Africa, the Lower House has the over-riding powers over the Upper House in case of the passage of Ordinary Bills.

2. Money/Financial Bills

In case of Money/ Financial Bills, it is observed that 5 out of 6 (amounting to 83%) countries, namely, Australia, Canada, Germany, Spain and South Africa, the Lower House has over-riding powers over the Upper House in the passage of Money/Financial Bills. Bosnia & Herzegovina has equal powers with the Lower House in passage of Financial Bills

3. Special Legislative Powers

Among the 6 countries, having Parliamentary Form of Democracy with Federal Government, 3 (amounting to 50%) countries, namely, Bosnia & Herzegovina, Germany and South Africa, have bestowed the Upper House with special legislative powers. The nature of these special legislative powers is such that it empowers the Upper House to have a say in the legislations that will have an impact on the federal structure of the polity.

D. Exclusive Powers

Among the 6 countries, having Parliamentary Form of Democracy with Federal Government, 4 (amounting to 67%) countries, namely, Bosnia & Herzegovina, Germany, Spain and South Africa, have also bestowed the Upper House with some exclusive powers other than the special legislative powers.

E. Mechanism to Resolve Deadlock between two Houses

Among the 6 countries having Parliamentary Form of Democracy with Federal Government, 4 countries (amounting to 67%), namely, Australia, Canada, Germany, and South Africa have a mechanism in place to resolve conflict between the two Houses over the passage of legislations. The most common method of resolution is convening of a Joint Sitting of the two Houses.

*Annexure I***PARLIAMENT OF AUSTRALIA****Senate (Upper House)**

- ✓ Directly elected with 6 years term (State Senators) and 3 year terms (Territory Senators)
- ✓ Renewal of one-half of the House after every three years
- ✓ Though a continuing House; can be dissolved under certain conditions subject to dissolution
- ✓ Legislative powers equal to those of the Lower House except in relation to initiating or amending Money Bills

House of Representatives (Lower House)

- ✓ Directly elected with 3 years term
- ✓ Subject to dissolution
- ✓ Introduction of Appropriation or Money Bills only in the Lower House
- ✓ Motions of no-confidence and censure can be introduced only in the Lower House
- ✓ Provision for a joint sitting of the two Houses to resolve deadlocks

Parliament and Executive

- ✓ Partial separation of powers between the two organs
- ✓ Executive drawn from the Parliament and is collectively responsible to the Lower House

AUSTRALIA

- | | | |
|-------|-----------------------------------|---|
| 1. | Constitution of Parliament | Parliament consists of the Head of the State, the Queen represented by the Governor-General, the House of Representatives and the Senate. |
| 2. | Upper House | The Senate |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 76 Members |
| (iii) | Tenure | 6 years. One half of the senators are renewed every three years, except for the four senators representing the federal territories (territory senators), who are elected for a maximum of three years. |
| (iv) | Manner of dissolution | <p>Can be dissolved</p> <p>The Governor-General has, in specific circumstances, the power to dissolve both the House of Representatives and the Senate simultaneously-a 'double dissolution'-prior to elections for the full membership of both Houses.</p> <p>A double dissolution may occur in situations where the Senate and House of Representatives are unable to agree over one or more pieces of legislation.</p> |
| (v) | Legislative Powers | The powers of the two houses to initiate and amend bills are identical except in relation to bills that impose taxation or appropriate money, and amendments that would have the effect of increasing any proposed charge or burden on the people. The Senate may, however, request the amendment of such Bills by the House of Representatives. It may also refuse to pass such Bills. |
| (vi) | Any special powers | Nil |

3.	Lower House	House of Representatives
(i)	Manner of Election	Direct
(ii)	Composition	151 Members
(iii)	Tenure	3 years
(iv)	Manner of dissolution	Can be dissolved
(v)	Legislative Powers	<p>The powers of the two houses to initiate and amend bills are identical except in relation to bills that impose taxation or appropriate money, and amendments that would have the effect of increasing any proposed charge or burden on the people.</p> <p>Bills appropriating revenue or moneys or imposing taxation must originate in the Lower House. The Senate may not amend bills imposing tax or appropriating revenue or moneys for the ordinary annual services of government or to increase any proposed charge or burden on the people but it may request the House to make such amendments.</p>
(vi)	Any special powers	<p>The most crucial motions considered by the House of Representatives are those which express censure of or no confidence in a Government, as it is an essential tenet of the Westminster system that the Government must possess the confidence of the lower (representative) House.</p>
(vii)	Resolution of a deadlock between the Houses	<p>The Constitution provides for a joint sitting as a means of resolving a dead lock but only after a simultaneous dissolution and election for both Houses. The Constitution also provides a method for resolving deadlocks which might arise in the event of a disagreement between the two Houses. If the Senate twice fails to pass a Bill from the House of Representatives, under certain specified conditions, the Governor-General may simultaneously dissolve both House, in which case</p>

elections are held for all seats in both Houses. This double dissolution procedure is the only exception to the rules of fixed terms for Senators. If the deadlock persists after the elections the Governor-General may convene a joint sitting of the two Houses to resolve the matter.

(viii) Relationship between legislature and executive

Partial with respect to Parliament and the Executive.

Executive is drawn from the Parliament, *i.e.* the Prime Minister and Ministers must be members of Parliament. They are collectively responsible to the Lower House.

*Annexure II***PARLIAMENT OF CANADA****Senate (Upper House)**

- ✓ An appointed Chamber
- ✓ Senators serve until the age of 75
- ✓ Renewal subject to occurrence of vacancies
- ✓ Legislative powers at par with House of Commons
- ✓ Money Bills and measures to impose taxes cannot be introduced in Senate
- ✓ All Bills including Money Bills must be passed by both Houses in identical form

House of Commons

- ✓ Directly elected for a maximum term of 5 years[‡]
- ✓ Subject to dissolution.
- ✓ Can make some constitutional amendments without the consent of Senate[♦]
- ✓ Resolution of deadlock over a Bill through mutual agreement between the two Houses

Parliament and Executive

- ✓ Partial separation of powers between the two organs
- ✓ Executive largely drawn from House of Commons; some Members may sit in the Senate
- ✓ Executive responsible to House of Commons
- ✓ Provision for vote of no-confidence against the Executive by House of Commons

[‡] Agreement of provincial legislative assemblies involved, in various combinations in such amendments.

[♦] Legislative measures now provide for elections at least approximately every four years.

CANADA

- 1. Constitution of Parliament**

Parliament consist of the Crown (Head of State) represented by the Governor-General; Senate (Upper House); and House of Commons (Lower House)
- 2. Upper House**

Senate
- (i) Manner of Election**

Senators are appointed by the Governor-General on the advice of the Prime Minister who in turn seeks the advice of the Independent Advisory Board for Senate Appointments.
- (ii) Composition**

The normal maximum membership is 105 with a fixed number appointed from the provinces and territories.
- (iii) Tenure**

The Senate's membership renews as vacancies occur and new appointments are made. Senators are appointed and serve until the age of 75.

When Parliament is dissolved or prorogued, Members of both Houses are discharged from their parliamentary duties until the next Parliament or session assembles. As a result, neither the Senate nor the House of Commons can meet during a period of prorogation or dissolution.
- (iv) Manner of dissolution**

It is a continuous House. However, the Senate ceases to function with the dissolution of Parliament and resumes upon the summoning of Parliament following the election of a new House of Commons. The Senate also ceases to function during a prorogation of Parliament. One Committee has authority under legislation to function during periods of prorogation or dissolution.

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|-----------------------------------|---|
| (v) Legislative Powers | <p>All Bills must be passed by the Senate in an identical form as that of the House of Commons before receiving Royal Assent.</p> <p>The formal constitutional powers of the Senate are equal to those of the House of Commons with the exception that the Bills that propose an expenditure of public funds and those that impose a new tax or increase an existing tax can only be introduced in the House of Commons. Bills for the expenditure of public funds must be recommended to the House of Commons by the Governor-General.</p> <p>Like any other Bill, Budget Implementation Acts, which implement new measures announced in the Budget, must be adopted by both Houses in identical form before receiving Royal Assent.</p> |
| (vi) Any special powers | No |
| 3. Lower House | House of Commons |
| (i) Manner of Election | Direct |
| (ii) Composition | 338 Members |
| (iii) Tenure | 5 years |
| (iv) Manner of dissolution | It is the prerogative act of the Crown; the Governor-General, on the advice of the Prime Minister, may dissolve Parliament any time before its scheduled completion of term and issue a proclamation for a general election. |
| (v) Legislative Powers | The formal legislative powers of the Senate are almost equal to those of the House of Commons except as indicated in (vi). |
| (vi) Any special powers | Bills that propose an expenditure of public funds and those that impose a new tax or increase an existing one can only be introduced in the House of Commons. |

- Some amendments to the Constitution can be passed by the House of Commons alone if the Senate has not approved the proposal within 180 days after the House of Commons has done so.
- (vii) Resolution of a deadlock between the Houses**
- When the Senate and the House of Commons disagree over amendments made to a Bill, they exchange messages until they agree to an identical version of the Bill. Conference procedures have fallen into disuse.
- (viii) Relationship between legislature and executive**
- There is a partial separation of powers between the Parliament and the Executive as the latter is drawn almost exclusively from Members of the House of Commons.
- The executive powers of the Government are formally vested in the Crown but effectively exercised on the advice of the Prime Minister and the Cabinet.
- The Government is responsible to the House of Commons which can pass a vote of no-confidence against the Government.

*Annexure III***PARLIAMENT OF GERMANY****Bundesrat (Upper House)**

- ✓ A fully nominated Chamber
- ✓ Members nominated by State Governments
- ✓ A perpetual body not subject to dissolution
- ✓ Renewal from time to time consequential to State elections
- ✓ Only participative role in the legislative process
- ✓ Objections of Bundesrat to Bills can be over-ruled by Bundestag
- ✓ Bundesrat's consent mandatory wherever required for a Bill to become law

Bundestag (Lower House)

- ✓ Directly elected with 4 years term
- ✓ Subject to dissolution
- ✓ Dissolved Bundestag remains in office until election of new Bundestag
- ✓ Main legislative body with explicit predominance over Bundesrat
- ✓ Enjoys exclusive powers to form and scrutinize Federal Government
- ✓ Provision for a Mediation Committee to resolve legislative conflicts between the two Houses

Parliament and Executive

- ✓ Partial separation of powers between the two organs
- ✓ Federal Government responsible to Bundestag
- ✓ Vote of no-confidence by Bundestag only by electing a successor Chancellor

GERMANY

- | | | |
|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | The German Parliament (Deutscher Bundestag) consists of:

Bundesrat (Upper House); and

Bundestag (Lower House) |
| 2. | Upper House | Bundesrat |
| (i) | Manner of Election | Indirect and fully nominated |
| (ii) | Composition | 69 Members

Bundesrat consists of members of the Governments of the Federal States which appoint and can remove them.

Members may be substituted by other members of their State Governments. |
| (iii) | Tenure | The Bundesrat does not have a fixed term. The Members' term depends on that of the State Government they represent. It can be seen as a perpetual body which renews itself from time to time as a result of the State general elections. |
| (iv) | Manner of dissolution | Cannot be dissolved as it is a perpetual body. |
| (v) | Legislative Powers | The Bundesrat only participates in the legislative process. The extent of its participation, however, depends on whether the Bill in question is one to which Bundesrat may lodge an objection or one requiring the Bundesrat's consent.

Bundesrat may lodge an objection to all Bills, unless the Basic Law explicitly states that the Bundesrat's consent is required.

If the Bill does not require the consent of the Bundesrat, it may still lodge an objection but the Bundestag can overrule it. |
| (vi) | Any special powers | Bills which require the Bundesrat's consent can only become law if the Bundesrat gives its consent. |
| 3. | Lower House | Bundestag |
| (i) | Manner of Election | Direct |

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| (ii) Composition | Bundestag consists of at least 598 Members with a provision for extra seats. Accordingly, the current Bundestag consists of 709 Members. |
| (iii) Tenure | 4 years |
| (iv) Manner of dissolution | <p>Bundestag can be dissolved before the end of its normal term under two precisely defined exceptional cases:</p> <ul style="list-style-type: none"> (i) When the Bundestag does not manage to elect a Federal Chancellor even in the last ballot by a majority of the votes of its Members. In such a scenario, the Federal President can either appoint the candidate or dissolve the Bundestag within seven days (ii) In second scenario, if the Federal Chancellor fails to secure the majority support for a vote of confidence, the Federal President upon the proposal of the Federal Chancellor may dissolve the Bundestag within 21 days <p>After dissolution, new elections must take place within 60 days. However, the dissolved Bundestag remains in place or office until the formation of the new Bundestag.</p> |
| (v) Legislative Powers | <p>The Bundestag is the main legislative body as all federal laws within the federal competence are to be adopted by it.</p> <p>The role of Bundestag in the legislative procedure is predominant as it enjoys the power to overrule any objection lodged by the Bundesrat.</p> |
| (vi) Any special powers | <p>According to the legislative procedure, only the Bundestag is entitled to adopt federal laws whereas the Bundesrat merely participates.</p> <p>Bundestag enjoys exclusive powers to form and scrutinise the Federal Government as it elects the Federal Chancellor on the proposal of the Federal President.</p> |
| (vii) Resolution of a deadlock between the Houses | There is a provision for a Mediation Committee consisting of 16 Members from each of the two Houses. This Committee seeks to work out compromise solutions in the event of legislative |

conflicts between the Bundestag and Bundesrat where requested to do so by either of these two bodies or by the Federal Government.

However, the proposals for amendments submitted by the Committee are not binding on either the Bundestag or the Bundesrat.

(viii) Relationship between legislature and executive

There is a partial separation of powers between the Executive and the Parliament.

The Federal Chancellor is responsible to the Bundestag and remains in power till such time he enjoys the confidence of that House.

The Bundestag may express its lack of confidence in the Federal Chancellor only by electing a successor by the vote of a majority of its Members and requesting the Federal President to dismiss the Federal Chancellor.

*Annexure IV***PARLIAMENT OF SPAIN****Senate (Upper House)**

- ✓ Both direct and indirect election to the House with a term of 6 years
- ✓ Senate is subject to dissolution
- ✓ Legislative powers are not at par with the Congress of Deputies
- ✓ Bills cannot be introduced in the Senate
- ✓ Senate can veto or suggest amendments to a Bill
- ✓ Enjoys exclusive powers in certain aspects

Congress of Deputies (Lower House)

- ✓ Directly elected House with a term of 6 years
- ✓ Subject to dissolution
- ✓ Enjoys primacy over the Upper House
- ✓ Enjoys full legislative powers - Bills can be tabled only in the Congress of Deputies
- ✓ Congress of Deputies has the final say in all legislations inspite of Senate's power to veto or suggest amendments
- ✓ No special mechanism for resolution of the deadlock as the Congress of Deputies has the final say

Parliament and Executive

- ✓ There is partial separation of powers
- ✓ Executive is drawn from the legislature and is collectively responsible to the Lower House
- ✓ Congress of Deputies can remove the Government by adopting a motion of censure

SPAIN

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|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | The Parliament <i>i.e.</i> Cortes Generales consists of Congress of Deputies; and Senate |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Both direct and indirect |
| (ii) | Composition | 208 senators are elected and 57 are appointed by the Assemblies of the Regions |
| (iii) | Tenure | 4 years
Simultaneous election is held for both the Houses |
| (iv) | Manner of dissolution | Can be dissolved
Both Houses can be dissolved earlier than the normal term and elections to both the Houses are held simultaneously. |
| (v) | Legislative Powers | A Bill once passed by the Congress of Deputies, is sent to the Senate. Within two months, the Senate can veto the Bill or suggest amendments to the Bill. In both cases, the Bill is returned to the Congress, for it to accept or not. |
| (vi) | Any special powers | According to the Constitution, at request of the Government, the Senate may authorise, by overall majority, the measures to adopt by the Government to compel a Region acting against the Constitution or the general interest of the State. |
| 3. | Lower House | Congress of Deputies |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 350 elected Members |
| (iii) | Tenure | 4 years
Simultaneous election is held for both the Houses |
| (iv) | Manner of dissolution | Can be dissolved earlier |
| (v) | Legislative Powers | The Congress has full legislative powers. All the bills are first tabled in the Congress. Once a bill is |

adopted, it is sent to the Upper House. If the Senate adopts a veto or approves amendments, the Bill is returned to the Congress to decide on it.

The Bill may not be submitted to the King for assent unless, in the event of veto, the Congress has ratified the initial text by overall majority or by single majority if two months have elapsed since its introduction, or has reached a decision as to the amendments, accepting them or not by single majority.

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| (vi) Any special powers | After elections, Congress must pass the motion of confidence in Prime Minister. It can remove the Government by adopting a motion of censure by overall majority of its members. |
| (vii) Resolution of a deadlock between the Houses | No such mechanism. The Lower House has primacy over all the legislations. |
| (viii) Relationship between legislature and executive | <p>Partial. The Lower House (Congress of Deputies) appoints the Prime Minister and the Government is collectively responsible to the Lower House.</p> <p>The Congress passes the confidence motion after the elections. It can remove the Government <i>i.e.</i> Executive by adopting a censure motion.</p> |

Annexure V

PARLIAMENT OF SOUTH AFRICA

National Council of Provinces (NCOP)

- ✓ Indirectly elected House with a term of 5 years
- ✓ Not subject to dissolution
- ✓ Legislations affecting provinces can be introduced only in the NCOP
- ✓ Both Houses have equivalent powers in case of Constitution Amending Bills
- ✓ Legislative powers are not at par with the Lower House in cases of Bills not affecting the provinces

National Assembly

- ✓ Directly elected House with term of 5 years
- ✓ Subject to dissolution
- ✓ Money Bills can be introduced only in National Assembly
- ✓ Both Houses have equivalent powers in case of Constitution Amending Bills
- ✓ National Assembly has over-riding powers in Bills not affecting provinces including Money Bills
- ✓ Deadlock between both Houses is resolved through a Mediation Committee in case of Bills affecting the Provinces

Parliament and the Executive

- ✓ Partial separation of powers
- ✓ Executive authority is vested in the President
- ✓ President and his Cabinet Ministers are drawn from the Legislature and are responsible to the Lower House
- ✓ National Assembly can initiate no-confidence motion against only the Cabinet or the President and his Cabinet
- ✓ The National Assembly may remove the President on a resolution

SOUTH AFRICA

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|-------|-----------------------------------|---|
| 1. | Constitution of Parliament | The Parliament of South Africa consists of National Assembly and the National Council of Provinces. |
| 2. | Upper House | National Council of Provinces (NCOP) |
| (i) | Manner of Election | Indirect

Members are chosen by the Provincial Legislatures |
| (ii) | Composition | 100 Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Not subject to dissolution, however, the term of a permanent delegate representing a province extends till the first sitting of the next provincial legislature. |
| (v) | Legislative Powers | Bills can originate in either House of Parliament.

A Bill not affecting provinces including Money Bills can be rejected/ amended by the NCOP, however the National Assembly has the power to override it.

Both Houses have equivalent powers in case of Constitution Amending Bills.

In case of Bills affecting provinces, if there is disagreement between both the Chambers it is sent to the Mediation Committee. |
| (vi) | Any special powers | Ordinary bills affecting provinces under the Constitution can be introduced only in the National Council of Provinces. |
| 3. | Lower House | National Assembly |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 400 Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Can be dissolved |
| (v) | Legislative Powers | Bills can originate in either House of Parliament. |

- Only the members of the Government can initiate or prepare money Bills. However, Money Bills can be introduced only in the National Assembly.
- The National Assembly has the final say in Bills not affecting the provinces including Money Bills.
- (vi) Any special powers** National Assembly has over-riding powers in Bills not affecting provinces including Money Bills.
- A judge of Constitutional Court can be removed by the Judicial Commission or when the National Assembly calls for that judge to be removed, by a resolution adopted with a supporting vote of at least two third of its members.
- (vii) Resolution of a deadlock between the Houses** If there is a deadlock between the two Houses in case of Bills affecting provinces, it is referred to the Mediation Committee.
- The Mediation Committee consists of-(a) nine members of the National Assembly elected by the Assembly in accordance with a procedure that is prescribed by the rules and orders of the Assembly and results in the representation of parties in substantially the same proportion that the parties are represented in the Assembly; and (b) one delegate from each provincial delegation in the National Council of Provinces, designated by the delegation. The Mediation Committee is considered to have agreed on a version of a Bill, if it is supported by (a) at least five of the representatives of the National Assembly; and (b) at least five of the representatives of the National Council of Provinces.
- If the Mediation Committee is unable to agree within 30 days of the Bill's referral to it, the Bill lapses unless the Assembly again passes the Bill, but with a supporting vote of at least two thirds of its members.
- (viii) Relationship between legislature and executive** There is a partial separation of powers.
- President is the Head of the State and the Head of the Executive.

The President and the National Executive are drawn from the National Assembly and are responsible to the Lower House.

National Assembly can initiate a resolution for removal of President.

Motion of no-confidence can be introduced only in the National Assembly. No-confidence motions introduced in the National Assembly can be of two types: No confidence in the Cabinet excluding the President and No-confidence in the President. The President must reconstitute the Cabinet if the National Assembly passes a motion of no confidence in the Cabinet excluding the President and if it passes the motion of no-confidence in the President the other members of the Cabinet and any Deputy Ministers must resign.

Annexure VI

PARLIAMENT OF BOSNIA AND HERZEGOVINA

House of People

- ✓ Indirectly elected House with a term of 4 years
- ✓ Enjoys the unique power to dissolve itself
- ✓ Both Houses of Parliament have co-equal powers in passage of a legislation
- ✓ Approval of the House required for legislating on issues of vital interest to Bosniac, Croat or Serb people

House of Representatives

- ✓ Directly elected House with a term of 4 years
- ✓ Subject to dissolution
- ✓ Both Houses of Parliament have co-equal powers in passage of a legislation
- ✓ Approves the appointment of the Chair and Ministers of the Council of Ministers

Parliament and the Executive

- ✓ Partial separation of powers
- ✓ President is the Head of State
- ✓ President appoints Chair of the Council of Ministers who in turn chooses the other Ministers to constitute the Council of Ministers which is the Executive Branch of the State
- ✓ Motion of no-confidence in the Council of Ministers can be initiated and passed in the Parliamentary Assembly (joint sitting of both Chambers of the House)

BOSNIA AND HERZEGOVINA

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|-------|--|---|
| 1. | Constitution of Parliament | Parliament consists of the House of People (Upper House); and House of Representatives (Lower House). |
| 2. | Upper House | Dom naroda (House of People) |
| (i) | Manner of Election | Appointed |
| (ii) | Composition | 15 members |
| (iii) | Tenure | 4 years |
| (iv) | Manner of dissolution | Constitutional provision states that:

The House of People may be dissolved by the Presidency or by the House itself, provided that the House's decision to dissolve is approved by a majority that includes the majority of Delegates from at least two of the Bosniac, Croat, or Serb people. |
| (v) | Legislative Powers | Both Houses have equal legislative powers |
| (vi) | Any special powers | The Constitution provides that any legislation regarding the issues of vital interest of constituent peoples <i>i.e.</i> , Bosniac, Croat or Serb requires the approval of the House of People by a majority of the Bosniac, the Croat, and the Serb Delegates present and voting.

Also, it has authority to dissolve itself, which Lower House does not have. |
| 3. | Lower House | Predstavričkidom (House of Representatives) |
| (i) | Manner of Election | Direct <i>via</i> general elections |
| (ii) | Composition | 42 fully elected members; 28 from the Federation of Bosnia and Herzegovina and 14 from the <i>Republika-Srpska</i> |
| (iii) | Tenure | 4 years |
| (iv) | Manner of dissolution | Can be dissolved |
| (v) | Legislative Powers | Both Houses have equal legislative powers |
| (vi) | Any special powers | Approves the appointment of the Chairperson and Ministers of the Council of Ministers |
| (vii) | Resolution of a deadlock between the Houses | N/A. |

(viii) Relationship between legislature and executive

Partial separation of powers

President is the Head of State.

President appoints Chair of the Council of Ministers who in turn chooses the other Ministers. The Council of Ministers is responsible to the Parliament.

Motion of no-confidence in the Council of Ministers can be initiated and passed in the Parliament.

SUB-MODEL A2: PARLIAMENTARY FORM OF DEMOCRACY WITH UNITARY GOVERNMENT

BHUTANESE TYPE

In this Type, the Upper House is directly elected and enjoys equal legislative powers along with the Lower House barring Money Bills. There is a provision for a joint sitting of the two Houses to break deadlock over a Bill. The Upper House also enjoys exclusive power to review Government policies and performance. However, the executive is responsible to the Lower House which can vote it out through vote of no-confidence. There is a partial separation of powers as the executive is drawn from the Lower House. The salient features of this type are as under:

- i. Directly elected Upper House which is not subject to dissolution
- ii. Upper House enjoys equal legislative powers with the Lower House except in case of money bills
- iii. Upper House enjoys exclusive power to review Government policies and performance
- iv. Provision for a Joint Sitting with Lower House to break the deadlock
- v. Partial separation of powers
- vi. Government responsible to Lower House which can vote it out through vote of no-confidence
- vii. Except money bills, all other bills may be introduced in either House

The above type is in operation in the Parliament of Bhutan (*See Annexure VII*).

