
UNIT 9 PARLIAMENTARY SUPREMACY AND RULE OF LAW IN UK*

Structure

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9.0 OBJECTIVES

The unit aims at introducing the concepts of Parliamentary supremacy and rule of law as applicable in the United Kingdom. After going through this unit, you should be able to:

- Explain the meaning of parliamentary sovereignty and rule of law.
- Explain the evolution of these doctrines and practices in a historical sense.
- Analyse the nature of relationship between the executive and legislature in UK Parliamentary system.
- Analyse the contemporary challenges to the doctrine of parliamentary sovereignty from within and outside the parliament.

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9.1 INTRODUCTION

On account of a long history of British colonialism in several parts of the world, the British parliamentary system was extrapolated in different colonial countries often with contextual modifications. This unit will help you to understand the principal features and characteristics of British parliamentary sovereignty and the doctrine of the Rule of Law. Derived from the French word, '*parler*' meaning 'to speak', parliament initially implied the practice of monarchs summoning wise advisors for a discussion on the affairs of state. Sovereignty is broadly understood as the supreme authority over a particular territorial jurisdiction. Internal sovereignty is understood as unhindered and unchallenged authority over a population without being blocked or coerced by another entity. Britain's political system is unitary, unlike the federal polities like the United States of America which has a conception of shared internal sovereignty. The British parliament enjoys supreme and ultimate law-making authority in the country. As the eminent constitutionalist A. V. Dicey noted with respect to British Parliamentary system- "Parliament has, under the English Constitution, the right to make or unmake any law whatsoever; and, further, no person or body is recognised by the law of England as having a right to override or set aside the legislation of Parliament".

9.2 MEANING OF PARLIAMENTARY SUPREMACY

The doctrine of Parliamentary sovereignty implies that the Parliament is the absolute or the highest law-making authority in Britain. It's *de jure* powers enable it to legislate, amend or repeal any law without being challenged, vetoed or over-ridden by any other domestic person or body of persons in the country. De Lolme's opinion is almost a proverbial expression of parliamentary supremacy, "It is a fundamental principle with English lawyers, that Parliament can do everything but make a woman a man, and a man a woman". One of the most glaring evidence of it was the passage of the *Septennial Act*, which extended the legal duration of the then existing House of Commons from three to seven years, and thereby over-extending the duration of mandate given to those representatives by the British electorate themselves. In essence, the doctrine of parliamentary sovereignty establishes the supreme law-making authority of the parliament within the United Kingdom and enables it to legislate, amend or repeal any law without the interference of any other UK institution. Dicey notes three traits of parliamentary sovereignty in England: 1) legislative power to amend any law, fundamental or otherwise, in a free and uniform manner, 2) no legal distinction between different kinds of laws as constitutional/fundamental and others and 3) no authority, judicial or otherwise has power to declare void a parliamentary act.

The British parliament, as the national legislature and legal sovereign of the country, makes laws; scrutinizes and ensures accountability of the executive (including financial scrutiny); and represents the voices and concerns of British people. These functions necessitate free and extensive debates and deliberation

on the floor. It also acts as the pool for recruitment of government members. The Members of Parliament (MPs) act as an important channel of communication between the electorate and the Government.

9.3 EVOLUTION OF THE DOCTRINE OF PARLIAMENTARY SUPREMACY

In the British system of parliamentary democracy, the head of the state is the monarch while the head of the government is elected and comes from the parliament. According to Professor Mayor Grant, the evolution of British Parliament can be understood in four broad phases:

1) First phase- In Middle ages, the parliament was represented only through one house i.e., House of Lords. During the Saxon times, it comprised of ‘wise men’, often including the religious (archbishops bishops etc.) and political (Earls, knights etc.) advisors. Later, Magna Carta was promulgated in 1215 as a result of barons’ resistance to the policy of excessive taxes imposition by the monarch. The 13th century also witnessed the creation of the Commons as costly wars weighed heavily on extensive tax collections not only from the lords but also the freemen of the country. This tax obligation was supplemented with some sort of limited right of representation. Subsequently, each county elected four knights who were sent to Westminster. The federal Council now became more representative of the population interests with three major factions being the clergy; the barons and the commoners. The 14th century witnessed a gradual separation of the two chambers or Houses into the House of Lord and the House of Commons.