IRISH TYPE

In the Irish Type, the Upper House is indirectly elected with a few nominated/appointed Members. The Upper House does not enjoy equivalent powers with those of the Lower House which has the final say in the passage of Bills. There is a partial separation of powers as the executive is drawn from and is responsible to the Lower House. The salient features of this type are as under:

- i. Indirectly elected Upper House with few nominated/appointed Members
- ii. Upper House does not have equivalent legislative powers with those of Lower House
- iii. Lower House enjoys final say in the passage of Bills
- iv. Government responsible to Lower House and can be voted out by the latter

The above type is in operation in the Parliaments of Cambodia (See Annexure VIII), Ireland (See Annexure IX) and Slovenia (See Annexure X).

CZECH REPUBLIC TYPE

In the Czech Republic Type, the Upper House despite being a directly elected House, does not enjoy equivalent legislative powers with those of the Lower House. The Lower House is the main legislative body and has the final say in the passage of Bills. There is a strict separation of powers, the executive is drawn from the legislature and is responsible to the Lower House which can pass a vote of no-confidence against the Government. The salient features of this type are as under:

- i. Directly elected Upper House
- ii. Upper House does not have equivalent legislative powers with those of Lower House
- iii. Lower House is the main legislative body having over-riding powers over Upper House
- iv. No deadlock can occur between the Houses as the Lower House enjoys primacy over the Upper House
- v. Government is responsible to Lower House and can be voted out by the latter

The above type is in operation in the Parliament of the Czech Republic (See Annexure XI).

JAPANESE TYPE

In the Japanese Type, the Upper House despite being a directly elected House, does not enjoy equivalent legislative powers with those of the Lower House. The Lower House has the final say in the passage of Bills. As there is a partial separation of powers, the executive is mostly drawn from the legislature and is responsible to it. The Lower House can pass a vote of no-confidence against the Government. The salient features of this type are as under:

- i. Directly elected Upper House
- ii. Upper House does not have equivalent legislative powers with those of Lower House
- iii. Lower House has overriding powers over Upper House in particular cases
- iv. No deadlock can occur between the Houses as the Lower House enjoys primacy over the Upper House
- v. Government is responsible to Parliament and can be voted out by the Lower House

The above type is in operation in the Parliament of Japan (See Annexure XII).

ITALIAN TYPE

The Italian Type brings out a totally distinct type which has emanated out of the principle of full bicameralism. The Upper House is directly elected like the Lower House and enjoys full legislative powers including in case of the financial matters. Accordingly, both Houses perform identical functions. There is complete separation of powers between the Parliament and the Executive yet the latter is accountable to both Houses of Parliament.

The salient features of this type are as under:

- i. Directly elected Upper House with few appointed and *ex-officio* members
- ii. As part of full bicameralism, Upper House enjoys full legislative powers including in financial matters
- iii. Both Houses perform identical functions
- iv. Both Houses are subject to dissolution
- v. There exists complete separation of powers between the Parliament and Executive
- vi. Government is accountable to both Houses

The above type is in operation in the Parliament of Italy (See Annexure XIII) and Parliament of Romania (See Annexure XIV).

BRITISH TYPE

In the British Type, the Upper House is a fully appointed House which is not subject to dissolution. The Upper House does not have legislative powers at par with the Lower House. The Upper House can only delay the passage of an ordinary Bill, it cannot stop it from becoming a law if the Lower House so desires. It is the Lower House which enjoys the final say in the legislative process. Besides, as there is partial separation of powers between the Parliament and the Executive, the latter is drawn from the former and is responsible to the Lower House which can vote it out through a vote of no-confidence.

The salient features of this type are as under:

- i. An appointed Upper House not subject to dissolution
- ii. Upper House does not enjoy equal legislative powers with the Lower House
- iii. Upper House can delay the legislation but cannot prevent it from becoming the law
- iv. No mechanism for resolution of deadlock as the Lower House has the final say

- v. Partial separation of powers
- vi. Government responsible to Lower House which can vote it out through no-confidence motion

The above type is in operation in the Parliament of the United Kingdom (See Annexure XV) and Parliament of Belize (See Annexure XVI).

ANTIGUA & BARBUDA TYPE

In the Antigua & Barbuda Type, the Upper House is an indirectly elected House which is not subject to dissolution. The Upper House does not enjoy equal legislative powers *vis-à-vis* the Lower House. There is a mechanism for resolution of deadlock. However, in the event of failure to reach an agreement, the Lower House has a final say if it passes the Bill with a requisite majority. The salient features of this type are as under:

- i. Indirectly elected Upper House not subject to dissolution
- ii. Upper House does not enjoy equal legislative powers
- iii. Mechanism for resolution of deadlocks between Houses
- iv. Lower House can still have its say by 2/3rd of vote
- v. Partial separation of powers
- vi. Lower House can initiate resolution for removal of President

The above type exists in the Parliament of Antigua & Barbuda (See Annexure XVII)

JORDANIAN TYPE

In the context of a fully nominated/ appointed Upper House, we come across the Jordanian Type wherein the Upper House is a fully nominated House. Both Houses of the Parliament have equal legislative powers, however, there exists a provision for resolution of a deadlock over Bills between the Houses. The salient features of this type are as under:

- i. A fully nominated Upper House which is not subject to dissolution
- ii. Upper House has co-equal legislative powers with the Lower House
- iii. Resolution of deadlocks through joint sitting between the two Houses
- iv. Partial separation of powers
- v. Ministers are not drawn from the Parliament
- vi. Government headed by Prime Minister along with the Council of Minister is responsible to the Lower House

The above type exists in the Parliament of Hashemite Kingdom of Jordan (See Annexure XVIII) and the Parliament of the Kingdom of Bahrain (See Annexure XIX).

FEATURE-WISE CATEGORISATION

A. Manner of Election

Among the 13 countries having Parliamentary form of Democracy with Unitary Government, 5 countries (Bhutan, Czech Republic, Italy, Japan and Romania) have directly elected Upper House. 4 countries (Antigua & Barbuda, Ireland, Cambodia and Slovenia) have an indirectly elected Upper House with a few appointed Members and 4 countries (Bahrain, Belize, Jordan and the United Kingdom) have a fully appointed Upper House. Nearly 38% of countries in this category prefer to have a directly elected Upper House.

B. Permanency of the House

Among the 13 countries having Parliamentary form of Democracy with Unitary Government, 11 countries (Antigua & Barbuda, Bahrain, Bhutan, Belize, Cambodia, Czech Republic, Ireland, Italy, Japan, Jordan, Slovenia and the United Kingdom) have a permanent Upper House while Romania have an Upper House that is subject to dissolution. 85% of the countries have an Upper House that is not subject to dissolution. The higher percentage of countries with a continuous Upper House testifies that there is a preference for permanency of the Upper House.

C. Legislative Powers of the Upper House *vis-a-vis* the Lower House

1. Ordinary Bills

Among the 13 countries having Parliamentary form of Democracy with Unitary Government, 5 countries (Bahrain, Bhutan, Italy, Jordan and Romania) amounting to 38% have an Upper House which can amend or reject Ordinary Bills which indicates that the Upper House has substantial legislative powers in the case of Ordinary Bills. The remaining 62% of the countries have a deliberative Upper House without any substantial power in respect of passage of Bills. In the case of the Parliaments of Antigua & Barbuda, Belize, Cambodia, Czech Republic, Ireland, Japan, Slovenia and the United Kingdom, in the event of an Ordinary Bill not being passed by the Upper House, the Lower House can still send the Bill forward for assent of the Head of the State.

2. Money/Financial Bills

Among the 13 countries having Parliamentary form of Democracy with Unitary Government, 10 countries (Antigua & Barbuda, Bahrain, Belize, Bhutan, Cambodia, Czech Republic, Ireland, Japan, Slovenia and the United Kingdom) amounting to 77% have an Upper House which cannot amend or reject Money Bills. In other words, the Upper House of 77% of the countries does not have substantial powers in the case of Money Bills while Upper House of 23% of the countries has equal powers with the Lower House in the passage of Money Bills. It is, therefore, evident that in the case of

Money Bills there is a clear preference to bestow the Lower House with overriding powers.

3. *Special Legislative Powers*

Among the 13 countries having Parliamentary form of Democracy with Unitary Government, 11 countries (Antigua & Barbuda, Bahrain, Belize, Bhutan, Cambodia, Czech Republic, Italy, Japan, Jordan, Romania and the United Kingdom) do not bestow any special legislative powers on the Upper House of their Parliaments. 2 countries (Ireland and Slovenia) amounting to 15% have bestowed the Upper House with special legislative powers.

D. Exclusive Powers

Among the 13 countries having Parliamentary form of Democracy with Unitary Government, 8 countries (Belize, Bhutan, Cambodia, Czech Republic, Ireland, Japan, Romania and Slovenia) amounting to 62% have also bestowed some exclusive powers on the Upper House of their Parliaments other than the special legislative powers. However, 5 countries (Antigua & Barbuda, Bahrain, Jordan, Italy and the United Kingdom) have not bestowed any exclusive powers on the Upper House.

E. Mechanism to Resolve Deadlock between Two Houses

Among the 13 countries having Parliamentary Form of Democracy with Unitary Government, 7 countries (Bahrain, Bhutan, Cambodia, Italy, Japan, Jordan and Romania) *i.e.* 54% of the countries have a mechanism to resolve the deadlock between the two Houses. However, among these 5 countries, none of the Upper House has overriding powers in case of a persistent deadlock. The Parliaments of the remaining 6 countries, namely, Antigua & Barbuda, Belize, Czech Republic, Ireland, Slovenia and the United Kingdom have no mechanism to resolve the deadlock between the two Houses over the passage of legislations as the Lower Houses of these 6 Parliaments have overriding powers in case of a deadlock situation.

Exception: Among the 7 countries, Bahrain's is a unique case wherein the Upper House has overriding powers. The Upper House in Bahrain has the final say in the passage of a Bill.

*Annexure VII***PARLIAMENT OF BHUTAN****National Council (Upper House)**

- ✓ Directly elected House with a term of 5 years
- ✓ Not subject to dissolution
- ✓ Enjoys equal powers and status as the National Assembly except in the case of Money/Financial matters
- ✓ Enjoys exclusive power of reviewing Government's policies, performance, etc.

National Assembly (Lower House)

- ✓ Directly elected House with term of 5 years
- ✓ Subject to dissolution
- ✓ Enjoys exclusive powers in Money/Financial Bills
- ✓ Joint Sitting of the two Houses of Parliament to pass Bills on which the two Houses have disagreements

Parliament and Executive

- ✓ There is partial separation of powers
- ✓ Executive is constituted from amongst the Members of the National Assembly, on the recommendation of the Prime Minister
- ✓ Executive is collectively responsible to His Majesty the King and the Lower House

BHUTAN

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|-------|-----------------------------------|---|
| 1. | Constitution of Parliament | Parliament consists of His Majesty the King; National Council of Bhutan; National Assembly of Bhutan. |
| 2. | Upper House | National Council of Bhutan |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 25 Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | The National Council initiates or prepares legislation except Money Bills and Financial Bills; reviews and amends existing laws. It also considers, passes, amends or rejects any legislation passed by the National Assembly. |
| (vi) | Any special powers | A very important function that is exclusive to the National Council and not shared with the National Assembly is its review of issues of security and sovereignty of the country that have to be brought to the attention of His Majesty the King, the Prime Minister and the National Assembly. |
| 3. | Lower House | National Assembly of Bhutan |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 46 |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | The National Assembly can be dissolved prematurely on the recommendation of the Prime Minister to His Majesty the King or in the event of a motion of no-confidence vote against the Government being passed in the National Assembly or if the ruling party of National Assembly is dissolved by the Supreme Court on the grounds prescribed by law. |
| (v) | Legislative Powers | The National Assembly ensures that the Government safeguards the interests of the nation and fulfils the aspirations of the people through public review of policies and issues, Bills and other legislations, and scrutiny of State functions. |

- The legislative power shall be vested in the National Assembly with the power to pass laws with the Assent of the *Druk Gyalpo* subject, wherever applicable, to the provisions of the Constitution.
- Any other legislative Bill may originate in either House.
- (vi) Any special powers** Money Bills and Financial Bills originate only in the National Assembly.
- A Money or Financial Bill, after being passed by the National Assembly shall be presented to the National Council and that Bill shall be passed during the same session of Parliament.
- Where the National Council passes the money or financial bill with recommendations, it shall return the bill to the National Assembly for re-deliberation within five days from the date of presentation.
- The National Assembly may thereupon either accept or reject all or any of the recommendations of the National Council and present the Money or Financial Bill to the *Druk Gyalpo* for Assent within fifteen days from the date of passing of such Bill.
- (vii) Resolution of a deadlock between the Houses** The Constitution of the Kingdom of Bhutan provides for a Joint Sitting of the two Houses of Parliament to pass Bills on which the two Houses have disagreements. The procedure for disputed Bills is stipulated in the Legislative Rules of Procedure adopted by the Members of Parliament in the Joint Sitting.
- (viii) Relationship between legislature and executive** Partial. There is separation of powers between the Legislature and the Executive yet the two are not totally separated from each other. The Executive is constituted from amongst the Members of the National Assembly, on the recommendation of the Prime Minister. The Executive shall be collectively responsible to His Majesty the King and to Parliament.

Annexure VIII

PARLIAMENT OF CAMBODIA

Senate (Upper House)

- ✓ Indirectly elected and partially nominated House with tenure of 6 years
- ✓ Permanent House not subject to dissolution
- ✓ Legislative powers are not at par with Lower House
- ✓ Bills cannot originate in the Upper House
- ✓ Senate reviews and recommends on legislations before it including budget

National Assembly (Lower House)

- ✓ Directly elected House with tenure of 5 years
- ✓ Bills are introduced only in the National Assembly
- ✓ No scope for deadlock between Houses as National Assembly has final say on Bills when both Houses are not in agreement

Parliament and Executive

- ✓ Partial separation of powers
- ✓ Government is drawn from the National Assembly
- ✓ Government must have confidence of the National Assembly
- ✓ The National Assembly can remove the Government or a Member of the Government by a motion of censure

CAMBODIA

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|--------|---|--|
| 1. | Constitution of Parliament | It consists of His Majesty the King; Senate; and the National Assembly |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Indirectly elected and partially nominated. |
| (ii) | Composition | 62 (60 elected + 2 nominated) |
| (iii) | Tenure | 6 years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | Any Bill after being adopted by the National Assembly is sent to the Senate for review and recommendations. |
| (vi) | Any special powers | According to the Constitution, the Senate has a power to compromise work between the National Assembly and the Government. |
| 3. | Lower House | National Assembly |
| (i) | Manner of Election | Directly elected and party-list based |
| (ii) | Composition | 125 |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Can be dissolved earlier |
| (v) | Legislative Powers | Bills shall be introduced in the National Assembly and once adopted, they shall be referred to the Senate for review and recommendations. |
| (vi) | Any special powers | The National Assembly grants a vote of confidence to the Royal Government at the absolute majority of all its Members.

The National Assembly can dismiss a Member of the Royal Government or remove the Royal Government from office by voting a motion of censure at the absolute majority of all its Members. |
| (vii) | Resolution of a deadlock between the Houses | If both Houses fail to reach an agreement, the Bill in question is shuttled for a given time and then the final say is in the hands of the Lower House. National Assembly has the final say in cases of disagreement between the two Houses. |
| (viii) | Relationship between legislature and executive | Partial separation of powers

The Royal Government consists of Prime Minister |

and other Ministers. It is drawn from the Members of the National Assembly. The Royal Government is appointed by the King on the recommendation of the President of the National Assembly and with the agreement of both Vice-Presidents. The National Assembly grants a vote of confidence to the Royal Government at the absolute majority of all its members.

The National Assembly can dismiss a Member of the Royal Government or remove the Royal Government from office by voting a motion of censure/ no-confidence at the absolute majority of all its members.

*Annexure IX***PARLIAMENT OF IRELAND****Seanad Éireann (Upper House)**

- ✓ Indirectly elected with 5 years term
- ✓ 11 appointed Members out of 60 Members
- ✓ Not subject to dissolution
- ✓ Legislative powers not equivalent to Lower House
- ✓ Can amend a Bill and delay it but cannot stop its enactment
- ✓ Lower House can override amendments to a Bill by Seanad
- ✓ Cannot introduce a Money Bill or a Constitution Amendment Bill
- ✓ Enjoys a special power to introduce a Private Bill

Dáil Éireann (Lower House)

- ✓ Directly elected with 5 years term
- ✓ Subject to dissolution
- ✓ Enjoys superior legislative powers with final say in the passage of Bills
- ✓ Exclusive introduction of Money and Constitution Amendment Bills in the House
- ✓ Enjoys exclusive power to ask parliamentary questions
- ✓ No question of a deadlock as it has final say in respect of passage of all Bills

Parliament and Executive

- ✓ Partial separation of powers
- ✓ Executive is drawn from Lower House with possibility of two Ministers from Upper House
- ✓ Executive responsible to Lower House
- ✓ Provision for vote of no-confidence by Lower House

IRELAND

1. **Constitution of Parliament**

The Parliament of Ireland is called Houses of the Oireachtas which consists of :

The President of Ireland;

The Seanad Éireann (Upper House); and

The Dáil Éireann (Lower House)
2. **Upper House**

Seanad Éireann

 - (i) **Manner of Election** Indirect
 - (ii) **Composition** 60 Members

Of which 49 are indirectly elected and 11 are appointed by the Prime Minister.
 - (iii) **Tenure** 5 years
 - (iv) **Manner of dissolution** Seanad is not dissolved.

The Senators remain in office until the polling day for the next Seanad election.

Election to the Seanad must be held 90 days after the dissolution of the Dáil (Lower House).
 - (v) **Legislative Powers**

The Seanad does not have equivalent legislative power to the Dáil.

It can amend a Bill passed by the Dáil and delay it but it cannot stop it from becoming a law.

If the Seand rejects the Bill or returns it to the Dáil with amendments that Dáil does not accept, the bill will lapse after 180 days.

The Dáil may, within those 180 days, pass a resolution declaring that the Bill is deemed to have been passed by both Houses. In such a situation, the Bill becomes a law without the amendments suggested by the Seanad.

The Seanad has 21 days to consider a Money Bill and make recommendations (not amendments). If the Bill has not been returned to the Dáil within 21 days, or the Dáil does not accept the recommendations of the Seanad, the Bill is deemed to have passed both Houses after the 21 days have expired.

Senators can intitiate Private Members' Bills which are debated in the Seanad and if passed, are then

- debated in the Dáil. Government Bills are often introduced first in the Seanad.
- But Seanad cannot introduce a Bill to amend the Constitution or a Money Bill.
- (vi) **Any special powers** In the legislative domain, the Seanad enjoys a special power whereby it alone can introduce a Private Bill *i.e.* a Bill that is promoted by local authorities and private bodies or individuals for their own purposes. However, such Bills are also required to be passed by both Houses. Such Bills are quite rare.
- A majority of the Seanad along with one third Members of the Dáil can petition the President for having a referendum or a general election over a Bill it feels that it contains a proposal of such national importance that the will of the people should be ascertained.
3. **Lower House** Dáil Éireann
- (i) **Manner of Election** Direct
- (ii) **Composition** 160 Members
- (iii) **Tenure** 5 years
- (iv) **Manner of dissolution** The Prime Minister can ask the President to dissolve the Dáil at any time. The President can only refuse to do so if the Government does not enjoy support of the majority in the Dáil.
- (v) **Legislative Powers** Dáil enjoys superior legislative powers as it has the final say in the passage of Bills.
- (vi) **Any special powers** The Money Bills and the Bills to amend the Constitution can only be initiated in the Dáil.
- Besides, it enjoys the exclusive power to ask parliamentary questions. This power is not available to the Seanad.
- (vii) **Resolution of a deadlock between the Houses** The deadlock cannot arise between the two Houses as the Dáil has the final say in respect of both money as well as other Bills.
- The Seanad can only delay a normal Bill for a maximum of 180 days and a Money Bill for a maximum of 21 days. Thereafter, it is the will of the Dáil which prevails.

(viii) Relationship between legislature and executive

The separation of powers between the executive and the legislature is partial as the former is usually drawn from the Lower House with the provision of having a maximum of two members of the executive from the Upper House as well. However, it is rare that a Senator has served as a member of the executive. Prime Minister, Deputy Prime Minister and Minister for Finance must be members of the Dáil.

The executive is responsible to the Lower House which holds the power to dismiss it by a vote of no-confidence.

*Annexure X***PARLIAMENT OF REPUBLIC OF SLOVENIA****National Council (Upper House)**

- ✓ Indirectly elected with term of 5 years
- ✓ Not subject to dissolution
- ✓ Legislative powers are not at par with that of Lower House
- ✓ Cannot originate legislations but may propose to the National Assembly the passing of laws
- ✓ Exercises suspensive veto in legislations making the Lower House to reconsider

National Assembly (Lower House)

- ✓ Directly elected House with term of 4 years
- ✓ Subject to dissolution
- ✓ Enjoys primacy in legislative functions
- ✓ Initiates legislations and has special powers in budgetary process
- ✓ No mechanism to resolve deadlock between two Houses
- ✓ Plays a role in impeachment of President of the Government

Parliament and Executive

- ✓ Partial separation of powers
- ✓ The Head of the Government (President) elected by the National Assembly and Ministers appointed from the National Assembly wield the executive power
- ✓ The National Assembly can impeach the President of the Government or ministers before the Constitutional Court on charges of violating the Constitution and laws during the performance of their office

SLOVENIA

1. Constitution of Parliament	Parliament of Slovenia consists of National Council (Upper House) and National Assembly (Lower House)
2. Upper House	National Council
(i) Manner of Election	Indirect
(ii) Composition	40 Members
(iii) Tenure	5 years
(iv) Manner of dissolution	Cannot be dissolved
(v) Legislative Powers	<p>The National Council may:</p> <ul style="list-style-type: none"> ● propose to the National Assembly the passing of laws; ● convey to the National Assembly its opinion on all matters within the competence of the National Assembly; ● require the National Assembly to decide again on a given law prior to its promulgation; ● require inquiries on matters of public importance. <p>Where required by the National Assembly, the National Council must express its opinion on an individual matter (Constitution, Article 97).</p>
(vi) Any special powers	The National Council's role as proposer of initiatives is an important one within the legislative process. These proposals comprise of initiatives and requests made by members (Article 58 of the National Council Act) and proposals made by the National Council's commissions and interest groups
3. Lower House	National Assembly
(i) Manner of Election	Direct
(ii) Composition	90
(iii) Tenure	4 years
(iv) Manner of dissolution	<p>Can be dissolved</p> <p>A specially determined procedure is laid out in the Constitution for the dissolution of National Assembly.</p>

- (v) Legislative Powers** The National Assembly is the highest representative and legislative body in the country. It adopts constitutional acts amending the Constitution of the Republic of Slovenia, laws, authentic interpretations of laws and official consolidated texts of laws, ordinances, resolutions, declarations, recommendations and decisions,
- It also adopts the state budget, the supplementary state budget, amendments to the state budget and the annual financial statement of the state budget.
- It also ratifies treaties, calls referendums: referendums on a constitutional amendment, legislative referendums, consultative referendums, referendums on the establishment of municipalities, referendums on international integrations, and discusses EU affairs.
- (vi) Any special powers** National Assembly has special powers in the Budgetary process.
- National Assembly can also initiate impeachment charges against the President of the Republic for violation of law.
- The National Assembly can impeach the President of the Government or ministers before the Constitutional Court on charges of violating the Constitution and laws during the performance of their office.
- (vii) Resolution of a deadlock between the Houses** There is no special mechanism for resolution of deadlock between Houses.
- (viii) Relationship between legislature and executive** Executive is elected from the legislature.
- The Government of the Republic of Slovenia represents the executive branch. It implements laws and other regulations adopted by the National Assembly and takes care of the functioning of the state administration.
- The Prime Minister is elected by secret ballot by the deputies in the National Assembly.
- National Assembly can also initiate impeachment charges against the President of the Republic.
- The National Assembly can impeach the President of the Government or ministers before the Constitutional Court on charges of violating the Constitution and laws during the performance of their office.

Annexure XI

PARLIAMENT OF THE CZECH REPUBLIC

Senate (Upper House)

- ✓ Directly elected with 6 years term
- ✓ Renewal of one-third of seats after every two years
- ✓ Not subject to dissolution
- ✓ Legislative powers not at par with Chamber of Deputies
- ✓ Senators can introduce Bills only in the Chamber of Deputies
- ✓ Senate empowered to file constitutional charge for impeachment of the President of the Republic

Chamber of Deputies (Lower House)

- ✓ Directly elected with 4 years term
- ✓ Subject to dissolution
- ✓ Main legislative body enjoying primacy in respect of Bills over the Senate
- ✓ Can outvote both rejection by Senate as well as veto by President
- ✓ No scope for deadlock between Houses as Chamber of Deputies can outvote rejection by Senate

Parliament and Executive

- ✓ Partial separation of powers between the two organs
- ✓ Executive usually drawn from Chamber of Deputies
- ✓ Executive responsible to Chamber of Deputies
- ✓ Chamber of Deputies empowered to pass vote of no-confidence against the Executive

CZECH REPUBLIC

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|-------|-----------------------------------|---|
| 1. | Constitution of Parliament | <p>The Parliament of the Czech Republic consists of two Houses:</p> <p>The Senate (Upper House); and The Chamber of Deputies (Lower House)</p> |
| 2. | Upper House | Senate (Upper House) |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 81 Members |
| (iii) | Tenure | 6 years |
| | | However, every two years, the elections for one-third of the seats are held. |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | <p>The Senate generally does not have equivalent legislative powers to that of Chamber of Deputies.</p> <p>It, however, enjoys the right of legislative initiative; whereby the Senate as a whole can introduce a Bill in the Chamber of Deputies (Lower House). During a standard legislative process, every Bill is introduced in the Chamber of Deputies.</p> <p>After its approval by that House, the Bill is referred to the Senate which has 30 days to consider it.</p> <p>If the Bill is approved by the Senate, it becomes a law. If not, the Bill is returned to the Chamber of Deputies.</p> <p>The Chamber of Deputies again votes and if the Bill is approved, it becomes the law despite the rejection by the Senate.</p> |
| (vi) | Any special powers | The Senate may, with the consent of the Chamber of Deputies, file a constitutional charge against the President of the Republic for high treason, gross violation of the Constitution or segment of the constitutional order before the Constitutional Court. |
| 3. | Lower House | Chamber of Deputies |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 200 Members |
| (iii) | Tenure | 4 years |

- (iv) Manner of dissolution** Chamber of Deputies can be dissolved earlier by the President of the Republic under certain circumstances/ conditions as spelt out in the Constitution of the Czech Republic.
- It, however, cannot be dissolved during the three month period preceding the expiration of its electoral term.
- (v) Legislative Powers** The Chamber of Deputies is the main legislative body of the Czech Parliament and as such enjoys general primacy in respect of all Bills *vis-a-vis* the Senate.
- It can outvote both the rejection of the Senate and Presidential veto to approve and adopt a Bill to become a law.
- (vi) Any special powers** The Chamber of Deputies enjoys exclusive powers to consider and pass bills pertaining to the state budget and the final state accounting.
- Similarly, during the state of legislative emergency so declared by the President of the Chamber of Deputies on the request of the Prime Minister, it can consider governmental Bills in a shorter time in order to adopt any necessary measures under the general state of emergency as soon as possible.
- (vii) Resolution of a deadlock between the Houses** No deadlock can occur between the two Houses as the Chamber of Deputies holds a stronger position in the legislative process and can outvote any rejection by the Senate.
- (viii) Relationship between legislature and executive** The separation of powers between the executive and the legislature is strict and absolute.
- However, there have been occasions when formation of the government from non-political experts became a necessity due to the prevailing political situation.
- The executive is represented by the President of the Czech Republic and the Government of Czech Republic; the Government usually comprises of the deputies of the Chamber of Deputies.
- The Government is responsible to the Chamber of Deputies which enjoys the power of exclusive supervision over the former.
- The Chamber of Deputies is empowered to adopt a resolution of no-confidence in the government.

*Annexure XII***PARLIAMENT OF JAPAN****House of Councillors (Upper House)**

- ✓ Directly elected with 6 years term
- ✓ Renewal of half of the House after every 3 years
- ✓ Not subject to dissolution
- ✓ Legislative powers not at par with the Lower House
- ✓ Enjoys special powers during national emergency if the Lower House stands dissolved

House of Representatives (Lower House)

- ✓ Directly elected with 4 years term
- ✓ Subject to dissolution
- ✓ Enjoys precedence over the Upper House in case of passage of Bills
- ✓ Provision of a Joint Committee for resolution of deadlock over Bills

Parliament and Executive

- ✓ Partial separation of powers between the two organs
- ✓ Executive is drawn from the Parliament and is responsible to it
- ✓ Lower House is empowered to pass a vote of no-confidence against the Executive

JAPAN

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|-------|-----------------------------------|---|
| 1. | Constitution of Parliament | The Diet (<i>Kokkai</i>) or the Parliament consists of two Houses, namely, the House of Representatives (<i>Shugiin</i>) and the House of Councillors (<i>Sangiin</i>) |
| 2. | Upper House | House of Councillors (<i>Sangiin</i>) |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 248 Members |
| (iii) | Tenure | 6 years

Election for half the members shall take place every three years. |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | Legislation can be submitted by Diet Members or by the Cabinet, but only the Cabinet can submit the national budget or a treaty. |
| (vi) | Any special powers | House of Councillors has special powers in case of national emergency when House of Representatives is under dissolution. |
| 3. | Lower House | House of Representatives (<i>Shugiin</i>) |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 465 Members |
| (iii) | Tenure | 4 years |
| (iv) | Manner of dissolution | Can be dissolved |
| (v) | Legislative Powers | House of Representatives holds special powers on matters related to budget. The budget must first be submitted to the House of Representatives. Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet. |
| (vi) | Any special powers | The House of Representatives has the right to pass a no-confidence resolution against the Cabinet. |

A Bill which is passed by the House of Representatives, and later rejected by the House of Councillors, becomes a law when passed for the second time by the House of Representatives by a majority of two-thirds or more of the members present. Failure by the House of Councillors to take final action within 60 days after receipt of a bill passed by the House of Representatives may be determined by the House of Representatives to constitute a rejection of said bill by the House of Councillors.

(vii) Resolution of a deadlock between the Houses

In the case where the House of Representatives and the House of Councillors make different decisions regarding a legislative bill or certain other measures, the Constitution recognizes the precedence of the House of Representatives and its collective decisions over the House of Councillors under certain conditions.

(viii) Relationship between legislature and executive

There is a partial separation of powers. Executive power is vested in the Cabinet.

The Prime Minister is designated from amongst the Members of the Diet by a resolution of the Diet. The Cabinet is collectively responsible to the Diet in the exercise of Executive Power.

If the House of Representatives passes a no-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign *enmasse*, unless the House of Representatives is dissolved within ten days.

Annexure XIII

PARLIAMENT OF ITALY

Senate of the Republic (Upper House)

- ✓ Directly elected with 5 years term
- ✓ A number of appointed and *ex-officio* Senators besides 315 elected Senators
- ✓ Subject to dissolution
- ✓ Enjoys equal legislative powers under the principle of full bicameralism

Chamber of Deputies (Lower House)

- ✓ Directly elected with 5 years term
- ✓ Subject to dissolution
- ✓ Enjoys equal legislative powers under the principle of full bicameralism
- ✓ Provision for resolution of deadlock between the two Houses

Parliament and Executive

- ✓ Complete separation of powers between the two organs
- ✓ System of checks and balances exists
- ✓ Executive must enjoy confidence of both Houses
- ✓ Provision for impeachment of President of the Republic by Parliament

ITALY

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| 1. | Constitution of Parliament | The Parliament of Italy consists of two Houses: The Senate of the Republic (Upper House); and The Chamber of Deputies (Lower House). |
| 2. | Upper House | The Senate of the Republic |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 315 Elected Members plus a number of appointed life Senators and <i>ex officio</i> life Senators.

The former Presidents of the Republic become <i>ex officio</i> life Senators unless they renounce the office.

The President of the Republic may appoint five Senators from amongst citizens who have honoured the nation through their outstanding achievements in social, scientific, artistic and literary fields. |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | The President of the Republic may dissolve one or both Houses of Parliament. However, the President of the Republic may not exercise such right during the final six months of his presidential term unless said period coincides in full or in part with the final six months of Parliament. |
| (v) | Legislative Powers | The Italian Parliament follows the principle of full bicameralism. Accordingly, the two Houses perform identical functions. As a result, the Government is also accountable to the Senate of the Republic.

The election/ inauguration as well as the impeachment of the President of the Republic, election of a portion of the justices of the Constitutional Court and the Higher Judicial Council, is conducted by both Houses in a joint sitting.

According to principle of full bicameralism, both Houses enjoy equal legislative powers in all matters including financial matters. |
| (vi) | Any special powers | No special power is enjoyed by the Senate as both the Houses perform identical functions. |

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| 3. | Lower House | The Chamber of Deputies |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 630 Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | The President of the Republic may dissolve one or both Houses of Parliament. However, the President of the Republic may not exercise such right during the final six months of his presidential term unless said period coincides in full or in part with the final six months of Parliament. |
| (v) | Legislative Powers | <p>The Italian Parliament follows the principle of full bicameralism. Accordingly, the two Houses perform identical functions. As a result, the Government is accountable to both Houses of Parliament.</p> <p>The election/ inauguration as well as the impeachment of the President of the Republic, election of a portion of the justices of the Constitutional Court and the Higher Judicial Council, is conducted by both Houses in a joint sitting.</p> <p>According to principle of full bicameralism, both Houses enjoy equal legislative powers in all matters including financial matters.</p> |
| (vi) | Any special powers | No special power is enjoyed by the Chamber of Deputies as both the Houses perform identical functions. |
| (vii) | Resolution of a deadlock between the Houses | There is a provision for breaking the deadlock between the two Houses. |
| (viii) | Relationship between legislature and executive | There exists a complete separation of powers between the Parliament and the Executive with the provision of a system of checks and balances. |

*Annexure XIV***PARLIAMENT OF ROMANIA****Senate**

- ✓ Directly elected Upper House with a term of 4 years
- ✓ Subject to dissolution
- ✓ Both the Houses have equal legislative powers

Chamber of Deputies

- ✓ Directly elected Upper House with a term of 4 years
- ✓ Subject to dissolution
- ✓ Both the Houses have equal legislative powers

Parliament and the Executive

- ✓ President is the Head of the State
- ✓ Prime Minister heads the Government. Executive power is vested in the Prime Minister and the Council of Ministers
- ✓ The Council of Ministers is collectively responsible to both Houses of Parliament
- ✓ A Motion of no-confidence in the Government can be initiated and passed only in the joint sitting of both Houses of Parliament

ROMANIA

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|--------------|-----------------------------------|--|
| 1. | Constitution of Parliament | Senate (Upper House) and;
Chamber of Deputies (Lower House) |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Direct popular vote |
| (ii) | Composition | 136 Members |
| (iii) | Tenure | 4 Years |
| (iv) | Manner of dissolution | Subject to dissolution |
| (v) | Legislative Powers | The Government shall exercise its legislative initiative by introducing bills to the Chamber having competence for its adoption, as the first notified Chamber.

Legislative proposals shall be first submitted to debate by the Chamber having competence for its adoption, as the first Chamber notified.

The bills and legislative proposals for the ratification of treaties or other international agreements and the legislative measures deriving from the implementation of such treaties and agreements, as well as bills of the organic laws, in accordance with Art. 75 para. (1) of the Romanian Constitution shall be submitted for debate and adoption to the Chamber of Deputies, as first notified Chamber.

The other bills or legislative proposals shall be submitted to the Senate, as the first notified Chamber, for debate and adoption. |
| (vi) | Any special powers | Appointment of the management of autonomous public institutions and authorities under Parliament's control |
| 3. | Lower House | Chamber of Deputies |
| (i) | Manner of Election | Direct popular vote |
| (ii) | Composition | 312 directly elected Members |
| (iii) | Tenure | 4 Years |
| (iv) | Manner of dissolution | Subject to dissolution |
| (v) | Legislative Powers | Same as in the case of Upper House |
| (vi) | Any special powers | Appointment of the management of autonomous public institutions and authorities under Parliament's control. |

- (vii) Resolution of a deadlock between the Houses**
- After the first notified Chamber adopts or repeals it, the bill or legislative proposal shall be sent to the other Chamber which will make a final decision. In the event the first notified Chamber adopts a provision which belongs to its decision-making competence, the provision is adopted as final if the other Chamber also adopts it. Otherwise, only for the provision in question, the law shall be returned to the first notified Chamber, which will make a final decision in an emergency procedure.
- (viii) Relationship between legislature and executive**
- President is the Head of the State.
- The Prime Minister is the Head of the Government. The Government represents the executive branch. Members of the Government may be members of both Chambers of Parliament. The Government is politically responsible for its entire activity only before Parliament. Each member of the Government is politically and jointly liable with the other members for the activity of the Government and for its acts.
- The Chamber of Deputies and the Senate may, in joint sitting, withdraw the confidence granted to the Government, by carrying a motion of censure by a majority vote of the Deputies and Senators.
- In the exercise of parliamentary control over the Government, the Chambers may adopt simple motions or set up inquiry committees and parliamentarians may formulate questions and interpellations.
- Also, according to the Constitution of Romania; the Government and other bodies of public administration shall be obliged, within the parliamentary control over their activity, to present the information and documents requested by the Chamber of Deputies, the Senate, or parliamentary committees through their respective presidents.

Annexure XV

PARLIAMENT OF UNITED KINGDOM

House of Lords

- ✓ An appointed House
- ✓ A permanent House not subject to dissolution
- ✓ Legislative powers not at par with those of House of Commons

House of Commons

- ✓ Directly elected House with a term of 5 years
- ✓ Subject to dissolution
- ✓ Can insist on its way with primary legislation
- ✓ No mechanism for resolution of deadlock as Lower House has the final say
- ✓ Motion of no-confidence against the Government can be moved only in the Lower House

Parliament and the Executive

- ✓ Partial separation of powers
- ✓ Executive power vests with the Prime Minister and his Cabinet
- ✓ Executive is drawn from the Parliament and is collectively responsible to the two Houses
- ✓ The Lower House can vote out the executive through a vote of no-confidence

UNITED KINGDOM

- | | | |
|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | Parliament consists of Her Majesty the Queen; the House of Lords; and the House of Commons |
| 2. | Upper House | House of Lords

The House of Lords consists of two categories of Members, Lords Spiritual (bishops) and Lords Temporal. |
| (i) | Manner of Election | Most Members are appointed. There are also 92 hereditary Members; two hereditary officeholders and 90 elected from among their own number. |
| (ii) | Composition | 800 Members

There is no restriction on the number of members. In practice, the upper limit has been around 800 members. |
| (iii) | Tenure | Continuous House |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | House of Lords shares the task of making and shaping laws with the House of Commons. It also shares with the House of Commons the role of checking and challenging the work of the Government.

If a Bill had originated in the House of Commons and is passed with amendments by the Lords, it is sent back to the Commons for consideration of amendments made by the Lords, or, if no amendments made by the Lords, it is sent to the monarch for royal assent.

If a Bill had originated in the Lords, it is sent to House of Commons for passage. |
| (vi) | Any special powers | Nil |
| 3. | Lower House | House of Commons |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 650 Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | House of Commons can be dissolved. |

- (v) Legislative Powers** Public Bills change the law as it applies to the general population and are the most common type of Bills introduced in Parliament. Ministers propose the majority of Public Bills, those put forward by other MPs or Lords are known as Private Members' Bills.
- The Commons alone are responsible for making decisions on financial Bills, such as proposal for new taxes, etc. The Lords can consider these Bills but cannot block or amend them.
- (vi) Any special powers** The Commons have claimed a general privilege in relation to the raising and spending of tax payers' money since the 17th century. Bills to raise taxes or authorise expenditure always start in the Commons and cannot be amended by the Lords. The House of Commons has overriding powers in case of Money Bills.
- (vii) Resolution of a deadlock between the Houses** The Lords can hold up a bill they disagree with for about a year but ultimately the elected House of Commons can reintroduce it in the following session and pass it without the Lords' consent. If the two Houses do not agree on the text of the legislation, the House of Commons can decide to apply the Parliament Acts under which it can apply for Royal Assent for its text of the legislation without the agreement of the House of Lords.
- (viii) Relationship between legislature and executive** Executive is drawn from the legislature.
- The Prime Minister is the leader of Her Majesty's Government and is ultimately responsible for the policy and decisions of the government. The Prime Minister and his Cabinet are drawn from either House of the Parliament.
- Government accountability in the UK operates through the conventions of both collective and individual ministerial responsibility. Individual ministerial responsibility refers to the convention that a Minister is responsible to Parliament for the actions of his department. Collective responsibility requires each Minister to support each decision of the Government.

A motion of no-confidence, or censure motion, is moved in the House of Commons. If such a motion is agreed to and a new government with the support of a majority of MPs cannot be formed within a period of 14 calendar days, Parliament is dissolved and an early General Election is triggered.[&]

[&]As per the information received from the Parliament of United Kingdom, this process has recently been reviewed and is likely to change.

Annexure XVI

NATIONAL ASSEMBLY OF BELIZE

Senate

- ✓ Appointed House with a term of 5 years
- ✓ Not subject to dissolution
- ✓ Upper House has co-equal legislative powers except in the case of Money/ Financial Bills
- ✓ Has a special power to ratify Motions and Treaties

House of Representatives

- ✓ Directly elected House with a term of 5 years
- ✓ Subject to dissolution
- ✓ Lower House has over-riding powers in passage of Financial Bills

Parliament and the Executive

- ✓ Partial separation of powers.
- ✓ Her Majesty, the Queen of England is the Head of the State
- ✓ Executive power is vested in the Prime Minister along with his Council of Ministers. They are collectively responsible to the Lower House of the Parliament.
- ✓ Lower House can express no- confidence in the whole Government as well as individual members of the Executive

BELIZE

1.	Constitution of Parliament	The Parliament of Belize; Senate (Upper House); and the Lower House (House of Representatives)
2.	Upper House	The Senate
(i)	Manner of Election	Appointed
(ii)	Composition	13 Senators
(iii)	Tenure	5 Years
(iv)	Manner of dissolution	Not subject to dissolution
(v)	Legislative Powers	Upper House has equal legislative powers except in Money/Financial Bills
(vi)	Any special powers	Power to ratify Motions and Treaties is only for the Upper House
3.	Lower House	House of Representatives
(i)	Manner of Election	Direct elections
(ii)	Composition	31
(iii)	Tenure	5 Years
(iv)	Manner of dissolution	Yes
(v)	Legislative Powers	Lower House has overriding powers in passage of Money/Financial Bills.
(vi)	Any special powers	Lower House plays a role in the motion of no-confidence. If a money Bill, having been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within one month after it is sent to that House, the Bill shall, unless the House of Representatives otherwise resolves, be presented to the Governor-General for assent notwithstanding that the Senate has not consented to the Bill. A money Bill shall not be introduced in the Senate.
(vii)	Resolution of a deadlock between the Houses	NA
(viii)	Relationship between legislature and executive	Partial separation of powers. Her Majesty, the Queen of England is the Head of the State

Prime Minister along with his Council of Ministers form the Executive. They are collectively responsible to the Lower House of the Parliament.

The Governor-General shall remove the Prime Minister from office if a resolution of no-confidence in the Government is passed by the House of Representatives and the Prime Minister does not within seven days either resign from his office or advise the Governor-General to dissolve the National Assembly.

There is a procedure for Parliament to express no-confidence in the whole Government as well as individual members of the Executive.

*Annexure XVII***PARLIAMENT OF ANTIGUA & BARBUDA****Senate**

- ✓ Indirectly elected and partially nominated House with a term of 5 years
- ✓ Not subject to dissolution
- ✓ The Senate does not possess equal legislative powers

House of Representatives

- ✓ Directly elected House with a term of 5 years
- ✓ Subject to dissolution
- ✓ House of Representatives has supremacy over the Senate in all legislative matters

Parliament and the Executive

- ✓ Partial separation of powers
- ✓ Her Majesty, the Queen of England is the Head of the State
- ✓ Executive is drawn from the Members of Parliament and is collectively responsible to the Lower House

ANTIGUA & BARBUDA

- | | | |
|-------|--|--|
| 1. | Constitution of Parliament | Parliament of Antigua & Barbuda - consists of Her Majesty, the Queen of England with the House of Representatives and Senate |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Indirect and partially nominated |
| (ii) | Composition | 17 members

10 members appointed on the recommendation of the Prime Minister, 4 members on the advice of Leader of Opposition, one on the advice of Barbuda Council, one inhabitant of Barbuda on the advice of PM. |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Not Subject to dissolution |
| (v) | Legislative Powers | House of Representatives has supremacy over the Senate. The Lower House has overriding powers in all legislations. |
| (v) | Any special powers | NA |
| 3. | Lower House | House of Representatives |
| (i) | Manner of Election | Direct election |
| (ii) | Composition | Direct election - 17 members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Subject to dissolution |
| (v) | Legislative Powers | House of Representatives can overrule all the amendments of any bill proposed by Senate and send the bill for assent of the Governor General. |
| (vi) | Any special powers | Yes. It has supremacy over the Senate on passage of Money Bills/Financial Bills. Also as indicated above has overriding powers in passage of ordinary bills.

House of Representatives has supremacy over the Senate |
| (vii) | Resolution of a deadlock between the Houses | NA |

-
- (viii) **Relationship between legislature and executive** Partial separation of powers
- The Executive is drawn from the Members of Parliament (both Houses) and is collectively responsible to the Lower House. The Lower House can initiate a motion of no-confidence against the Executive.
- 

Annexure XVIII

NATIONAL ASSEMBLY OF HASHEMITE KINGDOM OF JORDAN

Senate

- ✓ An appointed House with a term of 4 years
- ✓ Subject to dissolution
- ✓ Both Houses of the National Assembly have equal legislative powers

Chamber of Deputies

- ✓ Directly elected House with a term of 5 years
- ✓ Not subject to dissolution
- ✓ Both Houses of the National Assembly have equal legislative powers

Parliament and the Executive

- ✓ Partial separation of powers
- ✓ The Prime Minister and Ministers are collectively responsible to the Chamber of Deputies
- ✓ The Chamber of Deputies can raise a motion of no-confidence against the Council of Ministers or any Minister
- ✓ Ministers are not Members of Parliament
- ✓ The King is the Head of the State

JORDAN

- | | | |
|--------|---|---|
| 1. | Constitution of Parliament | The National Assembly consists of The Senate (Upper House) and the Chamber of Deputies (Lower House) |
| 2. | Upper House | The Senate |
| (i) | Manner of Election | Appointed |
| (ii) | Composition | 65 members, all members are nominated by the King |
| (iii) | Tenure | 4 years |
| (iv) | Manner of dissolution | No |
| (v) | Legislative Powers | Both Houses of the National Assembly have equal legislative powers |
| (vi) | Any special powers | No |
| 3. | Lower House | The Chamber of Deputies |
| (i) | Manner of Election | The Chamber of Deputies consists of members elected in a general direct election and in accordance with the provisions of an Electoral Law. |
| (ii) | Composition | 130 members, directly elected |
| (iii) | Tenure | 4 years |
| (iv) | Manner of dissolution | Yes |
| (v) | Legislative Powers | Both Houses of the National Assembly have equal legislative powers |
| (vi) | Any special powers | Yes. The Prime Minister and Ministers are collectively responsible before the Chamber of Deputies. A motion of no-confidence in the Council of Ministers or in any Minister can be raised only by the Chamber of Deputies. |
| (vii) | Resolution of a deadlock between the Houses | Yes, a provision for a joint sitting is present in the Constitution to resolve a deadlock between the two Houses. |
| (viii) | Relationship between legislature and executive | Partial separation of powers.

The Prime Minister and Ministers are collectively responsible before the Chamber of Deputies. The Chamber of Deputies can raise a motion of no-confidence against the Council of Ministers or any Minister. Ministers are not Members of Parliament

The King is the Head of the State |

Annexure XIX

NATIONAL ASSEMBLY OF THE KINGDOM OF BAHRAIN

The Consultative Council (Shura Council)

- ✓ An appointed House with a term of 4 years
- ✓ Not subject to dissolution
- ✓ Both Houses have co-equal powers in all bills including financial Bills

The Council of Representatives (Chamber of Deputies)

- ✓ Directly elected House with a term of 4 years
- ✓ Subject to dissolution
- ✓ Both the Houses have co-equal powers in all Bills including financial bills.

Parliament and the Executive

- ✓ Partial separation of powers
- ✓ The King is the Head of the State
- ✓ The Executive authority is vested in the Council of Ministers headed by the Prime Minister
- ✓ The Ministers are jointly answerable to the King for general Government policies
- ✓ The King chairs the Council of Ministers if he attends it

BAHRAIN

- | | | |
|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | National Assembly consists of the Consultative Council/Shura Council (Upper House) and the Chamber of Deputies /Council of Representatives (Lower House) |
| 2. | Upper House | The Consultative Council also called the Shura Council |
| (i) | Manner of Election | Appointed by the King by Royal Order |
| (ii) | Composition | 40 members appointed by the King by Royal Order |
| (iii) | Tenure | 4 years; and members may be reappointed when their terms have expired |
| (iv) | Manner of dissolution | Not subject to dissolution |
| (v) | Legislative Powers | No law shall be promulgated unless approved by both the Consultative Council and the Chamber of Deputies, or the National Assembly as the situation demands and, ratified by the King. |
| (vi) | Any special powers | No; both Houses have co- equal powers in all Bills including financial Bills |
| 3. | Lower House | Council of Representatives/ Chamber of Deputies |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 40 members |
| (iii) | Tenure | 4 years. The King may, when necessary, extend the legislative term of the Chamber of Deputies by Royal Order for a period not exceeding two years. |
| (iv) | Manner of dissolution | Subject to dissolution; The King is entitled to dissolve the Chamber of Deputies by a Decree that states the reasons for the dissolution. The chamber cannot be dissolved for the same reasons once again. |
- The Chairman of the Shura Council, during the term of the dissolution of the Council of Representatives, shall assume all the administrative and financial powers vested in the Council's office and it's Speaker.
- The Amir may dissolve the National Assembly by a decree in which the reasons for dissolution shall be indicated. However, dissolutions of the Assembly may not be repeated for the same reason.
- In the event of dissolution, elections for the new

- Assembly shall be held within a period not exceeding two months from the date of dissolution. If the elections are not held within the said period, the dissolved Assembly shall be restored to its full constitutional authority and shall meet immediately as if the dissolution had not taken place. The Assembly shall then continue functioning until a new Assembly is elected.
- (v) **Legislative Powers** No law shall be promulgated unless approved by both the Consultative Council and the Chamber of Deputies, or the National Assembly as the situation demands and, ratified by the King (Article 42)
- (vi) **Any special powers** No
- (vii) **Resolution of a deadlock between the Houses** If the two Chambers differ twice over any bill, the National Assembly shall convene a Joint Session under the Chairmanship of the President of the Consultative Council to discuss those clauses in dispute. For the bill to be accepted, the decision of the National Assembly must be taken on a majority of members present, and when the bill is rejected in this manner it shall not be presented to the National Assembly again in the same convening period.
- (viii) **Relationship between legislature and executive** The King is the Head of the State
- The Prime Minister and the Council of Ministers are appointed by the King. Real Executive authority is vested in the King, together with Prime Minister and Council of Ministers. The Ministers are jointly answerable to the King for general Government policies. The King chairs the Council of Ministers if he attends it.
- Legislative Authority is vested in the King and National Assembly. The Chamber of Deputies may express its wishes in writing to the Government on public matters. If the Government finds itself unable to meet these wishes, it must give its reasons in writing to the Chamber.
- Vote of No-Confidence:** Upon an application signed by at least 5 members of the Chamber of Deputies, any Minister may be questioned on matters coming within his sphere of competence. If the Chamber of Deputies decides by a majority of 2/3rds of its members to give a vote of no-confidence in a

Minister, he shall be regarded as having withdrawn from the Ministry from the date of the no-confidence vote, and shall submit his resignation forthwith.