2) In the second phase- from 1485 to the 17th century- parliamentary evolution was characterized by a tussle of power between the Stuart kings and the Parliament for ultimate sovereign authority. The kings asserted their divine right to rule which was rejected by the parliament. The petition of rights was signed in 1628 by Charles 1 but was not followed and he later dissolved the parliament too. All this led to Civil War for 11 years during which no parliamentary session was conducted. The civil war established the legal sovereign authority of Parliament once and for all. The practice of parliamentary scrutiny of the executive or the government started with parliament gaining the right to punish those royal officials who violated the tax collection rules. Also, being the taxpayers, the Commons started asserting their sole propriety (against the House of Lords) on the right to approve the matters of finance and taxation laid down by the Government.

3) The initiation of some of the practices associated with modern parliamentary system in Britain like party system, the doctrine of ministerial responsibility, Cabinet system, public reporting of parliamentary debates etc. began in the third phase- from 1688 to 1832. The Glorious Revolution of 1688 during the regime of James II established the ultimate sovereignty of the parliament. The Bill of Rights in 1689 reinforced this by advocating for a constitutional or limited monarchy with a supreme parliament. Queen-in-Parliament was declared the sole

sovereign in Britain. Parliamentary powers in the matters of new laws and taxes increased at the expense of Royal powers through the Bill of Rights 1689 (also called the Great Charters) and the Act of Settlement in 1701.

4) The fourth Phase, from 1832 till today, is characterized by an institutionalization and specification of the roles, responsibilities and relations between the executive and the legislature on the one hand, and between the two Houses on the other. The overall effect has been to establish the legal sovereignty of the elected British Parliament as the representative body of the population. In terms of political sovereignty, the British electorate was hailed as the authority through the Reform Act 1832 when electoral districts were redrawn (though permitted voting rights to a very limited population at the time). The franchise was extended in later periods, especially after 1867. Women received the right to vote only in 1918 after a prolonged movement for it.

In the recent times, there has been more devolution of power through the creation of Northern Irish, Scottish, and Welsh regional assemblies or parliaments, in order to meet the nationalistic aspirations of British people. All the three parliaments are elected bodies. They are responsible for certain ‘devolved’ matters while the ‘reserved’ matters are the responsibility of the Westminster parliament. These assemblies too, though operate in their respective jurisdictions, are circumscribed by the central parliament which can limit, enhance or abolish their powers and functions. This, however, does not imply a uniformity of law throughout the United Kingdom. There are significant variations, say between Scottish and British laws, but they persist because the Westminster parliament allows them to continue. Since the most important dimensions of British political domain are controlled and administered by the parliament, one can like Bogdanor (2016:164) argue that “the fundamental feature of British constitutional development, then, is the long tradition of continuous and undivided parliamentary sovereignty”.

Check Your Progress Exercise 1

- Note:** i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

1) What do you understand by the concept of parliamentary supremacy or parliamentary sovereignty in the United Kingdom?

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2) Trace the evolution of the practice of parliamentary supremacy in UK.

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9.4 MODEL OF THE UK PARLIAMENT

United Kingdom is a constitutional monarchy with symbolic ceremonial leadership of the monarchy while real powers are exercised by the government led by the Prime minister. The parliament is a bicameral legislature i.e. it has two Houses or Chambers- the Commons and the Lords. In most of the liberal democracies, the legislature is bicameral (countries like Sri Lanka and Denmark have unicameral legislatures though), in order to provide institutional checks and balances on the legislative power, for example, the Indian Parliament, American ‘Congress’ etc. However, unlike the American and Russian practices, the upper House in Britain is not an elected body. Comprising of ‘elder statesmen’ on account of their expertise, religious authority and traditional hereditary status, the House of Lords has less democratic legitimacy than the Commons, as the seats are even now, largely hereditary. Like the Canadian upper house, it is completely non-elected. The Parliamentary acts of 1911 and 1949 brought decisive decline in the powers of the House of Lords as they were deprived of the legal right to amend money bills and their power to delay the legislative bills of the Commons was reduced too by limiting it to one year i.e. two parliamentary sessions alone, which too is rarely exercised).

The upper chamber still serves useful functions because it can initiate legislations, must pass the bills (although their rejection can be overruled by the House of Commons), can debate controversial issues as they have more time for it and less to lose in terms of electoral support. It acts as a space for pluralistic interest groups to lobby and extract concessions from commons at times. However, apart from the Church members, most of the other members belong to either of the major political parties (some are ‘independent’ too) and therefore are instrumental in introduction and passage of certain legislations. Contrary to its proclamation, the Labour party government of Tony Blair did not abolish the upper chamber as there was no final consensus on new forms that it could take.

In Britain, every bill has to go through a process of approval by the three entities: The House of Commons, the House of Lords and the Crown, in order to become a statute or an act of parliament. Especially since the Glorious Revolution of 1688, it has been established that will of the public reflected through elected members of Commons be carried out and not be challenged by a non-elected monarchy. Royal legislation through proclamation/ Ordinances too was done away with during the reign of Edward the Sixth. The last instance of a monarch

challenging the legislative authority of Parliament was in 1707 when the Queen vetoed the Scotch Militia Bill. Though it is imperative for a bill to get the royal assent to become a law, for all practical purposes, the monarchy's role in legislation is just ceremonial. But in accordance to convention and tradition, annual state opening of parliamentary session is addressed by the Queen. The address, however, is written by the government and the Queen only reads it aloud. The crown dissolves the Parliament and calls for new election on the request of the prime minister. Power to veto a bill is only symbolic in case of British monarch. In regular confidential meetings, the queen has the right, according to Walter Bagehot, "to be consulted, the right to encourage and the right to warn". After an election, the prime minister meets with the queen to request her permission to form government which is more of a formality. In case there is no clear absolute majority party, the queen acts as an arbiter. The person who appears to be in the best position to form a government in queen's opinion, on the advice of the prime minister, is invited to form the government. Monarchy is still revered as a symbol of tradition, unity, stability and national identity of British nation. Nominally, she is the supreme executive authority and commander-in-chief. Being the head of the commonwealth, she also symbolizes a continuity of relations with the erstwhile colonial countries.

Check Your Progress Exercise 3

- Note:** i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

- 1) Analyse the nature of UK parliament with special reference to comparative powers of the House of Lord and the House of Commons?

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9.5 LIMITATIONS ON PARLIAMENTARY SUPREMACY

In the absence of a fully codified constitution, the specific limitations on the parliamentary legislative powers are not clearly spelt. The flexible nature of constitution is corelated to the British parliamentary supremacy in the matters of constitutional amendments which can be brought in like the ordinary process of law-making. This is in sharp contrast to the practices in countries with a rigid and inflexible constitution like American, Irish or even the Indian constitution which lay down special procedures for changing fundamentals of the constitution. Tocqueville wrote, "In England, the parliament as an acknowledged right to modify the constitution; as, therefore, the constitution may undergo perpetual

changes, it does not in reality exist; the parliament is at once a legislative and a constituent assembly". By that count, the parliament, and rather the House of Commons in effect, with one vote majority, can push any legislation at will. No power under the English Constitution can limit or rival it.

As long as the Parliament abides by the electoral mandate, its legislative powers are deemed legal and is not bound by laws formulated by the previous parliaments. A limitation on enactment power of future parliament or enactment of unchangeable laws will be a negation of the sovereignty of the parliament. It, however, does not mean that it alone is the source of all laws in the United Kingdom. The country is run in accordance with constitutional principles emanating primarily from five major sources (McCormick 2010): Statute law or parliamentary acts; Common law enunciated through Court judgments; European law in areas where EU has primacy; Customs and Conventions- do not have force of law but are almost binding because of long precedent and strong favourable public opinions toward them; and Commentaries of constitutional experts like A. V. Dicey, Walter Bagehot etc. Despite the fact that the UK adheres to the doctrine of parliamentary sovereignty, there are certain limitations to the actual exercise of its actual powers:

9.5.1. Executive and Legislature in UK Parliament

Though parliament has legal sovereignty in UK, it does not govern. Governing is responsibility of the executive- comprising of the Prime Minister, Cabinet and junior ministers. Unlike the Presidential system as in the United States of America, where the executive and legislatures are entirely separate bodies, the Parliamentary system in Britain provides for a fused system where the executive members are also a part of the legislature.