Motion of No-Cooperation: The subject of confidence in the Prime Minister cannot be raised in the Chamber of Deputies. If, 2/3rd of members of the Chamber of Deputies consider it not possible to cooperate with the Prime Minister, the matter is referred to the National Assembly to consider it. The National Assembly cannot issue its decision on the lack of possibility of cooperating with the PM prior to 7 days from the date the matter was referred to it. If National Assembly decides by a majority of 2/3rd of its members that it is not possible to cooperate with the PM, the matter is submitted to the King for a decision, either by relieving the PM of his post and appointing a new Government, or by dissolving the Chamber of Deputies.

SUB-MODEL A3: PARLIAMENTARY FORM OF DEMOCRACY WITH SEMI-PRESIDENTIAL FEDERAL GOVERNMENT

RUSSIAN TYPE

In this Type, the Upper House is indirectly elected and partially nominated. Apart from the power to review the legislation passed by the Lower House, the Upper House also enjoys certain exclusive powers. There exists a partial separation of powers. The executive is responsible to the Lower House but it is not constituted from amongst the Members of Parliament. The Lower House is empowered to initiate impeachment proceedings against the President of the Federation. The Lower House can be dissolved by the President of the Federation. The salient features of this type are as under:

- i. Indirectly elected and partially nominated Upper House not subject to dissolution
- ii. Upper House enjoys power to review in the legislative process including the Budget
- iii. Upper House enjoys certain exclusive powers
- iv. Provision for mechanism to resolve disagreements between the Houses
- v. There is a partial separation of powers between the Parliament and the Executive
- vi. Executive is not drawn from the Parliament
- vii. Executive is, however, responsible to the Lower House
- viii. The Lower House is empowered to initiate impeachment proceedings against the President

The above type exists in the Parliament of Russian Federation (*See Annexure XX*)

SWISS TYPE

In this Type, the Upper House is indirectly elected and enjoys equal powers with the Lower House including in respect of financial matters. There is a provision for resolution of deadlock between the two Houses. However, if no agreement is reached during the resolution process, the Bill fails to get enacted. As there is strict separation of powers, the Government cannot dissolve the Federal Assembly. Similarly, the Federal Assembly cannot remove the Government. The President of the Federation is not only the head of the state but also the head of the executive. The salient features of this type are as under:

- i. Directly elected Upper House not subject to dissolution

- ii. Upper House enjoys equal powers with the Lower House including the financial matters
- iii. Mechanism for resolution of deadlock between the Houses exists, if it fails, the Bill falls through
- iv. Government cannot dissolve the Federal Assembly nor can the Federal Assembly remove the Government
- v. Government is elected by Parliament from amongst its Members who cease to be Members of Parliament after becoming Ministers
- vi. There is strict separation of powers between the Parliament and the Executive
- vii. The President is both Head of the State as well as Head of the Government

The above type exists in the Parliament of Switzerland (See Annexure XXI).

AUSTRIAN TYPE

In this Type, the Upper House is an indirect and nominated/ appointed House or indirect and partially nominated which is not subject to dissolution. The Upper House does not enjoy legislative powers at par with the Lower House. It is the Lower House which enjoys the principal role in legislative process. There is, however, a provision for the resolution of deadlock between the two Houses. There is a partial separation of powers between the Parliament and the Executive with the latter being responsible to the former. The Parliament can vote out the Government through a motion of no- confidence. Similarly, the President can dissolve the Lower House of Parliament.

The salient features of this type are as under:

- i. Indirect and nominated/appointed Upper House or indirect and partially nominated not subject to dissolution
- ii. Members of Upper House are delegated by the Provincial Parliaments
- iii. Composition of the Upper House as well as term of the Upper House are variable
- iv. Upper House does not enjoy legislative powers at par with Lower House
- v. Upper House has both suspensive as well as absolute veto in case of passage of Bills
- vi. Lower House has the principal role in the legislative process
- vii. Executive responsible to Lower House and can be voted out through no-confidence motion by the latter
- viii. Partial separation of powers between Parliament and Executive
- ix. President can dissolve the Lower House

The above type is in operation in the Parliament of Austria (See Annexure XXII)

FEATURE-WISE CATEGORISATION

A. Manner of Election

There are three countries having Parliamentary form of democracy with Semi-Presidential Federal Government. While the Parliament of Russia has an indirectly elected and partially nominated Upper House, Switzerland elects Members to the Upper House of the Parliament directly and Austria has an indirectly elected Upper House.

B. Permanency of the House

The Parliaments of Austria, Russia and Switzerland have an Upper House which is not subject to dissolution.

C. Legislative Powers of The Upper House *vis-a-vis* the Lower House

1. Ordinary Bills

Parliaments of Russia and Switzerland have bicameral Houses with co-equal legislative powers. However, the Lower House of the Parliament of Austria has principal role in the legislative process.

2. Money/Financial Bills

As in the case of the Ordinary Bills, the Parliaments of Russia and Switzerland enjoy co-equal legislative powers in the passage of Money/ Financial Bills. However, the Lower House of the Parliament of Austria has principal role in the legislative process.

3. Special Legislative Powers

None of the Parliaments of Russia and Switzerland bestows any special legislative powers on its Upper House. However, Parliament of Austria bestows special legislative powers on the Upper House.

D. Exclusive Powers

The Upper House of the Parliament of Russia has been bestowed with some exclusive powers other than the legislative powers, whereas the Parliaments of Austria and Switzerland do not bestow any exclusive power on their Upper Houses.

E. Mechanism to resolve deadlock between two Houses

Parliaments of Russia and Switzerland have bicameral Houses with co-equal legislative powers. Both of them have a mechanism in place to resolve deadlock between them over the passage of legislations. Parliament of Austria does not have any mechanism to resolve deadlock between both the Houses, since the Lower House has a principal role in the legislative process.

*Annexure XX***FEDERAL ASSEMBLY OF RUSSIA****Federation Council (Upper House)**

- ✓ Indirectly elected and partially nominated House with tenure of 6 years
- ✓ Permanent House not subject to dissolution
- ✓ Can initiate legislations
- ✓ Enjoys reviewing powers in the legislative process including the Budget
- ✓ Possesses certain exclusive powers

State Duma (Lower House)

- ✓ Directly elected House with a term of 5 years
- ✓ State Duma is responsible for the adoption of federal constitutional laws and federal laws
- ✓ Deadlock between Houses: Provision of a Conciliation Commission is set up to overcome the disagreements between the two Houses
- ✓ Enjoys special power to appoint Head of the Government

Parliament and the Executive

- ✓ There is a partial separation of powers
- ✓ Executive is not constituted from amongst the Members of the Russian Parliament. However, the Executive is responsible to the Lower House
- ✓ The President of the Russian Federation can dissolve the State Duma or announce resignation of Government in case of repeated conflicts between the State Duma and the Government
- ✓ The Lower House can bring impeachment charges against the President of the Russian Federation

Russia

- | | |
|--------------------------------------|--|
| 1. Constitution of Parliament | <i>Federalnoye Sobraniye</i> (Federal Assembly) of Russia consists of <i>Soviet Federatsii</i> (Council of the Federation); and <i>Gossoudarstvennaya Duma</i> (State Duma) |
| 2. Upper House | <i>Soviet Federatsii</i> (Council of the Federation) |
| (i) Manner of Election | Appointed (Indirect)

The Council of the Federation includes two representatives from each subject of the Russian Federation: one from the legislative and one from the executive body of state authority. |
| (ii) Composition | 170; The Council of Federation has two representatives from each constituent of the federation, one each from legislative and executive bodies. 30 nominated by President. Former Presidents are appointed lifetime members of the Council of the Federation. |
| (iii) Tenure | Generally, 6 years

Individual Members' term varies according to the republic/region they represent. |
| (iv) Manner of dissolution | The Federation Council is a permanent body. |
| (v) Legislative Powers | The Federation Council together with the State Duma takes part in drafting laws, reviewing them and taking decisions.

It also has the right to initiate a legislation.

Federal laws adopted by the State Duma are subject to mandatory review by the Federation Council in certain matters.

A federal law is deemed approved by the Federation Council, if it is voted for by more than one half of the total number of members, while constitutional laws are adopted by a three fourths majority.

In addition, a federal law that is not subject to mandatory review is deemed to have been adopted if the Federation Council does not take it up for review within fourteen days. |
| (vi) Any special powers | Approval of changes in borders between subjects of the Russian Federation; Approval of a decree of the President of the Russian Federation on the |

introduction of martial law; Approval of a decree of the President of the Russian Federation on the introduction of a state of emergency; Deciding on the possibility of using the Armed Forces of the Russian Federation outside the territory of the Russian Federation; Declaring of elections of the President of the Russian Federation; Impeachment of the President of the Russian Federation; Approving the President's nomination of judges of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation, of the Higher Arbitration Court of the Russian Federation; Approving the President's nomination of the Attorney General of the Russian Federation; Appointment and dismissal of the Deputy Chairman and half of the auditors of the Accounting Chamber.

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|--------------|------------------------------|-------------------|
| 3. | Lower House | State Duma |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 450 Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Can be dissolved. |
- The State Duma may express no-confidence in the Government of the Russian Federation. A no-confidence resolution shall be adopted by a majority of votes of the total number of the deputies of the State Duma. After the State Duma expresses no-confidence in the Government of the Russian Federation, the President of the Russian Federation shall be free to announce the resignation of the Government or to reject the decision of the State Duma. In case the State Duma again expresses no-confidence in the Government of the Russian Federation during three months, the President of the Russian Federation shall announce the resignation of the Government or dissolve the State Duma.
- | | | |
|------------|---------------------------|---|
| (v) | Legislative Powers | The State Duma is responsible for the adoption of federal constitutional laws and federal laws. |
|------------|---------------------------|---|

- In certain cases as prescribed by the Constitution the federal laws are subject to mandatory review of the Federation Council.
- A federal law that is not subject to mandatory review is deemed to have been adopted if the Federation Council does not take it up for review within fourteen days.
- (vi) Any special powers** Consent to the appointment of the Prime Minister of Russia; Deciding the issue of confidence in the Government of the Russian Federation; Hearing annual reports from the Government of the Russian Federation on the results of its work, including on issues raised by the State Duma; Appointment and dismissal of the Chairman of the Central Bank of the Russian Federation; Appointment and dismissal of the Chairman and half of the auditors of the Accounts Chamber; Appointment and dismissal of the Commissioner for Human Rights, who shall act according to the Federal Constitutional Law; Announcement of amnesty; Bringing charges against the President of the Russian Federation for his impeachment
- (vii) Resolution of a deadlock between the Houses** If the Federation Council rejects a federal draft law, the two chambers may set up a Conciliation Commission to overcome the differences, after which the draft federal law has to be reviewed once again by the State Duma and the Federation Council.
- (viii) Relationship between legislature and executive** There is partial separation of powers. The President of the Russian Federation is the Head of the State directly elected for a term of six years. He appoints the Chairman of the Government of the Russian Federation with the consent of the State Duma.
- Executive is not constituted from amongst the Members of the Russian Parliament, it is, however, responsible to the Lower House of the Parliament.
- Executive consists of Chairman of the Government of the Russian Federation, Deputy Chairman of the Government of the Russian Federation and federal ministries appointed by the President with the consent of State Duma. They are responsible to the State Duma.

State Duma can bring in no-confidence motion against the Government.

Even in the case of a state of emergency imposed on the entire territory of the Russian Federation, the Federation Council and the State Duma continue to function during the entire period of the emergency. Therefore, President does not have power to issue Ordinances.

Annexure XXI

FEDERAL ASSEMBLY OF SWITZERLAND

National Council (Upper House)

- ✓ Directly elected House with a term of 4 years
- ✓ Not subject to dissolution
- ✓ Plays a role in the election of the Government
- ✓ Enjoys equal status and powers as those of the Lower House

Council of States (Lower House)

- ✓ Directly elected House with a term of 4 years
- ✓ Plays a role in the election of the Government
- ✓ Enjoys equal status and powers as those of Upper House
- ✓ Mechanism for resolution of deadlock between Houses

Parliament and Executive

- ✓ There is a strict separation of powers between the Parliament and the Executive
- ✓ Executive power is vested in the Government
- ✓ The Government is elected by the Federal Assembly from amongst its Members
- ✓ Federal Assembly cannot remove Members of the Executive
- ✓ The Government cannot dissolve the Federal Assembly

SWITZERLAND

- | | | |
|-------|--|--|
| 1. | Constitution of Parliament | The Federal Assembly, the Swiss Parliament, comprises of two chambers: the National Council and the Council of States. |
| 2. | Upper House | The Council of States |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 46 representatives |
| (iii) | Tenure | 4 years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | It has exactly the same powers/rights as the Lower House. Both Houses enjoy equal status and have the same competence to consider business |
| (vi) | Any special powers | None |
| 3. | Lower House | The National Council |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 200 Members |
| (iii) | Tenure | 4 years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | Exactly the same role as the Upper House. The budget must be approved by both Houses. |
| (vi) | Any special powers | None |
| (vii) | Resolution of a deadlock between the Houses | If there are differences between the Councils following three detailed discussions in each Council, the committees of both Councils dealing with the item of business concerned each contribute 13 members to the Conciliation Committee. The Conciliation Committee submits to both Councils a compromise motion that eliminates the remaining differences in their entirety. If the compromise motion is rejected by either of the Councils, the entire bill falls through and is withdrawn from the list of items of business. A special procedure for settling differences applies to the budget and supplementary credits. If either Council rejects the compromise motion on the Federal Budget or on supplementary credits, the decree based on the third round of deliberations that provides for a lower amount is considered accepted. |

- (viii) **Relationship between legislature and executive** The Executive authority is vested in the Federation Council (Government). The Federation Council and its President (Head of the Government) is elected by Federal Assembly. Persons who are not Member of Parliament can be (and are) elected. However, if the Parliament elects one of its Members, he ceases to be a Member of the Parliament. Members of the Government cannot be members of the Parliament. In this sense, there is a strict separation of powers between the Government and the Parliament. But there is a close cooperation between the powers. In other words: There is a strict separation of powers in the personal (incompatibilities), but not in the functional sense.
- The Government cannot dissolve the Federal Assembly and the Federal Assembly cannot remove any Member of Federation Council.
- (ix) **Other unique features** Switzerland is not a competitive democracy but a consensus democracy. This means that all main political parties are represented in the government. All large parties have (depending on their size) one or two seats in the government.
- Direct Democracy:
- In Switzerland the people play a large part in the federal political decision-making process. All Swiss citizens aged 18 and over have the right to vote in elections and referendums. The Swiss electorate are called on approximately four times a year to exercise this right and vote on an average 15 federal proposals.

*Annexure XXII***PARLIAMENT OF AUSTRIA****Federal Council (Upper House)**

- ✓ Members of the House are indirectly chosen by Provincial Parliaments
- ✓ Members delegated to the Council by Provincial Parliaments
- ✓ Delegation of Members proportionate to population of the Provinces
- ✓ Composition of the House is variable
- ✓ Term of Members linked to duration of their respective Provincial Parliaments
- ✓ No legislative period of Federal Council of its own and as such it is in Session since 1945
- ✓ Not subject to dissolution
- ✓ Legislative powers not at par with Lower House
- ✓ Enjoys both suspensive as well as absolute veto in respect of passage of Bills

National Council (Lower House)

- ✓ Directly elected with 5 years term
- ✓ Subject to dissolution
- ✓ Enjoys principal role in the legislative process
- ✓ Provision for breaking the deadlock between the two Houses

Parliament and Executive

- ✓ Partial separation of powers between the two organs
- ✓ Executive responsible to the Lower House
- ✓ Provision for vote of no-confidence against executive by the Lower House
- ✓ Provision for dissolution of the Lower House by the President

AUSTRIA

- | | | |
|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | Austrian Parliament consists of two Houses: Bundesrat (Federal Council) (Upper House); and Nationalarat (National Council) (Lower House). |
| 2. | Upper House | Bundesrat (Federal Council) |
| (i) | Manner of Election | Indirect and nominated by provinces |
| (ii) | Composition | <p>The Members of Federal Council are delegated by the Provincial Parliaments in proportion to the relative strengths of the parties there.</p> <p>The number of Members delegated by a Federal Province depends on the population figure of that Province. Accordingly, the most populous Province delegates 12 and the smallest 3 Members.</p> <p>A change in the population of a Province leads to a change in its representation in the Federal Council.</p> <p>Thus the total number of Members is variable. At present, it has 61 Members who are elected by each Provincial Parliament for the duration of the legislative period of the Province concerned.</p> <p>The composition of the Federal Council may change after every Provincial Parliament election.</p> |
| (iii) | Tenure | The Federal Council has no legislative period of its own. |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | <p>The Federal Council does not have equivalent legislative powers with those of the National Council which has the principal role in the legislative process.</p> <p>The Federal Council or one third of its Members can address legislative initiatives to the National Council, which are subjected to the same legislative process as all other bills.</p> <p>In addition, the Federal Council can address resolutions on political matters to the Federal Government. Members of the Federal Council can also put written or oral questions as well as urgent questions to the Federal Government. The Federal Council is entitled to receive information and state its position on EU matters and take part in the parliamentary subsidiarity test procedure.</p> |

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|--------------|--|--|
| (vi) | Any special powers | <p>The Federal Council enjoys the Right to Veto as it can object to Bills adopted by the National Council. But this is only a suspensive veto as the National Council can overrule the Federal Council objection by repeating its previous decision.</p> <p>The Federal Council enjoys absolute veto in the following two cases:</p> <ul style="list-style-type: none"> (i) Constitutional laws or clauses restricting the competence of the Provinces; and (ii) Legal provisions affecting the Federal Council itself. |
| 3. | Lower House | Nationalarat (National Council) |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 183 Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | <p>The Federal President can dissolve the National Council on the recommendation of the Federal Government. After the dissolution, the new National Council must be elected and convened within 100 days from the date of dissolution.</p> <p>The National Council can vote its own dissolution by simple law before expiry of its legislative period. However, it is technically a decision to hold fresh elections for the constitution of the National Council. Unlike the case of dissolution by the Federal President, in this case the National Council remains fully functional until the newly elected House convenes.</p> |
| (v) | Legislative Powers | The National Council has the principal role in the legislative process of Austrian Parliament. All legislative procedures have to commence in the National Council and only the National Council can amend Bills in Committee proceedings and the second/ third reading on the floor of the House. |
| (vi) | Any special powers | The National Council enjoys exclusive responsibility in legislative decisions pertaining to federal finances. |
| (vii) | Resolution of a deadlock between the Houses | No mechanism for resolution of deadlock. |

- (viii) **Relationship between legislature and executive**
- The separation of powers between the Executive and the Legislature is partial. The Members of the Federal Government must be eligible to be a Member of the National Council but they need not be Members of Parliament.
- The Federal Government is accountable to both Houses of Parliament but its survival depends on the support enjoyed by it in the National Council.
- The National Council enjoys the power to pass a motion of no-confidence against the Federal Government. As a result of which the Federal President is obliged to dismiss the Federal Government.
- The Federal President of Austria is the Head of State directly elected by the Austrian people for a term of six years. The resolution with respect to the impeachment of the President can be initiated in either House and agreed upon by both the Houses. The matter is then referred to a Constitutional Court which may pass a ruling removing him from office.

SUB-MODEL A4: PARLIAMENTARY FORM OF DEMOCRACY WITH SEMI-PRESIDENTIAL UNITARY GOVERNMENT

MADAGASCAR TYPE

In this Type, the Upper House is an indirect and nominated/ appointed House or indirect and partially nominated which is not subject to dissolution. The Upper House does not enjoy legislative powers at par with the Lower House. It is the Lower House which enjoys the principal role in legislative process. There is, however, a provision for the resolution of deadlock between the two Houses. There is a partial separation of powers between the Parliament and the Executive with the latter being responsible to the former. The Parliament can vote out the Government through a motion of no-confidence. Similarly, the President can dissolve the Lower House of Parliament.

The salient features of this type are as under:

- ✓ Indirect and nominated/appointed Upper House or indirect and partially nominated not subject to dissolution
- ✓ Members of Upper House are delegated by the Provincial Parliaments
- ✓ Composition of the Upper House as well as term of the Upper House are variable
- ✓ Upper House does not enjoy legislative powers at par with Lower House
- ✓ Upper House has both suspensive as well as absolute veto in case of passage of Bills
- ✓ Lower House has the principal role in the legislative process
- ✓ Executive responsible to Lower House and can be voted out through no-confidence motion by the latter
- ✓ Partial separation of powers between Parliament and Executive
- ✓ President can dissolve the Lower House

The above type is in operation in the Parliament of Madagascar (*See Annexure XXIII*).

FRENCH TYPE

In the French Type, there is an indirectly elected Upper House which enjoys equal legislative powers along with the Lower House. There is a provision for resolution of deadlock between the two Houses over the passage of Bills. There is a soft separation of powers between the Parliament and the Executive with the latter being responsible to the former. The Parliament enjoys the power to vote out Government by a motion of censure or no-confidence. A unique feature of the semi-Presidential form of democracy is that the executive power is exercised by an elected President who is aided by a Council of Ministers headed by the Prime Minister appointed by him. Interestingly, it is

the Prime Minister and his Council of Ministers which is responsible to the Lower House of Parliament which can vote them out by a vote of no-confidence. The President despite being the Head of the Executive is not responsible to the Parliament. The President, however, can be impeached by the Parliament.

The salient features of this type are as under:

- ✓ Indirectly elected Upper House
- ✓ Upper House enjoys equal legislative powers with Lower House
- ✓ Mechanism for resolution of deadlock between the Houses
- ✓ Soft separation of powers between Parliament and Executive
- ✓ Government responsible to Lower House

The above type is in operation in the Parliaments of the Belarus (*See Annexure XXIV*); Democratic Republic of Congo (*See Annexure XXV*); and Republic of France (*See Annexure XXVI*).

CAMEROONIAN TYPE

This Type is similar to the French Type. However, these countries have an indirectly elected and partially nominated/appointed Upper House which enjoys equal legislative powers along with the Lower House. There is a provision for resolution of deadlock between the two Houses over the passage of Bills. There is a soft separation of powers between the Parliament and the Executive with the latter being responsible to the former. The Parliament enjoys the power to vote out Government by a motion of censure or no-confidence. A unique feature of the semi-Presidential form of democracy is that the executive power is exercised by an elected President who is aided by a Council of Ministers headed by the Prime Minister appointed by him. Interestingly, it is the Prime Minister and his Council of Ministers which is responsible to the Lower House of Parliament which can vote them out by a vote of no-confidence. The President despite being the Head of the Executive is not responsible to the Parliament. The President, however, can be impeached by the Parliament.

The salient features of this type are as under:

- ✓ Indirectly elected Upper House and partially nominated/appointed
- ✓ Upper House enjoys equal legislative powers with Lower House
- ✓ Mechanism for resolution of deadlock between the Houses
- ✓ Soft separation of powers between Parliament and Executive
- ✓ Government responsible to Lower House

The above type is in operation in the Parliaments of Republic of Cameroon (*See Annexure XXVII*), and Republic of Uzbekistan (*See Annexure XXVIII*).

FEATURE-WISE CATEGORISATION

A. Manner of Election

There are 6 countries (Madagascar, Belarus, Democratic Republic of Congo, France, Cameroon and Uzbekistan) having Parliamentary form of democracy with Semi-Presidential Unitary Government. The Parliaments of France and Democratic Republic of Congo under this category have indirectly elected Upper House. Belarus, Cameroon, Madagascar and Uzbekistan have an indirectly elected and partially nominated Upper House.

B. Permanency of the House

Parliaments of 4 countries, namely, Cameroon, Democratic Republic of Congo, France and Madagascar have an Upper House not subject to dissolution. These five countries have an Upper House with a fixed term. However, Parliaments of two countries, namely, Belarus and Uzbekistan have an Upper House which is subject to dissolution.

C. Legislative Powers of the Upper House *vis-a-vis* the Lower House

1. Ordinary Bills

The Upper House of the Parliaments of 3 countries (Belarus, Democratic Republic of Congo and Uzbekistan) have amending powers in case of Ordinary Bills. In case of Parliaments of Cameroon, France and Madagascar, it is the Lower House which holds primacy in the passage of Ordinary Bills.

2. Money/Financial Bills

The Upper House of Parliaments of 3 countries (Belarus, Democratic Republic of Congo and Uzbekistan) has the power to amend a Money/ Financial Bill. In case of Parliaments of other 3 countries (Cameroon, France and Madagascar), it is the Lower House which enjoys primacy in the passage of Money/ Financial Bills.

3. Special Legislative Powers

As regards special legislative powers, the Upper Houses of Parliaments of Belarus, Democratic Republic of Congo, Cameroon, Madagascar and Uzbekistan do not have any such privilege bestowed upon them. However, the Upper Houses of the Parliaments of France enjoy special legislative powers.

D. Exclusive Powers

The Upper House of the Parliaments of Belarus, France, Madagascar and Uzbekistan (amounting to 67%) has been bestowed with certain exclusive powers other than the special legislative powers. The Upper House of the Parliaments of Democratic Republic of Congo and Cameroon do not enjoy any exclusive powers other than the special legislative powers.

E. Mechanism to Resolve Deadlock between two Houses

All the Parliaments of six countries, namely, Belarus, Cameroon, Democratic Republic of Congo, France, Madagascar and Uzbekistan have a mechanism to resolve deadlock between the two Houses over the passage of a legislation. However, the Upper House does not have any overriding power in such a scenario.

*Annexure XXIII***PARLIAMENT OF MADAGASCAR****Senate**

- ✓ Indirectly elected and appointed House with a fixed term of 5 years
- ✓ Not subject to dissolution
- ✓ Legislative powers are par with those of the Lower House

National Assembly

- ✓ Directly elected House with a term of 5 years
- ✓ Subject to dissolution
- ✓ The Lower House has overriding powers in case of a deadlock in the passage of a legislation

Parliament and the Executive

- ✓ Soft separation of powers
- ✓ The executive power is exercised by the President of the Republic and the Government
- ✓ The President of the Republic is the Head of State who is elected directly
- ✓ The Government consist of the Prime Minister and Ministers. The Prime Minister and Council of Ministers are responsible for their actions to the President

MADAGASCAR

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|-------|-----------------------------------|---|
| 1. | Constitution of Parliament | Parliament of Madagascar consists of the Senate (Upper House); and the National Assembly (Lower House). |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Indirectly elected and appointed |
| (ii) | Composition | 18 members; 12 indirectly elected and 6 appointed members.

Two Senators per province are elected by an electoral college comprising the Mayors, the municipal and communal councilors. Six Members are appointed by the Head of State. |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Not subject to dissolution |
| (v) | Legislative Powers | Equal legislative powers. The initiative of laws belongs concurrently to the Prime Minister, to the Deputies and to the Senators which may be introduced in either the Upper House or the Lower House. |
| (vi) | Any special powers | The Senate is consulted by the Government to give its opinion on economic, social and organizational issues of Decentralized Territorial Collectivities (Local Governments). |
| 3. | Lower House | National Assembly |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 151 |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | The President of the Republic may, after information to the Prime Minister, and after consultation with the Presidents of the Assemblies, pronounce the dissolution of the National Assembly. |
| v) | Legislative Powers | Equal legislative powers. The initiative of laws belongs concurrently to the Prime Minister, to the Deputies and to the Senators may be introduced in either of the two Houses. |
| (vi) | Any special powers | When the two chambers cannot agree on a piece of draft legislation, the decision of the lower chamber takes effect after a certain deadline. |

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| (vii) | Resolution of a deadlock between the Houses | Parliamentary Commission |
| (viii) | Relationship between legislature and executive | <p>Soft separation of powers</p> <p>The President of the Republic is the Head of State who is elected directly.</p> <p>The Government consists of the Prime Minister and Ministers. The President appoints the Prime Minister who in turn appoints the Ministers. Ministers cannot be members of Parliament. The President shall preside over the Council of Ministers.</p> <p>The President shall dissolve the National Assembly at the request of the Council of Ministers.</p> <p>If the Parliament fails to pass a legislation including a financial Bill, it can be promulgated as an ordinance by the President.</p> |

Annexure XXIV

NATIONAL ASSEMBLY OF BELARUS**Council of Republic (Upper House)**

- ✓ Indirectly elected and nominated House with a term of 4 years
- ✓ Subject to dissolution by the Government
- ✓ All legislative proposals are introduced in the House of Representatives but they must be passed by the Upper House in order for it to be enacted into law

House of Representatives (Lower House)

- ✓ Directly elected and appointed House with a term of 4 years
- ✓ Subject to dissolution by the Government
- ✓ All legislative proposals are introduced in the House of Representatives but they must be passed by the Upper House in order for it to be enacted into law

Parliament and the Executive

- ✓ Soft separation of powers between the Executive and the Legislature
- ✓ The President is the Head of the State
- ✓ The Parliament plays a role in the impeachment process of the President
- ✓ The President appoints the Prime Minister who is the Head of the Government
- ✓ The Prime Minister along with the Council of Ministers are the Executive
- ✓ The Government in its activity is accountable to the President of the Republic of Belarus and responsible to the Parliament of the Republic of Belarus
- ✓ A no-confidence vote against the Government may be carried out at the initiative of no less than one-third of the full composition of the House of Representatives

BELARUS

- | | | |
|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | The Parliament consists of the House of Representatives (Lower House) and the Council of the Republic (Upper House) |
| 2. | Upper House | Council of the Republic |
| (i) | Manner of Election | Indirect and appointed |
| (ii) | Composition | It consists of total 64 members

56 are elected by secret vote (ballot system) at sessions of local Councils of Deputies and 08 members are appointed by the President |
| (iii) | Tenure | 4 years |
| (iv) | Manner of dissolution | Can be dissolved |
| (v) | Legislative Powers | The Upper House has to pass a Bill for it to be enacted into law, however, all legislative proposals are introduced only in the House of Representatives |
| (vi) | Any special powers | Gives consent to the appointment of constitutional authorities like the President of the country; Chairperson of the Constitutional Court; Chairperson and judges of the Supreme Court; Chairperson and judges of the Supreme Economic Court; Chairperson of the Central Commission on Elections and National Referendums; Prosecutor General; Chairperson and members of the Board of the National Bank, etc.

It also elects six judges of the Constitutional Court; elects six members of the Central Commission of the Republic of Belarus on Elections and National Referendums;

It can cancel decisions of local Soviets of Deputies that are at variance with the country's legislation. |
| 3. | Lower House | House of Representatives |
| (i) | Manner of Election | Direct

The House of Representatives consists of 110 members who are elected on the basis of direct electoral suffrage by secret ballot. |
| (ii) | Composition | Fully elected |
| (iii) | Tenure | 4 years |
| (iv) | Manner of dissolution | Can be dissolved |

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|-------|---|--|
| (i) | Legislative Powers | <p>According to the Constitution of the Republic of Belarus the House of Representatives:</p> <ul style="list-style-type: none"> - Considers bills forwarded by the President or submitted by no less than 150 thousand voters to amend or to give interpretation of the Constitution; - Grants consent to the President for the appointment of the Prime Minister; - Considers the report of the Prime Minister on the Government's policy programme and approves or rejects it; the second rejection of the programme means expression of no-confidence against the Government; - Considers a call for a vote of confidence on the initiative of the Prime Minister; - On the initiative of no less than one-third of the full composition of the House of Representatives expresses a no-confidence vote against the Government; the issue of liability of the Government may not be raised in the course of one year after the approval of the programme of government policy; - The right of legislative initiative shall belong to the President and members of the House of Representatives, with partial mobilisation no later than three days after their submission and take the appropriate decision. |
| (ii) | Any special powers | <p>Any bill, unless otherwise specified by the Constitution, shall be initially considered in the House of Representatives and then in the Council of the Republic.</p> |
| (iii) | Resolution of a deadlock between the Houses | <p>If the draft law is rejected by the Council of the Republic, both the Houses of the Parliament may create a conciliation commission on a parity basis. This decision is adopted by a majority vote of the full composition of each of the chambers of the National Assembly.</p> |
| (iv) | Relationship between legislature and executive | <p>Soft separation of powers between the Legislature and the Executive</p> <p>The President is the Executive Head of the State</p> <p>The President may be removed from office for acts of state treason and other grave crimes. The</p> |

decision to file a charge against the President shall be supported by a majority of the whole House of Representatives on behalf of no less than one-third of the number of deputies. The investigation of the charge shall be exercised by the Council of the Republic. The President shall be deemed to be removed from office if the decision is adopted by no less than two-thirds of the full composition of the Council of the Republic, and no less than two-thirds of the full House of Representatives.

The President appoints the Prime Minister who is the Head of the Government with the consent of the House of Representatives. The Prime Minister along with the Council of Ministers are the Executive.

The Government in its activity shall be accountable to the President of the Republic of Belarus and responsible to the Parliament of the Republic of Belarus. A no-confidence vote against the Government may be carried out on the initiative of no less than one-third of the full composition of the House of Representatives.

*Annexure XXV***PARLIAMENT OF DEMOCRATIC REPUBLIC OF CONGO****Senate (Upper House)**

- ✓ Indirectly elected House with a term of 5 years
- ✓ Not subject to dissolution
- ✓ A Bill has to be passed by both Houses and is referred to a Joint Committee for resolution of deadlock

National Assembly (Lower House)

- ✓ Directly elected House with a term of 5 years
- ✓ Subject to dissolution
- ✓ A Bill has to be passed by both Houses and is referred to Joint Committee for resolution of deadlock
- ✓ In case of persistent disagreement between both the Houses during the process of resolution of deadlock, the National Assembly has the final say
- ✓ Can adopt censure motion against the Government

Parliament and the Executive

- ✓ There is soft separation of powers between the two organs
- ✓ The President of the Republic is Head of the State
- ✓ The President of the Republic convenes and chairs the Council of Ministers.
- ✓ Legislative power of the State is vested with the Parliament
- ✓ President appoints the Head of the Government (Prime Minister)
- ✓ Executive power vests with the Government which is drawn from the ranks of parties having parliamentary majority
- ✓ Executive is responsible to the Lower House
- ✓ National Assembly can pass a motion of censure or defiance against the Government or a member of the Government.

DEMOCRATIC REPUBLIC OF CONGO

- | | | |
|-------|--|---|
| 1. | Constitution of Parliament | The Parliament consists of National Assembly (Lower House) and Senate (Upper House) |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Indirect |
| (ii) | Composition | 109 |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Cannot be dissolved

Term of the Senate expires at the end of 5 years and a fresh Senate is constituted. |
| (v) | Legislative Powers | Both the Houses enjoy co-equal powers in the passage of legislations <i>i.e.</i> the Bills are successively considered by both the Houses.

In case of disagreement between the Houses, the Bill is referred to a Joint Committee for resolution of deadlock. |
| (vi) | Any special powers | Nil |
| 3. | Lower House | National Assembly |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 500 |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Can be dissolved if there is a permanent conflict between the Government and the National Assembly. President of the Republic dissolves the National Assembly in consultation with the Prime Minister and the Presiding Officers of the National Assembly. |
| (v) | Legislative Powers | Both the Houses enjoy co-equal powers in the passage of legislations <i>i.e.</i> the Bills are successively considered by both the Houses.

In case of disagreement between the Houses, the Bill is referred to a Joint Committee for resolution of deadlock. |
| (vi) | Any special powers | Money Bills or Financial Bills are introduced by the Government in the National Assembly. |
| (vii) | Resolution of a deadlock between the Houses | Joint committee is created whenever there are disparities in passage of laws. Each Government bill and legislative proposal is examined |

successively by the two Chambers with the view to adopting an identical text. If, as a result of a disagreement between the two Chambers, a joint committee with equal representation from both Chambers is charged with the responsibility to propose a text for the provisions which are still under discussion.

The text drafted by the joint committee is submitted for adoption to both Chambers. If the joint committee does not succeed in adopting a common text, the National Assembly takes the final decision. In that event, the National Assembly may reconsider either the text drafted by the joint committee, or the last text voted by itself, which may or may not contain amendment(s) of the Senate.

(viii) Relationship between legislature and executive

Soft separation of powers exists

President of the Republic is the Head of State. The President of the Republic can pass Orders which have the power of law which have to be ratified by Parliament later. The President convenes and chairs the Council of Ministers. In case of his incapacitation; he delegates this power to the Prime Minister.

Executive power vests in the Government.

Head of Government is the Prime Minister who is appointed from the ranks of parties having parliamentary majority. The Prime Minister before assuming his functions presents the programme of the Government to the National Assembly. National Assembly expresses confidence in the Government by approving the programme by absolute majority of its members. The Government is responsible to the National Assembly. The National Assembly may challenge the Government or a member of the Government by voting a motion of censure or defiance.

Legislative powers are vested with the Parliament. In case of a finance bill submitted within the constitutional deadlines by the Government is not adopted before the start of the new fiscal year by the Parliament, it is enacted by the President of the Republic, upon a proposal by the Government after deliberation by the Council of Ministers, taking into account the amendments adopted by each Chamber.

*Annexure XXVI***PARLIAMENT OF FRANCE****Senate (Upper House)**

- ✓ Indirectly elected with a term of 6 years
- ✓ Not subject to dissolution
- ✓ Half of Senate renewed after every 3 years
- ✓ Enjoys equivalent legislative powers with the Lower House
- ✓ Bill for territorial organisation must be introduced in the House

National Assembly (Lower House)

- ✓ Directly elected with a term of 5 years
- ✓ Subject to dissolution
- ✓ Enjoys equivalent legislative powers with the Upper House
- ✓ Financial and social security bills can be introduced only in the National Assembly
- ✓ Has the final say in cases of persistent disagreement between both the Houses

Parliament and Executive

- ✓ Soft separation of powers
- ✓ President of Republic is the Head of the State
- ✓ Prime Minister is the Head of the Government
- ✓ However, the President of the Republic presides over the Council of Ministers
- ✓ The President can be removed from office by the Parliament sitting as the High Court
- ✓ Members of the Government are not Members of Parliament
- ✓ Government is responsible to the Lower House
- ✓ National Assembly can pass a resolution of no-confidence against the Government

FRANCE

- | | | |
|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | <p>The French Parliament consists of two Chambers:</p> <p>The Senate (Upper House); and</p> <p>The National Assembly (Lower House).</p> |
| 2. | Upper House | The Senate |
| (i) | Manner of Election | <p>Indirect</p> <p>328 Senators are chosen by an electoral college in each metropolitan and overseas department which is composed of:</p> <p>Members of National Assembly for the Department;</p> <p>Members of the Department's General Council as well as the Members of the Regional Council; and</p> <p>Delegates from Municipal Councils.</p> <p>8 Senators are elected within the constituency of the overseas communities;</p> <p>12 Senators who represent French citizens living abroad are elected under a system of proportional representation by Consulate Delegates.</p> <p>Every three years, elections for half of the total seats are held.</p> |
| (ii) | Composition | 348 Members |
| (iii) | Tenure | 6 years |
| (iv) | Manner of dissolution | The Senate cannot be dissolved as it is a permanent Assembly. However, half of the Senate is renewed every three years. |
| (v) | Legislative Powers | <p>The Senate enjoys the equivalent legislative powers with those of the National Assembly while considering a Bill.</p> <p>A Bill can either be initiated by the Government or a Member of the Senate or the National Assembly.</p> <p>The Senate's right to take the initiative is also expressed in its right to amend Bills. The Senators can examine the Bills in detail, article by article and modify it by tabling amendments.</p> <p>A Bill is first discussed by the Chamber to which his/ her author belongs. Similarly, in case of a</p> |

		Government Bill, the first examination of the Bill may be done either by the Senate or the National Assembly.
		Any Bill whether tabled/ introduced by the Government or by a Member of Parliament, is discussed in turn by each of the two Chambers.
		During the examination of a Bill, both Chambers proceed in an equal manner.
		In case of Constitution Amendment Bills also, the Senate enjoys equivalent legislative powers and as such the Government cannot override the opposition of the Senate.
(vi)	Any special powers	Any Bill concerning the territorial organisation must first be tabled before the Senate.
		The Senate represents the local bodies of the Republic which are municipalities/ departments and regions both in metropolitan France and overseas. This provision has made the Senate the guardian and defender of local authorities.
3.	Lower House	The National Assembly
(i)	Manner of Election	Direct
(ii)	Composition	577 Members
(iii)	Tenure	5 years
(iv)	Manner of dissolution	Can be dissolved
(v)	Legislative Powers	Bills can originate both in the National Assembly as well as the Senate
		Both Chambers have equivalent powers when considering and passing a Bill.
		However, in cases of persistent deadlock inspite of the Bill being referred to the Joint Committee of both Houses to resolve the deadlock, the National Assembly has the final say.
(vi)	Any special powers	Finance Bills and Social Security Bills shall be tabled first before the National Assembly.
(vii)	Resolution of a deadlock between the Houses	A Joint Committee of seven Members from the Senate and National Assembly is constituted to resolve the deadlock. However, if the Joint Committee fails to come to an agreement, the Government asks the National Assembly to come to a definitive decision

either on the text of the Joint Committee or on the last text passed by the Assembly, sometimes as modified by certain amendments of the Senate. This possibility open to the Government of relying on the National Assembly thus allows it to overcome opposition from the Senate.

(viii) **Relationship between legislature and executive**

Soft separation of powers.

The President of the Republic is elected directly for a term of 5 years for not more than two consecutive terms. The President can be removed from office by the Parliament sitting as the High Court. A proposal to convene this High Court can originate in either House and is transmitted to the other for a decision on it.

The President can terminate the appointment of the Prime Minister if he tenders resignation of the Government, or appoint/terminate other Members of the Government on the recommendation of the Prime Minister. The President of the Republic presides over the Council of Ministers.

The Government determines and conducts the policy of the Nation. The President of the Republic appoints the Prime Minister and other Ministers on the recommendation of the Prime Minister. The President of the Republic shall preside over the Council of Ministers. Members of the Government are not Members of the Parliament but are responsible to the National Assembly.

The President of the Republic may, after consulting the Prime Minister and the Presidents of the Houses of Parliament, declare the National Assembly dissolved.

The National Assembly may call the Government to account by passing a resolution of no-confidence.

*Annexure XXVII***PARLIAMENT OF CAMEROON****Senate**

- ✓ Indirectly elected and partially appointed House with a fixed term of 5 years
- ✓ Fixed term not subject to dissolution
- ✓ The Upper House does not enjoy co-equal legislative powers with the Lower House.

National Assembly

- ✓ Directly elected House with a fixed term of 5 years
- ✓ Subject to dissolution
- ✓ The Lower House has primacy in all legislative matters

Parliament and the Executive

- ✓ Soft separation of powers
- ✓ President of Republic is the Head of the State
- ✓ Prime Minister is the Head of the Government
- ✓ However, the President of the Republic presides over the Council of Ministers
- ✓ The President can be removed from office by a joint sitting of Parliament.
- ✓ Members of the Government are not Members of Parliament
- ✓ Government is responsible to the Lower House
- ✓ National Assembly can pass a resolution of no-confidence against the Government

CAMEROON

- | | | |
|-------|--|---|
| 1. | Constitution of Parliament | Parliament of Cameroon consists of the Senate (Upper House) and National Assembly (Lower House) |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Indirectly elected and partially appointed |
| (ii) | Composition | 100 Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Fixed term |
| (v) | Legislative Powers | The Upper House does not enjoy co-equal legislative powers with the Lower House.

Only certain category of Bills can be introduced in the Senate. All Bills passed by the Lower House are transmitted to the Senate for passage. The Senate can pass, reject or amend a Bill. If the Senate rejects a Bill and if the mechanism for resolution of deadlock fails, the Lower House has primacy in the passage of the Bill. |
| (vi) | Any special powers | No |
| 3. | Lower House | National Assembly |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 180 Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Subject to dissolution

The President of the Republic may, if necessary and after consultation with the Government, the Bureau of the National Assembly and the Senate dissolve the National Assembly. |
| (v) | Legislative Powers | The Lower House has primacy in all legislative matters.

Bills can be introduced, passed or rejected by both the Houses of the Parliament |
| (vi) | Any special powers | The Lower House has overriding powers in case a Bill is rejected by the Upper House. |
| (vii) | Resolution of a deadlock between the Houses | Where an absolute majority cannot be reached, the President of the Republic may convene a meeting of a joint commission comprising equal |

representation of both houses to propose a common formulation of the provisions rejected by the Senate. The text prepared for the Joint Commission shall be submitted to both Houses by the President of the Republic for approval. No amendment shall be admissible, except with the approval of the President of Republic.

Where the joint commission fails to agree on a common text, or where such text is not adopted by both Houses, the President of the Republic may:

- either request the National Assembly to take a final decision thereon; or
- declare the Government Bill or Private Members' Bill null and void.

(viii) Relationship between legislature and executive

Soft separation of powers.

The President of the Republic who is directly elected is the Head of State is the Executive.

The President of the Republic appoints the Prime Minister and, on the proposal of the latter, the other members of Government. He defines their duties and terminates their appointment. He presides over the Council of Ministers.

Both Houses of Parliament have a role to play in the impeachment procedure of the President.

Annexure XXVIII

PARLIAMENT OF UZBEKISTAN

Senate (Upper House)

- ✓ Indirectly elected and partially appointed with 5 years term
- ✓ Subject to dissolution
- ✓ Enjoys equivalent legislative powers with the Lower House
- ✓ Enjoys exclusive powers in certain areas as provided for by the Constitution

Legislative Chamber (Lower House)

- ✓ Directly elected with a term of 5 years
- ✓ Subject to dissolution
- ✓ Enjoys equivalent legislative powers with the Upper House
- ✓ Enjoys exclusive powers in certain areas as provided for by the Constitution

Parliament and Executive

- ✓ Partial separation of powers
- ✓ President of Republic is the Head of the State
- ✓ Prime Minister is the Head of the Government
- ✓ Government is responsible to the Parliament
- ✓ The Parliament can pass a resolution of no-confidence against the Government

UZBEKISTAN

- | | | |
|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | Parliament of the Republic of Uzbekistan (<i>Oliy Majlis</i>) consists of two Chambers - the Legislative Chamber (Lower House); and the Senate (Upper House) |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Indirect and partially appointed |
| (ii) | Composition | 100 members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Subject to dissolution

The Parliament of the Republic of Uzbekistan (<i>Oliy Majlis</i>) may be dissolved by the decision of the President of the Republic of Uzbekistan. |
| (v) | Legislative Powers | Except for the matters described as exclusive to the Senate in the Constitution, all other Bills like Constitutional Amendment Bills, Budget Bills etc. are considered and passed in a Joint Sitting of both Houses. Thus both Houses have co-equal legislative powers. |
| (vi) | Any special powers | The exclusive powers of the Senate include: <ol style="list-style-type: none"> 1) Election of the Chairman of the Senate and his deputies, chairmen of committees and their deputies; members of Constitutional Court of the Republic of Uzbekistan; election, upon the proposal of the President of the Republic of Uzbekistan, of the Supreme Court of the Republic of Uzbekistan; etc. 2) Adoption of resolutions of the Senate on certain issues in the field of political, socio-economic life, as well as issues of domestic and foreign policy of the State, etc. |
| 3. | Lower House | <i>Qonunchilikpalatasi</i> (Legislative Chamber) |
| (i) | Manner of Election | Directly elected |
| (ii) | Composition | 150 members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Subject to dissolution

The Legislative Chamber, the Senate of the <i>Oliy Majlis</i> of the Republic of Uzbekistan may be |

- dissolved by the decision of the President of the Republic of Uzbekistan. In the event that *Oliy Majlis* rejects the candidacy for the post of Prime Minister twice, the President of the Republic of Uzbekistan appoints the Acting Prime Minister and dissolves the *Oliy Majlis* of the Republic of Uzbekistan.
- (v) **Legislative Powers** Except for the matters described as exclusive to the Senate in the Constitution, all other Bills like Constitutional Amendment Bills, Budget Bills etc. are considered and passed in a Joint Sitting of both Houses. Thus both Houses have co-equal legislative powers.
- (vi) **Any special powers** The exclusive powers of the Legislative Chamber of the *Oliy Majlis* of the Republic of Uzbekistan shall include: election of the Speaker of the Legislative Chamber of the *Oliy Majlis*; chairmen of committees and their deputies; adoption of resolutions on those or other matters in the sphere of political, social and economic life, as well as matters of home and foreign policies of the state, etc.
- (vii) **Resolution of a deadlock between the Houses** The Constitution of the country specifies the category of Bills that have to be considered and passed in the Joint Sitting of both Houses of Parliament. In the event of a deadlock between the two Houses on a Bill which need not be passed at a Joint Sitting, the Legislative Chamber and the Senate may form from among deputies of the Legislative Chamber and members of the Senate a Conciliatory Commission for overcoming the occurred disagreements.
- (viii) **Relationship between legislature and executive** Partial separation of powers
- The President is the Head of the State
- Prime Minister and the Cabinet Ministers are appointed by the President and remain responsible to him and the Parliament.
- The nomination of the Prime Minister is proposed by the political party securing the highest number of seats in the elections to the Legislative Chamber of the *Oliy Majlis* or by several political parties, securing the highest number of seats.

The nomination of the Prime Minister is approved by the more than half of the members/ deputies of the Legislative Chambers and Senate.

In the event of the passage of a no-confidence motion against the Prime Minister in the *Oliy Majlis*, the entire Cabinet of Ministers resigns collectively along with the Prime Minister.