As the head of the government, the prime minister who has majority party support in the House of Commons enjoys tremendous powers over laws and policies, agenda setting, assigning portfolios to individual members, or even shuffling them. Though his/ her position is *primus inter pares* or 'first among equals' among his peer cabinet ministers, the power to appoint ministers in important positions and to request monarchy to conduct parliamentary elections at a time seeming more favorable to the party establishes his/her preeminence. The Prime minister must be a member of the Commons and governs through a cabinet, which unlike American system, is derived from members of the legislature. Cabinet shapes and directs the governmental policies significantly and through collective decision-making presents an impression of cabinet government. Strong personality of the prime minister, however, can undermine or in a way control the governance through cabinet (Kesselman 2019). The cabinet functions on the principle of collective responsibility. This means that all the cabinet ministers must uphold the policies of the government in public, even if they do not concur with them personally and be accountable and responsible for success and failure of those policies. They can express their dissenting opinions in close-door meetings and are governed by directives of official secrecy.

Theoretically, the executive is subordinate to the legislature. A constitutional convention requires the government to resign if it is defeated in the House of Commons through a 'no-confidence' motion. In a way, it reinforces the Parliamentary sovereignty because the majority party plays a very significant role not only in passage of bills but also in their implementation, once the acts are formulated to that effect. The bicameral parliament draws its authority not just from the fact that House of Commons is an elected body of the people through the first-past-the-post system but also by virtue of traditions and expertise in the case of the House of Lords. Since the latter is not a representative body, its legislative powers too are quite limited. Also, the system requires individual MPs to obtain a simple majority of votes and not necessarily more than 50 percent of the votes cast in their constituencies.

The British Parliament is often critiqued for the dominance of the executive in parliament, which on account of party-affiliated and supportive MPs in the House of Commons are able to get any legislation passed. With institutionalization of election process; universal adult franchise and the need to attract more votes, the party lines have strengthened especially since the late 19th century. Now, the individual MPs have lesser powers to influence the legislation because of the extended formal and informal controls that the government has come to enjoy in the Parliament. Apart from the factor of institutional design, the tendency of executive-dominance of the parliament is further strengthened because of the development of major party systems on account of strict party discipline and loyalty which enforces the will of the government with respect to legislative proposals. Voting on important legislation is along the party line in Parliament and is enforced through disciplinary powers of the party whip. The government enjoys quite some control over the timetable of the House of Commons, restricting scrutiny opportunities of the house. The doctrine of individual ministerial responsibility mandates the ministers to resign over personal scandals or departmental errors.

Over the period, the Parliament has devised innovative methods to hold the government accountable through the mechanism of debates, Question time, Parliamentary Committees etc. Her Majesty's opposition (the second largest party) in Parliament plays an important role in this regard, especially when the ruling party does not have a majority in the House. Its leader sits directly opposite to the prime minister along with the shadow cabinet. They are responsible for challenging their counterparts in government and are salaried positions.

9.5.2. Common Law and the Role of Judiciary

Theoretically, laws promulgated by the parliament cannot be overturned by any court in the country. Judges can interpret the parliamentary legislation but not undo it. The parliament, on the other hand, can legislate to counter the juridical interpretation. In the absence of a fully written and codified constitution in this unitary state, the parliament is not held back on account of judicial

pronouncements or considerations. The courts cannot nullify the constitutional laws of the parliament but give it directions through interpretations. They recognize and validate conventions and customs to give them legal credence.

9.5.3. International Law

Some limitations to the parliamentary sovereignty emanate from British membership in the European Union (originally as member in European Economic Community in 1973). The European Human Rights Council, for example, lays down guidelines, norms and directives to be followed by member states. Membership of the EU enabled European courts as well as British courts to override the British laws if they clashed with EU laws. In certain areas, where EU laws had mandate, the British laws could be superseded to implement the former and even without prior parliamentary assent. The Westminster parliament, theoretically, can enable or take away the powers given to any local body or even to the international institutions like EU. With the United Kingdom having exited the European Union (Brexit) after a referendum on this issue in 2016, the British parliament is likely to gain more power in matters involving international jurisdiction. However, EU is not the only international authority to be able to impose certain limitation on parliament's legislative powers. International institutions like International Monetary Fund, NATO etc. too exercise some influence on the legislative powers of Westminster.

9.5.4. Electoral Concerns and Informal Controls

The parliament can bring in any legislation and even change the constitution, if it pleases. This is not a commonplace practice though. In fact, British people are highly respectful of their traditions and every government is careful of not advocating major overhauling of conventions and traditions. At the same time, though Parliament can enact any law at will, it needs to be mindful of the prospects of resistance from the people. Though it is difficult to ascertain the crucial junctures at which public resistance may become vociferous enough to reject such law and vote for an alternate agenda, the governments avoid bringing in laws and policies that could evoke insuperable resistance. Notwithstanding the merits of a flexible constitution, many British people also support the demand for a codified constitution to curb the potential of power abuses by the government due to unfettered legislative authority of parliament.

Other informal controls over the Parliamentary powers emanate from diverse interest groups, pressure lobbies, media etc. As the MPs need to please the domestic constituencies for political survival, they often consider the dominant public mood on important subjects. The legal sovereignty of the parliament, therefore, is tamed by the political sovereignty of the electorate who hold power, not limited to, but especially during the elections.

As discussed in the previous sections, Parliamentary sovereignty has come to mean sovereignty of the House of Commons which in turn has come to mean the

over-arching influence of majority party forming the government. Party loyalties, discipline and whip therefore, in a sense have imposed limitations on the parliamentary sovereignty to result in the government's preponderance in legislative and implementation competence. However, dissent within the party is not very rare and leaders and governments have been replaced on this count, for example, John Major replaced Margaret Thatcher because of her thin support margin as the Prime minister from Conservative party in 1990.

Check Your Progress Exercise 3

Note: i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

- 1) What is the nature of relationship between the executive and the legislature in UK?

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- 2) What are the major limitations or challenges to the legislative authority of the UK parliament?

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9.6 RULE OF LAW

Though the conceptual origin of the doctrine of rule of law is owed to classical political philosophers like Plato and Aristotle who advocated that law, held by reason and not passion, be considered superior to the ruler or government. Aristotle said, "law should govern and those who are in power should be servants of the law". In practice, the doctrine started taking practical shape in medieval times. The doctrine of rule of law implies that both- the citizens and the Government (including its officials) are bound by the law which is already determined and specified in general terms. Additionally, it requires mechanism and institutions to enforce the rules of law. Certain scholars focus on the substantive and normative commitment and respect to the ideas of individual liberties as imbibed in the thick version of the doctrine, while those who advocate the thin version, focus on the procedural aspects of rule of law with an emphasis on the legality aspect of the doctrine. In essence, there is a broader consensus that

rule of law necessitates a curbing of arbitrary or tyrannical governance. While the element of discretion or discretionary power of the state itself may not be interpreted as being contradictory to rule of law but an arbitrary exercise of discretionary powers can undermine rule of law.