SUB-MODEL A5: PARLIAMENTARY FORM OF DEMOCRACY WITH QUASI-FEDERAL GOVERNMENT

PARLIAMENT OF INDIA

(See Annexure XXIX)

Council of States (*Rajya Sabha*)

- ✓ Indirectly elected and partially nominated Upper House
- ✓ Permanent House with one-third of the members retiring after every two years
- ✓ Both Houses of Parliament have co-equal powers in case of Ordinary Bills and Constitution Amendment Bills
- ✓ Special powers vested in the Upper House

House of the People (*Lok Sabha*)

- ✓ Directly elected House with a term of 5 years
- ✓ Subject to dissolution
- ✓ In case of Money Bills, the Lower House has overriding powers
- ✓ There is a mechanism (*i.e.* joint sitting of the two Houses) to resolve the deadlock between the two Houses arising during the passage of a Bill (except in the case of Constitution Amendment Bills and Money Bills)

Parliament and the Executive

- ✓ President is the Head of the State
- ✓ The Council of Ministers headed by the Prime Minister is collectively responsible to the Lower House
- ✓ Partial separation of powers between the Parliament and the executive as the latter is constituted from amongst the members of the former
- ✓ The Council of Ministers enjoys the power to recommend the dissolution of the Lower House
- ✓ The Lower House enjoys the power to remove the Council of Ministers through a vote of no-confidence
- ✓ The Parliament enjoys the power to impeach the President

Annexure XXIX

INDIA

- | | | |
|-------|-----------------------------------|---|
| 1. | Constitution of Parliament | The Parliament of India consists of the President; the Council of States (<i>Rajya Sabha</i>); and the House of the People (<i>Lok Sabha</i>) |
| 2. | Upper House | Council of States (<i>Rajya Sabha</i>) |
| (i) | Manner of Election | Indirectly elected and partially nominated |
| (ii) | Composition | According to the Constitution of India, the maximum strength of the House is 250 Members; 238 representing States and Union Territories; and 12 nominated by the President of India. The present strength is, however, 245 Members of whom 233 are representatives of the States and Union Territories and 12 are nominated Members. |
| (iii) | Tenure | 6 years |
| (iv) | Manner of dissolution | Permanent body/ Not subject to dissolution. One- third of Members of the House retire biennially and these vacancies are filled by biennial elections. |
| (v) | Legislative Powers | The Rajya Sabha enjoys equal powers with the Lok Sabha only in the case of Ordinary Bills and Constitutional Amendment Bills. Ordinary Bills and Constitutional Amendment Bills can be introduced in either House of the Parliament. However, in the case of Money/Financial Bills, the Lok Sabha has the overriding powers. |
| (vi) | Any special powers | The Council of States (<i>Rajya Sabha</i>) enjoys certain special powers under the Constitution, these include: <ul style="list-style-type: none"> a) The power to pass a resolution under article 249 of the Constitution enabling Parliament to legislate on any subject enumerated in the State List. b) The power to create one or more new All India Services common to the Union and the States by passing a resolution supported by a majority of 2/3rd Members of the House present and voting if necessary or expedient in the national interest. |

- c) If a proclamation is issued for imposing national emergency or failure of Constitutional machinery in a State or financial emergency, at a time when *Lok Sabha* has been dissolved then the proclamation remains effective even if it is approved by *Rajya Sabha* alone.
- 3. Lower House** House of the People (*Lok Sabha*)
- (i) Manner of Election** Directly elected with provision for nomination of 2 members by the President
- (ii) Composition** The maximum strength of the House envisaged by the Constitution of India is 552 Members: 530 Members chosen by direct election from the States, 20 Members from the Union Territories and not more than two members of the Anglo-Indian Community to be nominated by the President of India, if in his/her opinion, that community is not adequately represented in the House. After coming into effect of the Constitution (One Hundred and Fourth Amendment) Act, 2019, the provision of special representation of the Anglo-Indian community in the House of the People by nomination has not been extended further. The present strength of the House is, however, 543 Members.
- (iii) Tenure** 5 years
- (iv) Manner of dissolution** Subject to dissolution
Lok Sabha has a five-year term but can be dissolved earlier.
- (v) Legislative Powers** The Lok Sabha enjoys equal powers with the Rajya Sabha in the case of Ordinary Bills and Constitutional Amendment Bills. Ordinary Bills and Constitutional Amendment Bills can be introduced in either House of the Parliament. However, Money/ Financial Bills can be introduced only in the Lok Sabha.
- (vi) Any special powers** Lok Sabha controls the purse of the Government. All Money/ Financial Bills can be introduced only in the Lok Sabha. Lok Sabha has overriding powers in the passage of Money/ Financial Bills. These Bills can be introduced only in Lok Sabha. When a Money Bill is received by the Rajya Sabha, it must return the Money Bill to the Lok Sabha with/without amendments within a period

of 14 days from its receipt. If not returned to the Lok Sabha within the stipulated time, it is deemed to have been passed by both Houses at the expiration of said period in the form in which it was passed by the Lok Sabha. Rajya Sabha cannot amend a Money Bill directly; it can only recommend amendments in such a Bill. The Lok Sabha may either accept or reject all or any of the recommendations of the Rajya Sabha. If, however, the Lok Sabha does not accept any of the recommendations of the Rajya Sabha, the Money Bill is deemed to have been passed by both Houses of Parliament in the form in which it was passed by the Lok Sabha without any of the amendments recommended by the Rajya Sabha.

Lok Sabha has overriding powers in the passage of a Money Bill.

(vii) Resolution of a deadlock between the Houses

To resolve the deadlock on a Bill between the two Houses, the Constitution makes provision for the Joint Sitting of both Houses which may be summoned by the President.

If at the joint sitting of the two Houses, the Bill is passed by the majority of total members of both Houses present and voting, it shall be deemed to have been passed by both Houses.

There is no provision for joint sitting of both Houses on Constitution Amendment Bills.

(viii) Relationship between legislature and executive

There is partial separation of powers

The President is the Head of the Executive and also a constituent part of the Parliament. He performs a number of important executive as well as legislative functions.

The President appoints the Prime Minister; and the other Ministers of his Cabinet, on the advice of the Prime Minister. Although the Constitution vests a range of executive, legislative powers in the Executive Head of the State, in actual practice, the President exercises these functions in accordance with the advice tendered by the Council of Ministers, with the Prime Minister at its Head.

The Constitution provides that the Council of Ministers headed by the Prime Minister shall be

collectively responsible to the House of the People (Lok Sabha) and remains in power as long as it enjoys confidence of the House. Confidence or no-confidence motion can only be introduced in Lok Sabha.

As a constituent part of the Parliament, the President performs certain important parliamentary functions, such as summoning and proroguing the Houses; dissolving the Lok Sabha etc.; addresses both Houses of Parliament assembled together at the commencement of the first Session after each General Election to the House of the People and at the commencement of the first Session of the year; sends messages to either House of Parliament with respect to a pending Bill in Parliament or otherwise, etc.

A Bill, passed by both Houses of Parliament, does not become an Act unless it receives the assent of the President. The President may also in case of an Ordinary Bill return the Bill to the Houses for reconsideration, with or without a message suggesting reconsideration of the Bill or any specific provision thereof. If, however, the Bill so returned by the President is passed again by both Houses, with or without amendment, the President cannot withhold his assent therefrom.

When Parliament is not in Session, the President may promulgate Ordinances upon being satisfied that circumstances exist which render it necessary for him to take immediate action. While an Ordinance has the force of law, it must be laid before both Houses when they reassemble. The Ordinances cease to operate at the expiration of six weeks from the reassembly of Parliament, or before the expiration of the period, resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions. The President may also at any time withdraw an Ordinance.

CHAPTER 4

MODEL B

**BICAMERALISM IN
PRESIDENTIAL FORM
OF DEMOCRACY**



CHAPTER-4

MODEL B

BICAMERALISM IN PRESIDENTIAL FORM OF DEMOCRACY

SUB-MODEL B1: PRESIDENTIAL FORM OF DEMOCRACY WITH FEDERAL GOVERNMENT

AMERICAN TYPE

In this type, the Upper House is directly and fully elected, and enjoys legislative powers at par with the Lower House. There is a provision for resolution of deadlock over the passage of Bills. Besides, the two Houses possess some powers exclusive to each other. There is complete separation of powers between the Parliament and the Executive. However, the Parliament enjoys the power to impeach the President.

The salient features of this type are as under:

- ✓ Directly and fully elected Upper House
- ✓ Upper House enjoys legislative powers at par with Lower House
- ✓ Mechanism for resolution of deadlock between the two Houses
- ✓ Both Houses have distinct set of exclusive powers
- ✓ Complete separation of powers between Parliament and Executive
- ✓ Parliament enjoys the powers to impeach the President

The above type is in operation in the Parliaments of Argentina (*See Annexure XXX*), Brazil (*See Annexure XXXI*), Mexico (*See Annexure XXXII*) and the United States of America. (*See Annexure XXXIII*)

FEATURE-WISE CATEGORISATION

A. Manner of Election

All the four countries (*i.e.* Argentina, Brazil, Mexico and the United States of America) having Presidential form of Democracy with Federal Government have a directly elected Upper House.

B. Permanency of the House

All four countries have an Upper House which is not subject to dissolution.

C. Legislative Powers of the Upper House *vis-a-vis* the Lower House

1. Ordinary Bills

All four countries (Argentina, Brazil, Mexico and the United States of America) have an Upper House which enjoys powers to reject an Ordinary Bill.

2. Money/Financial Bills

In all four countries, the Upper House enjoys powers to reject a Money/Financial Bill.

3. Special Legislative Powers

None of the Upper Houses of the four countries has special legislative powers bestowed on it.

D. Exclusive Powers

The Upper House of the Parliaments of Argentina, Brazil, Mexico and the United States of America enjoys certain exclusive powers other than the legislative powers.

E. Mechanism to resolve Deadlock between two Houses

There exists a mechanism to resolve a deadlock between the two Houses over the passage of legislations in all the four Parliaments.

Annexure XXX

PARLIAMENT OF ARGENTINA

Senate (Upper House)

- ✓ Directly and fully elected with a six years term
- ✓ One-third of Senate elected after every two years
- ✓ Not subject to dissolution
- ✓ Enjoys equivalent legislative powers with the Lower House
- ✓ Enjoys a set of exclusive powers without the interference of the other House

House of Deputies (Lower House)

- ✓ Directly and fully elected with a four year term
- ✓ One-half of House of Deputies elected after every two years
- ✓ Not subject to dissolution
- ✓ Enjoys equivalent legislative powers with the Upper House
- ✓ Enjoys a set of exclusive powers
- ✓ Provision for resolution of a deadlock between the two Houses

Parliament and Executive

- ✓ Complete separation of powers between the two organs
- ✓ Provision for submission of report on the state of nation by the Executive to the Parliament
- ✓ Declaration of war by the President only with Parliament consent
- ✓ Issue of decrees by the Executive on grounds of necessity and urgency
- ✓ Provision for impeachment of President, Vice-President and Ministers by Parliament

ARGENTINA

- | | | |
|-------|-----------------------------------|---|
| 1. | Constitution of Parliament | Parliament of Argentina (Argentine Congress) consists of:

Argentine Senate (Upper House); and

Argentine House of Deputies (Lower House) |
| 2. | Upper House | Argentine Senate |
| (i) | Manner of Election | Direct and fully elected |
| (ii) | Composition | 72 Members |
| (iii) | Tenure | 6 years

However, one-third of the Senate is elected after every two years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | Both Houses of Parliament enjoy equivalent legislative powers with a set of exclusive powers that each House exercises separately under equal conditions and without the interference of the other. |
| (vi) | Any special powers | The Senate enjoys following exclusive powers:

(i) To authorise the President of the Nation to declare the state of siege in case of foreign attack;

(ii) To give consent for appointment of the Justices of the Supreme Court;

(iii) To give consent to grant posts and ranks for the higher officers of the Armed Forces;

(iv) To appoint and remove Ambassadors, Ministers plenipotentiary and commercial attaches;

(v) To judge in public trial those impeached by the House of Deputies; and

(vi) To receive the agreement-law of federal tax joint participation in order to be discussed. |

- | | | |
|--------------|--|--|
| 3. | Lower House | Argentine House of Deputies |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 257 Members |
| (iii) | Tenure | 4 years

However, one-half of the House is renewed after every two years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | Both Houses of Parliament enjoy equivalent legislative powers with a set of exclusive powers that each House exercises separately under equal conditions and without the interference of the other. |
| (vi) | Any special powers | The House of Deputies enjoys following exclusive legislative powers: <ul style="list-style-type: none"> (i) To receive the Bills introduced by citizens using their right of initiative; (ii) To propose to submit a Bill for popular consultation; (iii) To introduce all Bills for raising revenues and for recruitment of troops; and (iv) To impeach before the Senate, the President, the Vice-President, the Chief of Cabinet Ministers, the Ministers and the Justices of the Supreme Court for misconduct or crimes committed in the fulfilment of their duties. |
| (vii) | Resolution of a deadlock between the Houses | There exists a Committee on Parliamentary Work whose primary task is to organise parliamentary work especially in relation to holding plenary meetings in the Houses. This Committee provides the sphere and the opportunity whereby consensus is attained among the different political groups represented in the two Houses to carry out parliamentary work. |

(viii) Relationship between legislature and executive

The Argentine Constitution establishes an organisation of the National Government based on the principle of separation of powers.

Though there is complete separation of powers, as a gesture of accountability, the Chief of the Cabinet of Ministers submits together with the other Ministers a detailed report on the state of the nation regarding the business of the respective departments to the Parliament. Besides, the Executive gives such oral and written reports including explanations to either of the Houses.

The Parliament has a very important role in the declaration of the state of siege in the event of foreign attack. It must be declared by the President with the consent of the Senate. If the Congress is in recess, the President must summon it to hold an extraordinary meeting for the purpose.

The Executive enjoys the power to issue decrees on grounds of necessity and urgency only when, due to exceptional circumstances, the ordinary procedures foreseen by the Constitution for the enactment of laws are impossible to be followed. Such a decree shall be submitted to the Joint Standing Committee of Congress by the Chief of the Cabinet of Ministers for its consideration within a period of 10 days from the date of issue. The Committee is required to submit its report to the plenary meeting of each House within the said period and the two Houses must immediately discuss the report.

The Parliament determines the public officer who shall exercise the Presidency until the ceasing of the grounds of inability or the election of a new President.

The House of Deputies has the power to impeach before the Senate, the President, the Vice-President, the Chief of the Cabinet of Ministers and other Ministers.

Annexure XXXI

PARLIAMENT OF BRAZIL

Federal Senate (Upper House)

- ✓ Directly elected with a term of eight years
- ✓ Partial renewal after every four years
- ✓ Not subject to dissolution
- ✓ Enjoys legislative powers at par with the Lower House
- ✓ House of Review as most Bills are introduced in the Lower House
- ✓ Enjoys certain exclusive powers

Chamber of Deputies (Lower House)

- ✓ Directly elected with a term of four years
- ✓ Not subject to dissolution
- ✓ Enjoys legislative powers at par with the Upper House
- ✓ Enjoys certain exclusive powers
- ✓ Resolution of a deadlock through negotiations

Parliament and Executive

- ✓ Complete separation of powers between the two organs
- ✓ Relationship based on the principle of checks and balances
- ✓ Parliament enjoys the power to impeach the President of the Republic
- ✓ Bills approved by Parliament need to be sanctioned/ assented to by the President

BRAZIL

- | | | |
|-------|-----------------------------------|---|
| 1. | Constitution of Parliament | The Parliament of Brazil (National Congress) consists of:

Federal Senate (Upper House); and

Chamber of Deputies (Lower House). |
| 2. | Upper House | Federal Senate |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 81 Members |
| (iii) | Tenure | 8 years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | The Federal Senate is usually regarded as the House of Review because when authorities create Bills, the legislative procedure always begins in the Chamber of Deputies. However, both Houses are mostly at par with each other as one House proposes a Bill to be reviewed by the other. |
| (vi) | Any special powers | The Federal Senate enjoys following exclusive powers:

(i) To authorise foreign transactions of a financial nature;

(ii) To establish total limits for entire amount of the consolidated debt of the Union, the States, the Federal District and the municipalities;

(iii) To provide for the total limits and conditions of foreign and domestic credit transactions of the Union, the States, the Federal District and the municipalities;

(iv) To provide for limits and conditions for the concession of a guarantee by the Union in foreign and domestic credit transactions;

(v) To establish total limits and conditions for the entire amount of the debt of the States, the Federal District and the municipalities; |

- (vi) To effect the legal proceeding and trial of the President and the Vice-President of the Republic, Ministers of State and Commanders of the Navy, the Army and the Air Force;
- (vii) To effect the legal proceeding and trial of the Justices of the Supreme Federal Court;
- (viii) To give prior consent on the selection of Judges, Governor of a territory, President and Directors of the Central Bank, Attorney General of the Republic and Heads of permanent diplomatic missions;
- (ix) To stop the application of a law in full or in part declared unconstitutional by the Supreme Federal Court; and
- (x) To approve the removal of the Attorney General of the Republic.

In regard to the Money Bills such as Taxation and Appropriation Bills, there are no special rules which provide for the primacy of one House over the other.

3. Lower House	Chamber of Deputies
(i) Manner of Election	Direct
(ii) Composition	513 Members
(iii) Tenure	4 years
(iv) Manner of dissolution	Cannot be dissolved
(v) Legislative Powers	When authorities create Bills, the legislative procedure always begins in the Chamber of Deputies. However, both Houses are mostly at par with each other as one House proposes a Bill to be reviewed by the other.
(vi) Any special powers	The Chamber of Deputies has following exclusive powers: <ul style="list-style-type: none"> (i) To authorise legal proceeding to be initiated against the President and the Vice-President of the Republic and the Ministers of State;

- (ii) To effect the taking of accounts of the President of the Republic when not presented to the Parliament within 60 days of the opening of the legislative session;
 - (iii) To elect Members of the Council of the Republic; and
 - (iv) To draw up its internal regulations.
- (vii) Resolution of a deadlock between the Houses**
- There is no formal mechanism to prevent or help in a deadlock situation between the Houses over the passage of a Bill. The Presidents of the two Houses must negotiate a solution out of it.
- If it is not a Constitutional Amendment Bill, the House where the Bill was proposed has the final word to choose between its own originally approved version or the modified version approved by the reviewing House. However, if an amended Bill is never sent back, there is no other solution than political negotiations.
- (viii) Relationship between legislature and executive**
- There is a complete separation of powers between the Executive and the Legislature. In order to achieve balance and mutual limitation between three organs of the State, Brazil follows the classic principle of checks and balances.
- Though the Executive is not responsible to the Parliament, the latter enjoys the power to impeach the President of the Republic.
- Similarly, the Bills approved by the Parliament are required to be sanctioned/ assented to by the President of the Republic.

Annexure XXXII

PARLIAMENT OF MEXICO

Senate (Upper House)

- ✓ Directly elected with a term of six years
- ✓ Not subject to dissolution
- ✓ Enjoys legislative powers along with the Lower House
- ✓ Enjoys certain exclusive powers

Chamber of Deputies (Lower House)

- ✓ Directly elected with a three year term
- ✓ Not subject to dissolution
- ✓ Enjoys legislative powers along with the Senate
- ✓ Enjoys certain exclusive powers
- ✓ Provision for resolution of deadlock between the Houses

Parliament and Executive

- ✓ Full separation of powers between the two organs
- ✓ Provision for impeachment of certain public officers

MEXICO

- | | | |
|-------|-----------------------------------|---|
| 1. | Constitution of Parliament | Parliament of Mexico (General Congress) consists of Senate of the Republic (Upper House); and Chamber of Deputies (Lower House). |
| 2. | Upper House | Senate of the Republic |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 128 Members |
| (iii) | Tenure | 6 years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | The Senate enjoys legislative powers along with the Chamber of Deputies. |
| (vi) | Any special powers | <p>Both Houses of the General Congress have the same power to pass financial and monetary Bills with the sole difference that there are a number of matters that may only be introduced in Chamber of Deputies and the Senate may only revise them.</p> <p>The Senate has exclusive powers. However, none of them relates to financial or monetary matters.</p> <p>The Senate has the exclusive power to declare, whenever the constitutional powers of a federal entity disappear, that it is necessary to appoint a holder of the provisional executive power who shall summon/ conduct elections in accordance with the constitutional laws of the federative entity.</p> <p>The Senate also has exclusive power to appoint the justices of the nation's Supreme Court of Justice selecting them from the group of three candidates submitted by the President of the Republic.</p> <p>A provisional President will not be able to withdraw or appoint State Secretaries without the previous authorisation of the Senate.</p> |

In case of an absolute absence of the President of the Republic, the position is provisionally occupied by the President of the Senate.

In case of impeachment trials for faults or omissions committed by public officers, the Senate has the exclusive power to erect itself as a grand jury to take cognisance of impeachment trials. However, the Chamber of Deputies proceeds to the respective accusations before the Chamber of Senators.

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| 3. | Lower House | Chamber of Deputies |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 500 Members |
| (iii) | Tenure | 3 years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | The Chamber of Deputies has powers to legislate along with the Senate. |
| (vi) | Any special powers | The Chamber of Deputies enjoys following exclusive powers: <ul style="list-style-type: none"> (i) To solemnly announce that the President has been elected; (ii) To coordinate and evaluate the functions of the Superior Audit of the Federation Supreme Audit Bureau; (iii) To ratify the appointment of Secretary of the Finance Branch by the President of the Republic; (iv) To annually approve the Federation's expenditure budget; (v) To declare whether or not there is a place to proceed criminally against public servants who have committed a crime under the terms of article 111 of the Constitution. |

- (vi) To be aware of the accusations that are made to the public servants referred to in article 110 of the constitution.
- (vii) To act as an accusation body in the political trials that are instituted against public servants.
- (viii) To review General Public Accounts of the previous year through Supreme Audit Bureau;
- (ix) To approve the National Development Plan; and
- (x) To appoint the holders of the autonomous internal control bodies to exercise resources from the expenditure budget of the Federation.

(vii) Resolution of a deadlock between the Houses

A Bill may not be approved in the very same terms by either the President of the Republic, reviewing Chamber or Chamber of origin.

Any Bill rejected partially or totally by the President of the Republic shall be returned with the respective corrections to the original Chamber. The Bill shall be discussed again in such Chamber and if confirmed by a two-thirds majority of votes, it shall be submitted again to the reviewing Chamber. If a two-thirds majority of votes supports the Bill at the Second Chamber, it shall be considered as enacted law and shall be sent to the President of the Republic in order to be published.

If any Bill is rejected in whole by the reviewing Chamber, it shall be returned to the Chamber where it was originated with the appropriate objections. The Bill shall be again discussed in the said Chamber and if approved by the absolute majority of its Members present, it shall return to the Chamber that rejected it which shall analyse it again. If the second Chamber

approves the Bill by the same majority, it shall be submitted to the President of the Republic. If the second Chamber does not approve the Bill, it shall not be reintroduced in the same period of sessions.

If the additions or modifications made by the reviewing Chamber are approved by absolute majority in the original Chamber, the whole Bill shall be submitted to the President of the Republic.

If the additions or modifications made by the reviewing Chamber are rejected by majority of the Members of the original Chamber, the Bill shall be returned to the reviewing House which shall study the reasons of the first Chamber. If those additions or modifications are rejected again after a second review, the part of the Bill approved by both Chambers shall be sent to the President of the Republic.

If the absolute majority of the reviewing Chamber insists on enacting the additions and modifications, the whole Bill shall be postponed until the new period of sessions, unless the absolute majority of attending Congressmen of both Chambers agrees on enacting only the approved articles of the Bill and on submitting additions or modifications to the next period of sessions.

Any Bill rejected in the first Chamber shall not be reintroduced in other period of sessions corresponding to the same legislative year.

In the light of above, it may be concluded that both Chambers of Mexican Parliament enjoy equivalent powers in regard to the resolution of a deadlock over a given Bill.

(viii) Relationship between legislature and executive

There is a full separation of powers between the Parliament and the Executive in Mexico.

The Mexican Parliament has the power to grant a leave of absence to the President of the Republic and to constitute itself into an Electoral College in order to appoint the citizen that should substitute the President of the Republic either as interim or substitute.

The President of the Republic, during his term in office, may be impeached and tried for treason acts of corruption, electoral crimes and all those crimes for which any citizen could be prosecuted. The President of the Republic may be charged only before the Senate. The Senate shall resolve the case observing the applicable criminal law.

Annexure XXXIII

CONGRESS OF THE UNITED STATES OF AMERICA

Senate (Upper House)

- ✓ Directly elected House with a term of six years
- ✓ However, one-third of the membership is renewed every 2 years
- ✓ Permanent House not subject to dissolution
- ✓ Legislative powers are at par with those of the Lower House except in case of introduction of Money Bills
- ✓ Enjoys exclusive powers such as confirmation of appointments, ratification of treaties, etc.
- ✓ Empowered to try the impeachment charges against the President or any other authority

House of Representatives (Lower House)

- ✓ Directly elected House with a term of 2 years
- ✓ Stands dissolved at the expiry of the term
- ✓ Money Bills can be introduced only in the Lower House
- ✓ Impeachment charges against the President can be moved only in the Lower House
- ✓ Provision for resolution between the two Houses
- ✓ In case of ordinary Bills, both Houses have co-equal powers

Parliament and Executive

- ✓ Full separation of powers between the Executive and the Legislature
- ✓ The President is Head of the Executive
- ✓ The Congress can impeach the President
- ✓ The President enjoys the power to veto the Bills passed by the Congress.

UNITED STATES OF AMERICA

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|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | The Congress consists of the Senate; and the House of Representatives |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Direct |
| (ii) | Composition | 100 Members |
| (iii) | Tenure | Six years

One-third of the membership is renewed every 2 years |
| (iv) | Manner of dissolution | Not subject to dissolution |
| (v) | Legislative Powers | As a legislative body, the Senate is a coordinate and not a subordinate branch of the American Congress. It has got co- equal powers with the House of Representatives.

An ordinary Bill may originate in either of the two Houses and will not become a law unless passed by both of them. No Bill originating in the House of Representatives and passed by it can become law without the concurrence of the Senate. |
| (vi) | Any special powers | Senate enjoys a special status during the resolution of deadlock between the two Houses. A Conference Committee comprising three Representatives of each House is appointed to arrive at a compromise.

Senate enjoys exclusive power to try an impeachment. It is the sole Court to try impeachment charges against President or any other authority framed by the House of Representatives.

The President cannot make any appointment without the consent of the Senate except inferior appointments as have been vested by the Congress by law to the President alone.

Ratification of treaties made by the President and the negotiations made by him. |

		Power to appoint investigative committees to probe the working of a government department.
		No special Sessions may be called without the Senate Members as the House of Representatives cannot do anything without the consent of the Senate.
3.	Lower House	House of Representatives
(i)	Manner of Election	Directly elected
(ii)	Composition	435 Members
(iii)	Tenure	2 years
(iv)	Manner of dissolution	The House stands dissolved at the end of the term
(v)	Legislative Powers	In case of ordinary Bills, both Houses have co-equal powers
(vi)	Any special powers	Impeachment charges against the President or any other authority can be framed/ introduced only in the Lower House.
(vii)	Resolution of a deadlock between the Houses	<p>The Conference Committee resolves the deadlock between two Houses in case of their disagreement over the passage of a Bill. It consists of members of both Houses who are appointed by the respective Presiding Officers. It usually includes the principal sponsors of the Bill in each House.</p> <p>The Conference Committee meets behind closed doors and tries to work out something which may be acceptable to both the Houses. The Committee may at times re-shape the Bill in order to reach a consensus. If it does reach agreement, it is reported to the respective chambers by the Committee. The compromise is generally accepted by both the Houses but if one of the Houses rejects the compromise, the Bill is likely to be sent back to the Conference Committee for further consideration.</p>

(viii) Relationship between legislature and executive

There is a complete separation of powers between the two organs.

President is the Head of the Executive Branch. The President has the power either to sign legislation into law or to veto bills enacted by Congress, although Congress may override a veto with a two-thirds vote of both Houses.

The President can issue executive orders of federal nature which direct executive officers or clarify further existing laws.

Both Houses have a role to play in the impeachment procedure of the President. While House of Representatives can move the motion for impeachment, the Senate has the sole power to try all impeachments.

SUB-MODEL B2: PRESIDENTIAL FORM OF DEMOCRACY WITH UNITARY GOVERNMENT

BOLIVIAN TYPE

In this type, the Upper House is directly elected and partially nominated/appointed which enjoys equivalent legislative powers with the Lower House. There is a provision for resolution of a deadlock between the two Houses. There is full separation of powers between the Parliament and the Executive. The Parliament, however, enjoys the power to impeach the President.

The salient features of this type are as under:

- ✓ Directly elected and partially appointed/nominated Upper House
- ✓ Upper House shares equivalent powers with the Lower House
- ✓ Provision for resolution of deadlock between the Houses
- ✓ Full separation of powers between the Parliament and the Executive
- ✓ Parliament can impeach the President
- ✓ President can promulgate ordinance for administrative matters on account of urgency

The above type exists in the Parliament of Bolivia (*See Annexure XXXIV*), Parliament of Myanmar (*See Annexure XXXV*) and Parliament of the Republic of Kenya (*See Annexure XXXVI*).

URUGUAYAN TYPE

The Uruguayan Type bears resemblance to the Bolivian Type to a great extent with the only difference being in respect of the nominated/appointed component of the membership of the Upper House. In the Uruguayan Type, the Upper House is a directly and fully elected House without any nominated/appointed component in its membership. The rest of the features are same as in the case of Bolivian Type.

The salient features of this type are as under:

- ✓ Directly elected Upper House
- ✓ Upper House enjoys legislative powers at par with Lower House

- ✓ Mechanism for resolution of deadlock between the two Houses
- ✓ Complete separation of powers between the Parliament and the Executive
- ✓ Parliament enjoys the power to impeach the President

The above type is in operation in the Parliaments of Philippines (See Annexure XXXVII) and Uruguay (See Annexure XXXVIII).

FEATURE-WISE CATEGORISATION

A. Manner of Election

Among the 5 countries having a Presidential form of Democracy with Unitary Government, 2 countries (Philippines and Uruguay) have a directly elected Upper House. The Upper Houses of Bolivia, Myanmar and Kenya have both directly elected and partially nominated/appointed Members.

B. Permanency of the House

Among the 5 countries having a Presidential form of Democracy with Unitary Government, 3 countries (*i.e.* Bolivia, Kenya and Philippines) have an Upper House which is not subject to dissolution. 2 countries (*i.e.* Myanmar and Uruguay) have an Upper House which is subject to dissolution.

C. Legislative Powers of the Upper House *vis-a-vis* the Lower House

1. Ordinary Bills

The Upper House of the Parliaments of all 4 countries except the Republic of Kenya has powers to reject/ amend an Ordinary Bill. However, the Upper House of the Republic of Kenya enjoys overriding powers in legislative matters pertaining to the governance of local administration.

2. Money/Financial Bills

The Upper House of Parliaments of all 4 countries except the Republic of Kenya has powers to amend a Money/ Financial Bill. The Lower House of the Republic of Kenya enjoys over-riding powers in all legislative matters except those pertaining to the governance of local administration.

3. Special Legislative Powers

The Upper House of Parliaments of four of the five countries (*i.e.* Bolivia, Myanmar, Philippines and Uruguay) does not have any special legislative powers. However, the Upper House of the Republic of Kenya enjoys overriding powers in legislative matters pertaining to the governance of local administration.

D. Exclusive Powers

The Upper House of the Parliaments of Bolivia, Kenya, Philippines and Uruguay has certain exclusive powers other than the legislative powers. Myanmar has not bestowed any exclusive power on its Upper House.

E. Mechanism to resolve Deadlock between two Houses

There is a provision for resolution of deadlock between the two Houses over the passage of a Bill in the Parliaments of all five countries.

*Annexure XXXIV***PARLIAMENT OF PLURINATIONAL STATE OF BOLIVIA****Chamber of Senators**

- ✓ Directly elected House with a fixed term of five years
- ✓ Not subject to dissolution
- ✓ Both the Houses of Parliament have co-equal powers in the passage of a legislation
- ✓ Have special powers in approval of appointment of ambassadors, ratification of treaties, etc.

Chamber of Deputies

- ✓ Directly elected House with a fixed term of five years
- ✓ Not subject to dissolution
- ✓ Both the Houses of Parliament have co-equal powers in the passage of a legislation
- ✓ Financial bills are passed in the joint sitting of both the Houses

Parliament and the Executive

- ✓ President is the Head of the State and is the Head of the Executive
- ✓ The President along with the Council of Ministers forms the Executive Branch of the Government
- ✓ The Vice-President chairs the Plurinational Legislative Assembly
- ✓ The candidates for the election of President are proposed by the Plurinational Legislative Assembly
- ✓ The President and the Plurinational Assembly have to concur on a Bill. If the President of the State does not agree, and if passed by the National Assembly by absolute majority, the President of the National Assembly can promulgate the law

BOLIVIA

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|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | The Plurinational Legislative Assembly of Bolivia consists of the Chamber of Senators (Upper Chamber); and Chamber of Deputies (Lower Chamber) |
| 2. | Upper House | Chamber of Senators |
| (i) | Manner of Election | Directly elected

In each department, four Senators are elected in departmental constituencies, by universal, direct and secret ballot. The allocation of the seats of Senators in each department shall be made through the proportional system, according to the Law. |
| (ii) | Composition | 72 Members (36 regular members and 36 alternate members) |
| (iii) | Tenure | 5 years

The term of office of the assembly members is five years and they can be re-elected; re-elected only once in a continuous way. |
| (iv) | Manner of dissolution | Not subject to dissolution

Both the Chamber of Senators and the Chamber of Deputies cannot be dissolved before the expiry of their terms |
| (v) | Legislative Powers | Both Houses have co-equal powers in all legislations including financial/ money bills. |
| (vi) | Any special powers | It has legislative powers equivalent to the Chamber of Deputies.

- Ratifies promotions, as proposed by the Executive Branch, to General of the Army, Air Force, Division and Brigade; to Admiral, Vice-Admiral, Rear Admiral and General of the Bolivian Police.

- It may approve or deny the appointment of ambassadors and ministers plenipotentiary proposed by the President of the State. |

3.	Lower House	Chamber of Deputies
(i)	Manner of Election	Directly Elected
(ii)	Composition	130 members
(iii)	Tenure	5 years (fixed)
(iv)	Manner of dissolution	Not subject to dissolution
		Both the Chamber of Senators and the Chamber of Deputies cannot be dissolved before the expiry of their terms
(v)	Legislative Powers	Both the Houses have co-equal powers in passage of all legislations including financial/ money Bills
(vi)	Any special powers	It has the power to propose three candidates to the President of the State for the appointment of presidents of economic and social entities, and other positions in which the State participates, by absolute majority in accordance with the Constitution.
(vii)	Resolution of a deadlock between the Houses	<p>The Chamber of Senators and the Chamber of Deputies are independent in the treatment of a Bill, however, both chambers that make up the Plurinational Legislative Assembly will meet to deliberate:</p> <ul style="list-style-type: none"> - When one of the chambers has made amendments or modifications to a bill, and they have not been accepted by the other chamber. - If thirty days pass without the House reviewing the bill, the bill will be considered in the Plenary of the Plurinational Legislative Assembly. - On a Bill, which would be subject to observation by the Executive Branch.
(viii)	Relationship between legislature and executive	<p>Full separation of powers</p> <p>The President is the Head of the State and is vested with the executive powers.</p>

The Vice-President chairs the Plurinational Legislative Assembly; and is also a part of the Legislative Branch.

The Chamber of Deputies is responsible for controlling and overseeing the Executive Branch, using the instruments of control such as the Written Report Request, the Oral Report Request, and the Interpellation.

A Bill passed by the Plurinational Assembly is returned to the President in case it does not agree with the one presented by the President. The President has to express his opinion within 10 days. If the Plurinational Legislative Assembly considers the observations of the President to be well founded, it will modify the law accordingly and will return the law to the Executive for its promulgation. In the event that it does not consider the observations to be well-founded, the law shall be promulgated by the President of the Assembly. The decisions of the Assembly shall be made by the vote of the absolute majority of the members present.

*Annexure XXXV***UNION ASSEMBLY OF MYANMAR****House of Nationalities - *Amyotha Hluttaw* (Upper House)**

- ✓ 75% directly elected and 25% appointed by Commander-in-Chief of Defence Forces
- ✓ Term of the House is five years at the end of which the House is deemed to have been dissolved
- ✓ Subject to dissolution during the declaration of emergency
- ✓ Enjoys co-equal status with the Lower House in the passage of Bills
- ✓ Can initiate process of impeachment of the President

House of Representatives - *Pyithu Hluttaw* (Lower House)

- ✓ 75% directly elected and 25% appointed by Commander-in-Chief of Defence Forces
- ✓ Term of the House is five years at the end of which the House is deemed to have been dissolved
- ✓ Subject to dissolution during the declaration of emergency
- ✓ Enjoys co-equal status with the Lower House in the passage of Bills
- ✓ Can initiate process of impeachment of the President
- ✓ Financial Bills are only submitted, discussed and resolved at the Union Assembly *i.e.* Joint House

Parliament and the Executive

- ✓ There is full separation of powers between the Parliament and the Executive
- ✓ President is the Head of the State and Head of the Executive
- ✓ Impeachment proceedings against President can be initiated in either House, the other House becomes the investigating House
- ✓ Legislative power vests in the Union Assembly - *Pyidaungsu Hluttaw*

MYANMAR

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|-------|-----------------------------------|--|
| 1. | Constitution of Parliament | The Union Assembly (the <i>Pyidaungsu Hluttaw</i>) of Myanmar consists of <i>Amyotha Hluttaw</i> (the House of Nationalities); and <i>Pyithu Hluttaw</i> (the House of Representatives). |
| 2. | Upper House | <i>Amyotha Hluttaw</i> (the House of Nationalities) |
| (i) | Manner of Election | Direct and Nominated

75% of Members are directly elected (12 candidates for each of the 14 Regions or States); 25% of Members are directly appointed by the Commander-in-Chief of Defence Forces |
| (ii) | Composition | 224 Members

168 Members are directly elected; and 56 nominated Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | In the event of declaration of a state of Emergency, the President transfers legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services.

It is deemed that the legislative functions of all <i>Hluttaws</i> and leading bodies shall be suspended from the day of declaration.

It is also deemed that on the expiry of the term of the said <i>Hluttaws</i> , they are deemed to have been dissolved automatically. |
| (v) | Legislative Powers | The legislative powers of the House of Nationalities (<i>Amyotha Hluttaw</i>) and the House of Representatives (<i>Pyithu Hluttaw</i>) are same.

Financial Bills are only submitted, discussed and resolved at the Union Assembly (<i>Pyidaungsu Hluttaw</i>) which is the Joint House. |
| (vi) | Any special powers | The Upper House does not possess any special or exclusive powers not enjoyed by the Lower House. |

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| 3. | Lower House | The House of Representatives (The <i>Pyithu Hluttaw</i>) |
| (i) | Manner of Election | Direct and Nominated |
| (ii) | Composition | 440 Members

75% of Members are directly elected; and 25% are appointed by the Commander-in-Chief of Defence Forces.

330 Members of the Lower House (the House of Representatives) are elected; and 110 Defence Services Personnel Members are nominated by the Commander-in-Chief of the Defence Services. |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | In the event of declaration of the state of emergency, the President transfers legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services.

It is deemed that the legislative functions of all <i>Hluttaws</i> and leading bodies shall be suspended from the day of declaration.

It is also deemed that on the expiry of the term of the said <i>Hluttaws</i> , they are deemed to have been dissolved automatically. |
| (v) | Legislative Powers | The Legislative powers of the House of Representatives (the Lower House) and the House of Nationalities (the Upper House) are same. |
| (vi) | Any special powers | Not Applicable |
| (vii) | Resolution of a deadlock between the Houses | Both the Houses have to agree for a Bill to be passed. When a deadlock occurs, the Bill is submitted, discussed and resolved at the Union Assembly (the Joint House) |
| (viii) | Relationship between legislature and executive | There is full separation of powers between the Parliament and the Executive. |

The Executive Head of the Union is the President

The President is indirectly elected by an electoral college which consists of three groups of the Union Assembly. Each group selects Vice-Presidents who are not Members of the Union Assembly. The Electoral College then selects one of them as the President.

The President is the head of the Union Government which comprises of Vice-Presidents; Ministers of the Union; and the Attorney-General of the Union. The President appoints the Members of the Government with the approval of the Union Assembly and is responsible to it. Members of the Government are not Members of the Legislature.

Impeachment proceedings against the President can be initiated in either House; the other House becomes the investigating House.

Except Union budget matters, the President shall have the right to promulgate an ordinance for administrative matters that need immediate action during the interval between sessions of the *Pyidaungsu Hluttaw* but its continuance is subject to the approval of *Pyidaungsu Hluttaw*.

Legislative powers of the State are vested in the Union Assembly consisting of both the Houses which enjoy co-equal status.

*Annexure XXXVI***PARLIAMENT OF KENYA****Senate**

- ✓ Directly elected and nominated House with a term of five years
- ✓ Term of Senate expires on the date of the next general election
- ✓ Legislative responsibilities of the Senate are limited to matters concerning county governments, including the allocation of resources

National Assembly

- ✓ Directly elected House with a term of five years
- ✓ Term of National Assembly expires on the date of the next general election
- ✓ National Assembly has more legislative responsibilities
- ✓ Any bill may originate from the National Assembly
- ✓ All Bills of the Senate have to be passed by the National Assembly, while all the Bills of National Assembly not concerning counties are considered only in the National Assembly

Parliament and the Executive

- ✓ Full Separation of powers
- ✓ The President is the Head of the State and Government and is directly elected
- ✓ Parliament has a role in the impeachment procedure of the President

KENYA

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| 1. | Constitution of Parliament | The Parliament of Kenya comprises of the National Assembly and the Senate |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Direct and Nominated |
| (ii) | Composition | 68 Members

47 directly elected Members, 20 Nominated Members and the Speaker (<i>ex officio</i> member) |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Term of Senate expires on the date of next general election. |
| (v) | Legislative Powers | The Senate represents the counties and serves to protect the interests of the counties and their governments.

The Senate participates in the law-making function of Parliament by considering, debating and approving Bills concerning counties.

The Constitution provides that the Senate must determine the allocation of national revenue among counties and exercise oversight over national revenue allocated to the county governments. |
| (vi) | Any special powers | Empowered to impeach the President, the Deputy President and County Governors |
| 3. | Lower House | The National Assembly |
| (i) | Manner of Election | Direct and Nominated |
| (ii) | Composition | 350 Members

290 members are elected from single member constituencies, 47 women representatives elected from single member counties, 12 Nominated members and the speaker (who is an <i>ex officio</i> member) |
| (iii) | Tenure | 5 years |

- (iv) **Manner of dissolution** Term of National Assembly expires on the date of next election.
- (v) **Legislative Powers** All Bills originating in the Senate and passed by it must also be passed by the National Assembly. However, all Bills of National Assembly need not be passed by the Senate.
- The National Assembly:
- a) enacts legislation;
 - b) determines the allocation of national revenue between the levels of government;
 - c) appropriates funds for expenditure by the national government and other national State organs; and
 - d) exercises oversight over national revenue and its expenditure
- (vi) **Any special powers** The National Assembly primarily approves the national Budget. Besides, it conducts vetting and approval of all nominees to various Commissions including, Independent Electoral Boundaries Commission as well as Cabinet Secretaries, Principal Secretaries, the Attorney General, the Secretary to the Cabinet, the Controller of Budget, the Auditor General, High Commissioners and Ambassadors.
- (vii) **Resolution of a deadlock between the Houses** The formation of a Mediation Committee is provided for in the Constitution. The Constitution states that :
- 1) If a Bill is referred to a Mediation Committee the Speakers of both Houses shall appoint a Mediation Committee consisting of equal number of members of each House to attempt to develop a version of the Bill that both Houses will pass.
 - 2) If the Mediation Committee agrees on a version of the Bill, each House shall vote to approve or reject that version of the Bill.

- 3) If both Houses approve the version of the Bill proposed by the Mediation Committee, the Speaker of the National Assembly shall refer the Bill to the President within 7 days for assent.
- 4) If the Mediation Committee fails to agree on a version of the Bill within 30 days, or if a version proposed by it is rejected by either House, the Bill is defeated.

(viii) Relationship between legislature and executive

Full separation of powers

The President is the Head of the State and the Head of the Government. The national executive comprises the President, the Deputy President and the rest of the Cabinet.

The Senate and the National Assembly have a role in initiating or approving the removal of office of constitutional authorities including President.

*Annexure XXXVII***CONGRESS OF PHILIPPINES****Senate (Upper House)**

- ✓ Directly elected with a six year term
- ✓ Renewal of one-half of the House after every three years
- ✓ Not subject to dissolution
- ✓ Senate has exclusive power to try and decide impeachment cases

House of Representatives (Lower House)

- ✓ Directly elected with a three year term
- ✓ Not subject to dissolution
- ✓ Resolution of deadlock by Congress Bicameral Committee
- ✓ Enjoys exclusive power to initiate impeachment process against President, Vice-President, etc.

Parliament and Executive

- ✓ Full separation of powers between the two organs
- ✓ Executive powers are vested in the President
- ✓ The House of Representatives has the exclusive power to initiate all cases of impeachment while Senate enjoys exclusive power to try and decide on it
- ✓ President has no power to issue Ordinances

PHILIPPINES

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| 1. | Constitution of Parliament | The Congress of the Republic of the Philippines is composed of the Senate (Upper House); and the House of Representatives (Lower House). |
| 2. | Upper House | Senate of the Philippines |
| (i) | Manner of Election | Direct election |
| (ii) | Composition | 24 Members |
| (iii) | Tenure | 6 years

One-half of the membership is renewed every three years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | In general terms, both Houses have to agree to a Bill for it to be sent for assent of the President.

The Senate can also suggest amendments to the proposed national budget, ratify treaties and international agreements, confirm or reject certain specified presidential appointments, try and decide impeachment cases. |
| (vi) | Any special powers | The Constitution provides that the Senate has the sole power to try and decide cases of impeachment of public officials.

Further, the Senate has the exclusive authority to ratify treaties and international agreements entered into by the Executive. |
| 3. | Lower House | Philippine House of Representatives |
| (i) | Manner of Election | Direct election |
| (ii) | Composition | 304 Members |
| (iii) | Tenure | 3 years |
| (iv) | Manner of dissolution | Cannot be dissolved |
| (v) | Legislative Powers | In general terms, both Houses have to agree to a Bill for it to be sent for assent of the President. |
| (vi) | Any special powers | The Philippine Constitution provides that all appropriation, revenue and tariff measures authorizing increase of the public debt, Bills of |

local application and private Bills must originate exclusively in the House of Representatives; but the Senate may propose or concur with amendments.

The House of Representatives has the exclusive power to initiate all cases of impeachment against President, Vice-President, etc.

(vii) Resolution of a deadlock between the Houses

The Bicameral Conference Committee resolves legislative deadlocks between the Senate and the House of Representatives. The differences have to be reconciled in the Committee; one House cannot override the other.

(viii) Relationship between legislature and executive

There is full separation of powers between the Executive (the President) and the Philippine legislature composed of the Senate and the House of Representatives.

The Executive power is vested in the President of the Philippines. The President and the Vice-President shall be elected by direct vote of the people for a term of six years. The President, Vice-President, the Members of the Cabinet, and their deputies or assistants are not Members of the legislature.

The House of Representatives has the exclusive power to initiate all cases of impeachment against President, Vice-President, etc. and the impeachment charges are then tried before the Senate.

Annexure XXXVIII

PARLIAMENT OF URUGUAY

Senate (Upper House)

- ✓ Directly and fully elected House with a term of five years
- ✓ Subject to dissolution
- ✓ Enjoys legislative powers at par with the Lower House
- ✓ Enjoys equal powers in financial matters as well
- ✓ Enjoys a set of exclusive powers

House of Representatives (Lower House)

- ✓ Directly and fully elected House with a term of five years
- ✓ Subject to dissolution
- ✓ Enjoys legislative powers at par with the Upper House
- ✓ Resolution of deadlock between the Houses through General Assembly

Parliament and Executive

- ✓ Total separation of powers between the two organs

URUGUAY

- | | | |
|-----------|-----------------------------------|---|
| 1. | Constitution of Parliament | Parliament of Uruguay (National Parliament) consists of the Senate (Upper House); and the House of Representatives (Lower House). |
| 2. | Upper House | Senate |
| (i) | Manner of Election | Directly elected |
| (ii) | Composition | 30 members plus the Vice-President of the Republic, who is not a Member of the Senate but integrates it and chairs it as Speaker of the General Assembly and Senate |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Subject to dissolution by the President

Constitution provides that the President can dissolve both the Chambers of the Parliament if they express and maintain their disapproval of a Minister/Ministers. |
| (v) | Legislative Powers | The Senate enjoys legislative powers at par with the House of Representatives. In case of financial matters also, the Senate has equal powers as those of the House of Representatives. |
| (vi) | Any special powers | The Senate has following exclusive powers:

(i) To vote to appoint Ambassadors, military authorities from the rank of Colonel and Prosecutors;

(ii) To vote to remove public officials; and

(iii) To act as a Judge before the political trials that are submitted to the House of Representatives. |
| 3. | Lower House | House of Representatives |
| (i) | Manner of Election | Directly elected |
| (ii) | Composition | 99 Members |
| (iii) | Tenure | 5 years |
| (iv) | Manner of dissolution | Subject to dissolution by the President |

- Constitution provides that the President can dissolve both the Chambers of the Parliament if they express and maintain their disapproval of a Minister/Ministers.
- (v) **Legislative Powers** The House of Representatives enjoys legislative powers at par with the Senate.
- (vi) **Any special powers** No special powers are enjoyed by the House of Representatives.
- (vii) **Resolution of a deadlock between the Houses** If the two Houses do not agree, there may be a General Assembly, which is the union of both Houses to resolve a deadlock.
- (viii) **Relationship between legislature and executive** There is total separation of powers between the Parliament and the Executive.
If the impeachment of the President is approved by a two-thirds vote of the total membership of the Chamber of Representatives, the President of the Republic is suspended from office.

CHAPTER 5

MAJOR FINDINGS AND CONCLUSIONS OF THE STUDY



CHAPTER-5

MAJOR FINDINGS AND CONCLUSIONS OF THE STUDY

The comparative study based on a sample size of 38 bicameral Parliaments has revealed some very interesting facts about bicameralism as it exists in various Parliaments of the world. These facts pertaining to the various parameters used for conducting this comparative study are summarized in the succeeding paragraphs.

A. MANNER OF ELECTION

The Upper House of a Parliament also known as 'Second Chamber' is often assumed to be a 'Secondary Chamber' constituted by way of nomination or appointment thereby lacking the characteristics of being an elected chamber unlike the Lower House or the 'First Chamber' which is an elected Chamber invariably. The study has revealed the following interesting facts *vis-a-vis* the composition of the Upper House of the Parliaments included in it:

Directly Elected Upper House: The comparative study has revealed that 13 out of 38 Parliaments (amounting to 34.21%) have a directly elected Upper House without any nominated/appointed Membership. These 13 countries are Argentina, Australia, Bhutan, Czech Republic, Brazil, Italy, Japan, Romania, Philippines, Mexico, Switzerland, the United States of America and Uruguay.