During the middle ages, the monarch would swear an oath to affirm abidance to positive, customary or divine law but the historical origin of the concept in United Kingdom is owed to Magna Carta signed by King John in 1215. He wanted to raise the taxes to be paid by noblemen to fund the war against France. This written instrument sought to limit the powers of the king in terms proposed by the barons (feudal lords) who in turn for their tax-paying responsibility wanted the king to adhere to 'good governance' and not rule arbitrarily. Among other things, the document asserted that no one should be deprived of their liberty or property "except by the lawful judgement of his equals or by the law of the land". It was cited numerous by the successive parliaments and courts to assert a limitation on the arbitrary powers of the monarch in order to protect individual rights. This was in sharp contrast to the doctrine of 'divine rights of kings' propounded in the 16th century by Jean Bodin (a French jurist) in response to religious wars between Catholics and the Protestants. The idea of rule of law, however, survived this phase and was adopted by legal profession subsequently. The Sovereign had to abide by the law in force. If they wished to change it, they still had to make new laws in consonance with natural law or customary law. Originally meant to constrain the sovereign power of the king, the doctrine was later elaborated to support individual rights vis-à-vis the government.

This is not to argue that the monarchs always ruled according to the prevailing law. But more often than not, they tried to present a rationale to garner public legitimacy to their conduct. Charles I, for example, was infamous for imposing arbitrary rules like raising taxes without seeking parliamentary approval or ordering execution of dissenters, along with his tussle with religiously dominant puritans in the parliament. It resulted in English civil war from 1642 to 1651, the victory of parliament and trial and execution of King Charles 1 in 1649. The doctrine of rule of law was expressed in more robust terms by the Chief Justice Sir Edward Coke during the regime of James I, when he expressed that the King should be under God and the law.

With the age of Renaissance, rise of modern nation state, separation of church and state and rise of economic bourgeoisie class demanding better protection and maintenance of property and contract rights and mercantile interests, political liberalism gained strong foothold as dominant ideology in the 19th century Britain. This phenomenon contributed to the strengthening of individual rights dimension of the rule of law doctrine. One of the most systematic and authoritative elaboration of rule of law is found in "Introduction to Study of the Laws of the Constitution" (1885) written by the British Constitutionalist, A.V. Dicey. His understanding of this conventional doctrine in a liberal democracy entailed three inter-related elements:

1) Supremacy or predominance of regular law rather than arbitrary exercise of power by the government. Defaulters or violators of laws can be punished by law alone and for only the breach of those specific laws. For Dicey, discretion meant absence of known rules and principles and therefore created room for arbitrariness. Too much discretionary power of the government can cause arbitrariness.

2) All citizens are equal before the law and same set of rules would be applicable to citizens and government officials alike in cases of violation and would be similarly tried by the ordinary Courts of law. Dicey dismissed the system of “administrative law” or “administrative Tribunals” popular in France then. Under this system, the matters of contention between citizens and government/ government officials were not tried by the ordinary or civil courts but by the specially designated administrative courts and tribunals. He believed that British version of rule of law of treating citizens and officials alike and subjecting them to same law of the land reflected that there was no administrative law in England. However, the ideal does not warrant complete homogeneity or uniformity in the manner that everyone is treated under the British laws. In fact, there are rules of privilege or exception guaranteed under the law or example, prerogative powers of the Crown may supersede the rights available to a British citizen. Police have higher investigative powers. The parliamentarians too enjoy immunity and privileges in certain aspects which are not available to common citizens.

3) Predominance of legal spirit which maintains that a defence of individual rights and liberties is legally and judicially recognized through common law. While the UK does not have a comprehensively written constitution, the rule of law convention has been interpreted by the courts in common law and incorporate legal safeguards to protect individuals from arbitrary actions of the government, for example, rules against arbitrary detention and arrests, freedom of speech and expression etc. Dicey, rather expressed more faith in strengthening common laws and role of courts in interpreting and enforcing them. However, in Britain, the principle of parliamentary sovereignty theoretically and practically limits the power of Courts as the latter is not the custodian of the Constitution and parliament has the power to amend any common law or provisions of fundamental liberties, as it deems fit.

Check Your Progress Exercise 4

- Note:** i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

1)What is the meaning of the doctrine of rule of law? How does it act as a constraint on the powers of the government?