Of these countries, 6 Parliaments are from countries having parliamentary/presidential form of democracy with federal government. These countries are Argentina, Australia, Brazil, Switzerland, Mexico and the United States of America. The remaining 7 Parliaments are from countries having parliamentary/presidential form of democracy with unitary government. These countries include Bhutan, Czech Republic, Italy, Japan, Romania, Philippines and Uruguay.

Indirectly Elected Upper House: The study has shown that 3 out of 38 Parliaments (amounting to 7.89 %) have an indirectly elected Upper House without any nominated/appointed Membership. This exists only in the countries having

Parliamentary form of democracy. These countries include Austria, Democratic Republic of Congo and France.

Directly Elected and Partially Nominated/Appointed Upper House: 4 out of 38 (amounting to 10.53 %) countries have a directly elected House with some of its Members being appointed/ nominated to it. These countries are Bolivia, Kenya, Myanmar and Spain.

Indirectly Elected and Partially Nominated/Appointed Upper House: The study has revealed that 10 out of 38 bicameral Parliaments (amounting to 26.32 %) have an indirectly elected and partially nominated/ appointed Upper House. These countries are Antigua & Barbuda, Belarus, Cambodia, Cameroon, India, Ireland, Madagascar, Russia, Slovenia and Uzbekistan.

Of these 10 bicameral Parliaments, 2 Parliaments are from countries (namely, India and Russia) having parliamentary/presidential form of democracy with federal/ quasi-federal government. The remaining 8 Parliaments are from countries having parliamentary/ presidential form of democracy with unitary government, which include Antigua & Barbuda, Belarus, Cameroon, Cambodia, Ireland, Madagascar, Slovenia and Uzbekistan. These indirectly elected Upper Houses consist of both indirectly elected as well as appointed/nominated Members.

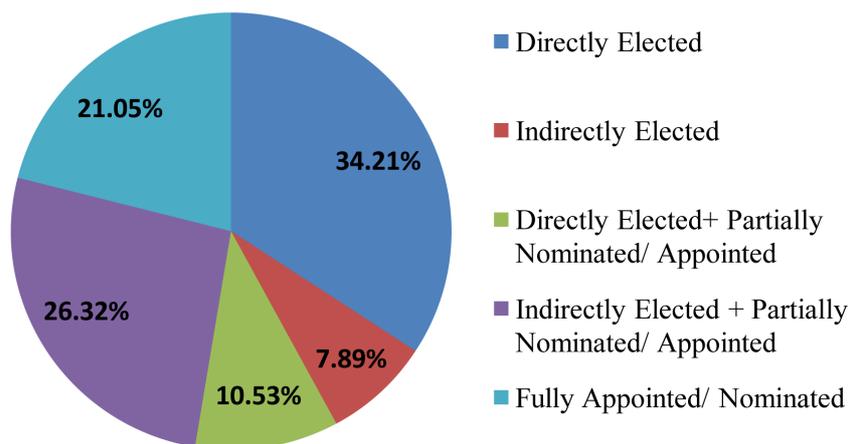
Fully Appointed/Nominated Upper House: As against the above, Upper Houses of only 8 countries, namely, Bahrain, Belize, Bosnia & Herzegovina, Canada, Germany, Jordan, South Africa and the United Kingdom are fully appointed or nominated Houses which amounts to 21.05% of the Upper Houses included in the comparative study. This phenomenon exists only in the countries having Parliamentary form of democracy.

Of these 8 countries, 4 are from parliamentary form of democracy with federal government. These countries are Bosnia & Herzegovina, Canada, Germany, and South Africa. The remaining 4 countries are from parliamentary form of democracy with unitary government. These countries are Bahrain, Belize, Jordan and the United Kingdom.

In fine, the comparative study has revealed that the Upper Houses of 30 countries, namely, Antigua & Barbuda, Argentina, Australia, Austria, Belarus, Bhutan, Bolivia, Brazil, Cambodia, Cameroon, Czech Republic, Democratic Republic of Congo, France, India, Ireland, Italy, Japan, Kenya, Madagascar, Mexico, Myanmar, Philippines, Romania, Russia, Slovenia, Spain, Switzerland, the United States of America, Uruguay and Uzbekistan which amounts to 78.95% of the Upper Houses included in the comparative study are either directly or indirectly elected irrespective of the fact whether they have a partial or no component of nominated or appointed Members.

Further, the study has revealed contrary to the assumption that the 'Second Chamber' is needed only in federal democracies. It has been seen that 19 countries with unitary government have a directly or indirectly elected Second Chamber. These 19 countries are Antigua & Barbuda, Belarus, Bhutan, Bolivia, Cambodia, Cameroon, Czech Republic, Ireland, Italy, Japan, Kenya, Madagascar, Myanmar, Philippines, Romania, Slovenia, Spain, Uruguay and Uzbekistan.

Manner of Election



B. PERMANENCY OF THE UPPER HOUSE

Upper House subject to dissolution: 8 of the 38 bicameral Parliaments (amounting to 21.05%) of bicameral Parliaments have an Upper House which is subject to dissolution. These countries are Australia, Belarus, Bosnia & Herzegovina, Myanmar, Romania, Spain, Uruguay and Uzbekistan.

Of these 8 Parliaments, 3 Parliaments are from countries having parliamentary/presidential form of democracy with federal government. These countries are Australia, Bosnia & Herzegovina and Spain. The remaining 5 Parliaments are from countries having parliamentary/presidential form of democracy with unitary government. These countries are Belarus, Myanmar, Romania, Uruguay and Uzbekistan.

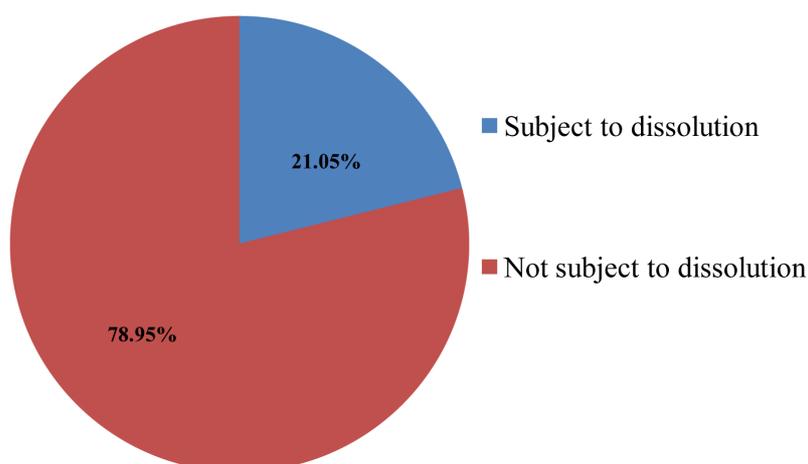
Upper House not subject to dissolution: The study has also revealed that Upper Houses of 30 countries amounting to 78.95 % of those studied are permanent in nature. These countries are Antigua & Barbuda, Argentina, Austria, Bahrain, Belize, Bhutan, Bolivia, Brazil, Cambodia, Cameroon, Canada, Czech Republic, Democratic Republic of Congo, France, Germany, India, Ireland, Italy, Japan, Jordan, Kenya, Madagascar, Mexico, Philippines, Russia, South Africa, Slovenia, Switzerland, the United States of America and the United Kingdom.

Of these bicameral Parliaments, 11 bicameral Parliaments are from countries having parliamentary/presidential form of democracy with federal/ quasi-federal government. These countries are Argentina, Austria, Brazil, Canada, Germany, India, Mexico, Russia, South Africa, Switzerland and the United States of America.

The remaining 19 Upper Houses exist in the countries having unitary set up of governance. These countries are Antigua & Barbuda, Bahrain, Belize, Bhutan, Bolivia, Cambodia, Cameroon, Czech Republic, Democratic Republic of Congo, France, Ireland, Italy, Japan, Jordan, Kenya, Madagascar, Philippines, Slovenia and the United Kingdom.

The higher percentage of a permanent Upper House not subject to dissolution indicates that countries having both Parliamentary as well as Presidential form of democracy with federal or quasi-federal/ unitary government prefer the model of having a permanent Upper House.

Permanency of the Upper House



C. LEGISLATIVE POWERS OF THE UPPER HOUSE *VIS-A-VIS* THE LOWER HOUSE

1. ORDINARY BILLS

In the context of legislative powers enjoyed by the Upper House *vis-à-vis* the Lower House, the Upper Houses of 22 countries enjoy the power to amend or reject an ordinary bill. These countries are Argentina, Australia, Bahrain, Belarus, Bhutan, Bolivia, Bosnia & Herzegovina, Brazil, Canada, Democratic Republic of Congo, India, Italy, Jordan, Mexico, Myanmar, Philippines, Romania, Russia, Switzerland, the United States of America, Uruguay and Uzbekistan which amounts

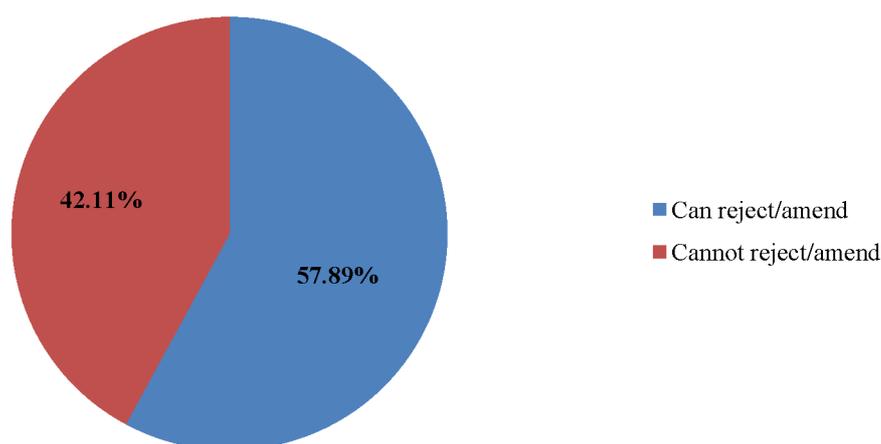
to 57.89 % of the Upper Houses included in the study. Of these 22 Upper Houses, 12 Upper Houses belong to the countries having unitary governments.

Of these 22 bicameral Parliaments, 10 Parliaments are from countries having parliamentary/presidential form of democracy with federal/ quasi-federal government. These countries are Argentina, Australia, Bosnia & Herzegovina, Brazil, Canada, India, Mexico, Russia, Switzerland, and the United States of America.

The remaining 12 Parliaments are from countries having parliamentary/presidential form of democracy with unitary government. These countries are Bahrain, Belarus, Bhutan, Bolivia, Democratic Republic of Congo, Italy, Jordan, Myanmar, Philippines, Romania, Uruguay and Uzbekistan.

These figures indicate that in case of ordinary bills, the Upper Houses, by and large, have legislative powers at par with the Lower Houses.

Power to amend/reject Ordinary Bill



2. MONEY/ FINANCIAL BILLS

In case of Money/Financial bills, Upper Houses of 17 countries, namely, Argentina, Belarus, Bolivia, Bosnia & Herzegovina, Brazil, Democratic Republic of Congo, Italy, Jordan, Mexico, Myanmar, Philippines, Romania, Russia, Switzerland, the United States of America, Uruguay and Uzbekistan which amounts to 44.74% of the Upper Houses included in the study, enjoy the power to amend or reject such bills.

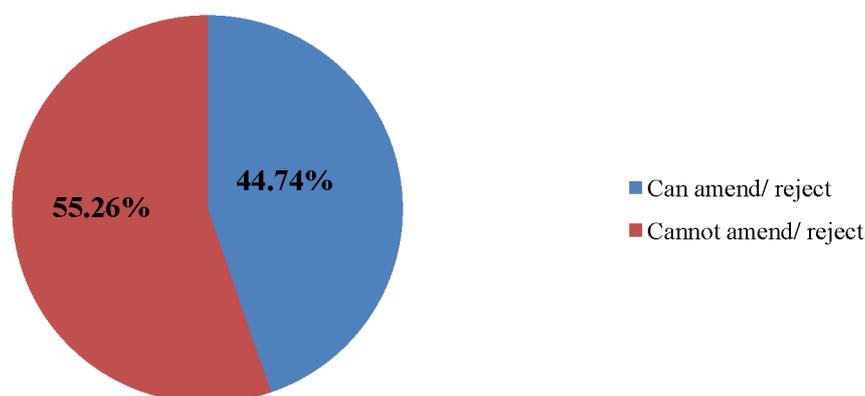
Of these 17 bicameral Parliaments, 7 Parliaments are from countries having parliamentary/presidential form of democracy with federal government. These

countries are Argentina, Bosnia & Herzegovina, Brazil, Mexico, Russia, Switzerland and the United States of America.

The remaining 10 Parliaments are from countries having parliamentary/ presidential form of democracy with unitary government. These countries are Belarus, Bolivia, Democratic Republic of Congo, Italy, Jordan, Myanmar, Philippines, Romania, Uruguay and Uzbekistan.

The study has revealed that an overwhelming percentage of Upper Houses do not enjoy the power to amend/ reject Money/ Financial Bills. In case of the Money/Financial Bills, the Lower Houses have an edge over the Upper Houses.

Power to amend/reject Money/ Financial Bill



3. SPECIAL LEGISLATIVE POWERS

Upper House without Special Legislative Powers: A majority of the Upper Houses i.e. Upper Houses of 30 countries amounting to 78.95% of the Upper Houses included in the study do not have such powers. These countries are Antigua & Barbuda, Argentina, Australia, Bahrain, Belarus, Belize, Bhutan, Bolivia, Brazil, Cambodia, Cameroon, Canada, Czech Republic, Democratic Republic of Congo, India, Italy, Japan, Jordan, Madagascar, Mexico, Myanmar, Philippines, Romania, Russia, Spain, Switzerland, the United States of America, the United Kingdom, Uruguay and Uzbekistan.

Of these 30 bicameral Parliaments, 10 Parliaments are from countries having parliamentary/presidential form of democracy with federal/ quasi-federal government. These countries are Argentina, Australia, Brazil, Canada, India, Mexico, Russia, Spain, Switzerland, and the United States of America.

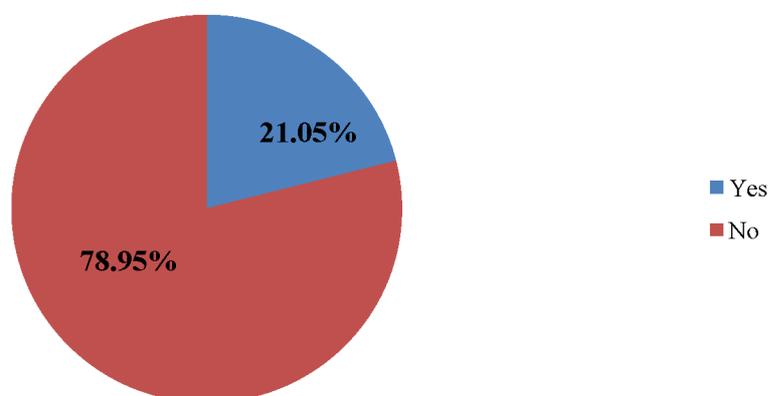
20 Parliaments are from countries having parliamentary/presidential form of democracy with unitary government. These countries are, Antigua & Barbuda, Bahrain, Belarus, Belize, Bhutan, Bolivia, Cameroon, Cambodia, Czech Republic, Democratic Republic of Congo, Italy, Japan, Jordan, Madagascar, Myanmar, Philippines, Romania, the United Kingdom, Uruguay and Uzbekistan.

Upper House with Special Legislative Powers: The remaining 21.05 % of the Upper Houses *i.e.* the Upper Houses of the countries, namely, Austria, Bosnia & Herzegovina, France, Germany, Ireland, Kenya, South Africa and Slovenia enjoy some special legislative powers.

Of these 8 bicameral Parliaments, 4 Parliaments are from countries having parliamentary/presidential form of democracy with federal government. These countries are Austria, Bosnia & Herzegovina, Germany and South Africa.

The remaining 4 Parliaments are from countries having parliamentary/presidential form of democracy with unitary government. These countries are France, Ireland, Kenya and Slovenia.

Upper House with Special Legislative Powers



D. EXCLUSIVE POWERS

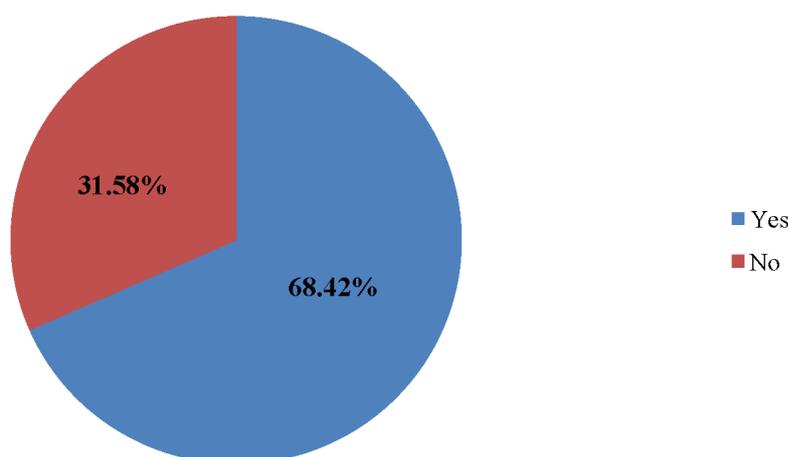
Conventionally, the Upper Houses have enjoyed some exclusive powers. Accordingly, Upper Houses of 26 countries amounting to 68.42% of the Upper Houses included in the study have some exclusive powers. These countries are Argentina, Belarus, Belize, Bhutan, Bolivia, Bosnia & Herzegovina, Brazil, Cambodia, Czech Republic, France, Germany, India, Ireland, Japan, Kenya, Madagascar, Mexico, Philippines, Romania, Russia, South Africa, Slovenia, Spain,

the United States of America, Uruguay and Uzbekistan. It is clear that most of the countries, which have bicameral Houses, have bestowed certain exclusive powers on their Upper Houses.

Of these 26 bicameral Parliaments, 10 Parliaments are from countries having parliamentary/presidential form of democracy with federal/ quasi-federal government. These countries are Argentina, Bosnia & Herzegovina, Brazil, Germany, India, Mexico, Russia, South Africa, Spain and the United States of America.

16 Parliaments are from countries having parliamentary/presidential form of democracy with unitary government. These countries are Belarus, Belize, Bhutan, Bolivia, Cambodia, Czech Republic, France, Japan, Ireland, Kenya, Madagascar, Philippines, Romania, Slovenia, Uruguay and Uzbekistan.

Exclusive Powers



E. MECHANISM TO RESOLVE DEADLOCK BETWEEN TWO HOUSES

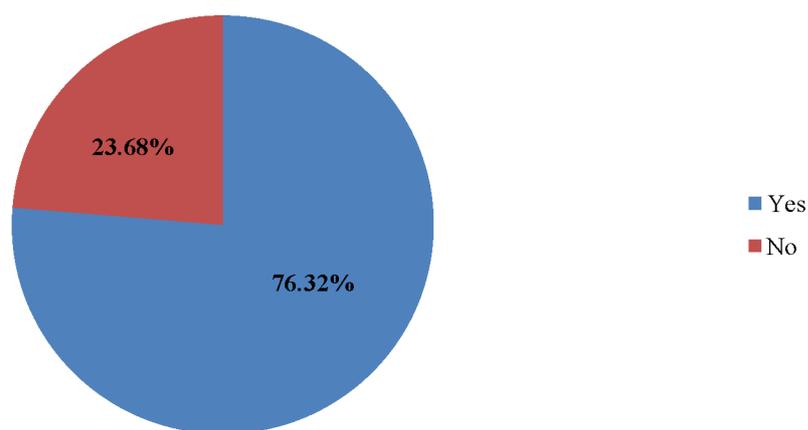
Bicameral Parliaments often witness a deadlock between the two Houses over passage of Bills with one House not agreeing with the Bill or amendments made to a Bill by the other House or *vice versa*. Such a scenario is quite common where the two Houses enjoy co-equal legislative powers. In order to resolve such deadlocks, the bicameral Parliaments provide for a mechanism in the form of a joint sitting/conference/committee of the two Houses. Accordingly, Parliaments of 29 countries amounting to 76.32% of the Parliaments included in the study have such a mechanism. These countries are Argentina, Australia, Bahrain, Belarus, Bhutan, Bolivia, Brazil, Cambodia, Cameroon, Canada, Democratic Republic of

Congo, France, Germany, India, Italy, Japan, Jordan, Kenya, Madagascar, Mexico, Myanmar, Philippines, Romania, Russia, South Africa, Switzerland, the United States of America, Uruguay and Uzbekistan.

Of these, 11 Parliaments are from countries having parliamentary/ presidential form of democracy with federal/ quasi-federal government. These countries are Argentina, Australia, Brazil, Canada, Germany, India, Mexico, Russia, South Africa, Switzerland and the United States of America.

18 Parliaments are from countries having parliamentary/presidential form of democracy with unitary government. These countries are Bahrain, Belarus, Bhutan, Bolivia, Cambodia, Cameroon, Democratic Republic of Congo, France, Italy, Japan, Jordan, Kenya, Madagascar, Myanmar, Philippines, Romania, Uruguay and Uzbekistan.

Mechanism to resolve deadlock between two Houses



Findings and Conclusions at a Glance

- A majority of more than three-fourths of the Upper Houses included in the study is either directly or indirectly elected.
- A minority of less than one-fourth of the Upper Houses is fully nominated or appointed.
- A majority of more than half of the Upper Houses is found to be existing in the countries having unitary governments thus proving the utility of an Upper House even amongst unitary systems.
- A majority of more than three-fourths of the Upper Houses is permanent in nature.
- A majority of more than one-half of the Upper Houses enjoys the power to amend or reject ordinary Bills.
- A majority of more than one-half of the Lower Houses has an edge over the Upper Houses over the passage of money/financial Bills.
- A majority of more than two-thirds of the Upper Houses does not enjoy any special legislative powers.
- A majority of more than two-thirds of the Upper Houses possesses some exclusive powers.
- A majority of more than three-fourths of the bicameral Parliaments provides for a mechanism to resolve a deadlock between the two Houses over passage of a Bill.

ANNEXURE



Annexure

MODEL A**BICAMERALISM IN PARLIAMENTARY FORM OF DEMOCRACY****A1 PARLIAMENTARY FORM OF DEMOCRACY
WITH FEDERAL GOVERNMENT****AUSTRALIAN TYPE**

Australia

CANADIAN TYPE

Canada

GERMAN TYPE

Germany

SPANISH TYPE

Spain

SOUTH AFRICAN TYPE

South Africa

BOSNIA & HERZEGOVINA TYPE

Bosnia & Herzegovina

**A2 PARLIAMENTARY FORM OF DEMOCRACY
WITH UNITARY GOVERNMENT****BHUTANESE TYPE**

Bhutan

IRISH TYPE

1. Cambodia
2. Ireland
3. Slovenia

CZECH REPUBLICAN TYPE

Czech Republic

JAPANESE TYPE

Japan

ITALIAN TYPE

1. Italy
2. Romania

BRITISH TYPE

1. United Kingdom
2. Belize

ANTIGUA & BARBUDA TYPE

Antigua & Barbuda

JORDANIAN TYPE

1. Jordan
2. Bahrain

**A3 PARLIAMENTARY FORM OF DEMOCRACY WITH
SEMI-PRESIDENTIAL FEDERAL GOVERNMENT****RUSSIAN TYPE**

Russian Federation

SWISS TYPE

Switzerland

AUSTRIAN TYPE

Austria

**A4 PARLIAMENTARY FORM OF DEMOCRACY WITH
SEMI-PRESIDENTIAL UNITARY GOVERNMENT****MADAGASCAR TYPE**

Madagascar

FRENCH TYPE

1. Belarus
2. Democratic Republic of Congo
3. France

CAMEROONIAN TYPE

1. Republic of Cameroon
2. Uzbekistan

**A5 PARLIAMENTARY FORM OF DEMOCRACY
WITH QUASI-FEDERAL GOVERNMENT**

India

MODEL B

BICAMERALISM IN PRESIDENTIAL FORM OF DEMOCRACY

B1 PRESIDENTIAL FORM OF DEMOCRACY WITH FEDERAL GOVERNMENT

AMERICAN TYPE

1. Argentina
2. Brazil
3. Mexico
4. United States of America

B2 PRESIDENTIAL FORM OF DEMOCRACY WITH UNITARY GOVERNMENT

BOLIVIAN TYPE

1. Bolivia
2. Myanmar
3. Kenya

URUGUAYAN TYPE

1. Philippines
2. Uruguay

**COUNTRIES WHOSE BICAMERAL PARLIAMENTS HAVE BEEN INCLUDED IN THE STUDY
(IN ALPHABETICAL ORDER)***



Antigua and Barbuda



Argentina



Australia



Austria



Bahrain



Belarus



Belize



Bhutan



Bolivia



Bosnia and Herzegovina



Brazil



Cambodia



Cameroon



Canada



Czech Republic



Democratic Republic of Congo



France



Germany



India



Ireland



Italy



Japan



Jordan



Kenya



Madagascar



Mexico



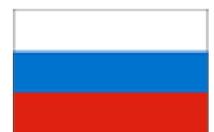
Myanmar



Philippines



Romania



Russia



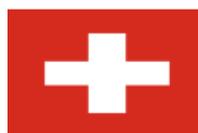
South Africa



Slovenia



Spain



Switzerland



United States of America



United Kingdom



Uruguay



Uzbekistan

*Source: Website of Inter-Parliamentary Union.