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9.7 LET US SUM UP

The principle of Parliamentary supremacy and Rule of law evolved in UK in response to the socio-political developments over several decades. These were a result of the declining powers of the British monarchs vis-à-vis the parliament. The latter's demands for policy-making powers as a matter of right and accountability resulted in progressive limitations on the power of the crown. The parliament in UK is the supreme law-making authority and is not limited by any other institution, person or authority. However, there are formal and informal controls built in British Parliamentary structure along with the societal concerns and demands placed by various sections of British society on the legislature which limit its powers. The most relevant challenge emanates from the over-arching powers of the House of Commons and of the executive or Government of the day in majority in lower house, more specifically. The doctrine of rule of law, in that sense, provides not only a rationale for supremacy of parliament but also acts as an implied check on its power by placing an obligation to legislate or rule in accordance with the law. It places a limitation on the exercise of discretionary powers of the government in an arbitrary and biased manner and a rejection of granting of personal favours. The two principles are harmoniously interpreted in favour of a law-abiding democratic governance in UK.

9.8 REFERENCES

- Dicey, V. Albert. (1915). *Introduction to the Study of the Law of the Constitution*. London: Liberty Classics.
- Ethridge, E. Marcus and Handelman, Howard. (2013). *Politics in a Changing World: A Comparative Introduction to Political Science*. Stanford, Cengage Learning.
- Grant, Moyra. (2009). *The UK Parliament*. Edinburgh, Edinburgh University Press.
- Kesselman, Mark, William A. Joseph and Krieger, Joel. (2019). *Introduction to Comparative Politics: Political Challenges and Changing Agendas*. Boston, Cengage Learning.
- McCormick, John (2010). *Comparative Politics in Transition*. Canada, Wadsworth.
- Tamanaha, Brian (2012). *The History and Elements of the Rule of Law*. Singapore Journal of Legal Studies, 232-247.
- Valcke, Anthony (2012). *The Rule of Law: Its Origins and Meanings* (A Short Guide for Practitioners), URL: <http://ssrn.com/abstract=2042336>.
- Villaverde, Jesus Fernandez (2016). The Rule of Law, and the Limits on the Government, *International Review of Law and Economics* 47: 22-28.
- Yadav, K. Alok (2017). Rule of Law. *International Journal of Law and Legal Jurisprudence Studies* 4(3): 205-220.

Zolo Danilo. (2007). 'The Rule of Law: A Critical Reappraisal' in Pietro Costa and Danilo Zolo. (eds). *The Rule of Law: History, Theory and Criticism*. The Netherlands: Springer.

9.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress Exercise 1

1) Your answer should highlight following points: i) Having the competence to formulate or amend any laws without any other institutional interference in a free manner, and ii) No other authority being competent to make a parliamentary law null and void

2) Your answer should highlight following points: i) The phase-wise progressive incremental powers accorded to the parliament, ii) A simultaneous reduction in the powers of the monarchy in formulating policies or over-ruling the UK parliament, and iii) A progressive expansion of electoral rights and concern for democratic accountability of the government to the larger electorate.

Check Your Progress Exercise 2

1) Your answer should highlight following points: i) Elaboration of the phrase 'Queen-in parliament'- the monarch, the House of Commons and the House of Lords, ii) Lower house is democratically elected while the upper house is not, iii) Limited powers of the House of Lords in financial matters, limited veto power in policy matters too, iv) Useful role performed by the upper house as a deliberative platform, and v) Powers of the monarch in modern parliamentary system limited to symbolic functions

Check Your Progress Exercise 3

1) Your answer should highlight following points: i) UK has a fused legislature i.e. the executive is a part of the legislature, and ii) Over-arching power of the ruling party on account of its dominance of the lower house, limited powers of the House of Lords vis-à-vis House of Commons, institution of party whip, nature of political parties

2) Your answer should highlight following points: i) Executive predominance of the legislature, ii) International Law as accepted by the parliament, but can be revoked too by it, for example the Brexit, iii) Role of judiciary, iv) Public opinion asserted through periodic elections and Informal controls, and v) Rule of Law as a doctrine

Check Your Progress Exercise 4

1) Your answer should highlight following points: i) Equality before law, curb on arbitrary and discretionary power of authorities, protection of citizens' rights, and ii) Laws should not be arbitrarily formulated or implemented by the government. Progressively, the doctrine has been incorporated in the functioning of legislature and judiciary