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COMPARATIVE POLITICS

Comparative study of The Constitution of Switzerland and France

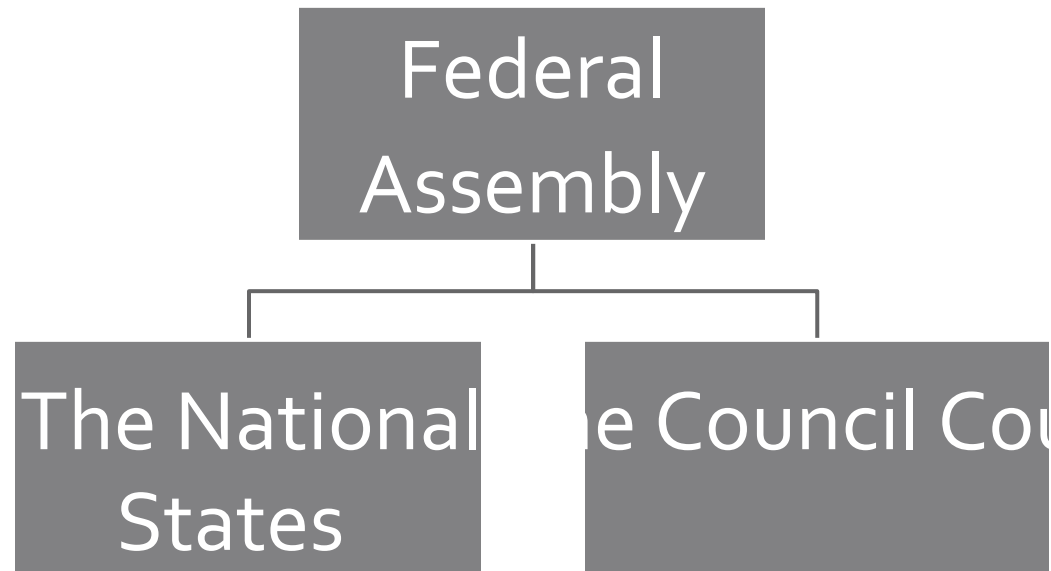
THE SWISS PARLIAMENT

The Federal Assembly



THE FEDERAL ASSEMBLY

- The Federal Assembly is the legislative power of Switzerland. Its two chambers – the National Council and the Council of States – have the same powers but meet separately.



The National Council

- The National Council, or “lower chamber”, represents the people and comprises 200 members who are elected by popular vote for a four-year term. The number of representatives sent by each canton depends on the size of its population. As a rule of thumb, each canton may send one elected representative to the National Council for roughly every 40,000 inhabitants.
- The Federal Constitution guarantees at least one seat per canton, even if the canton has fewer than 40,000 residents. The cantons of Appenzell-Ausserrhoden, AppenzellInnerrhoden, Obwalden, Nidwalden, Uri and Glarus send one National Council member each, whereas Zurich, the most heavily populated canton, currently has 35 seats.

The Council of States

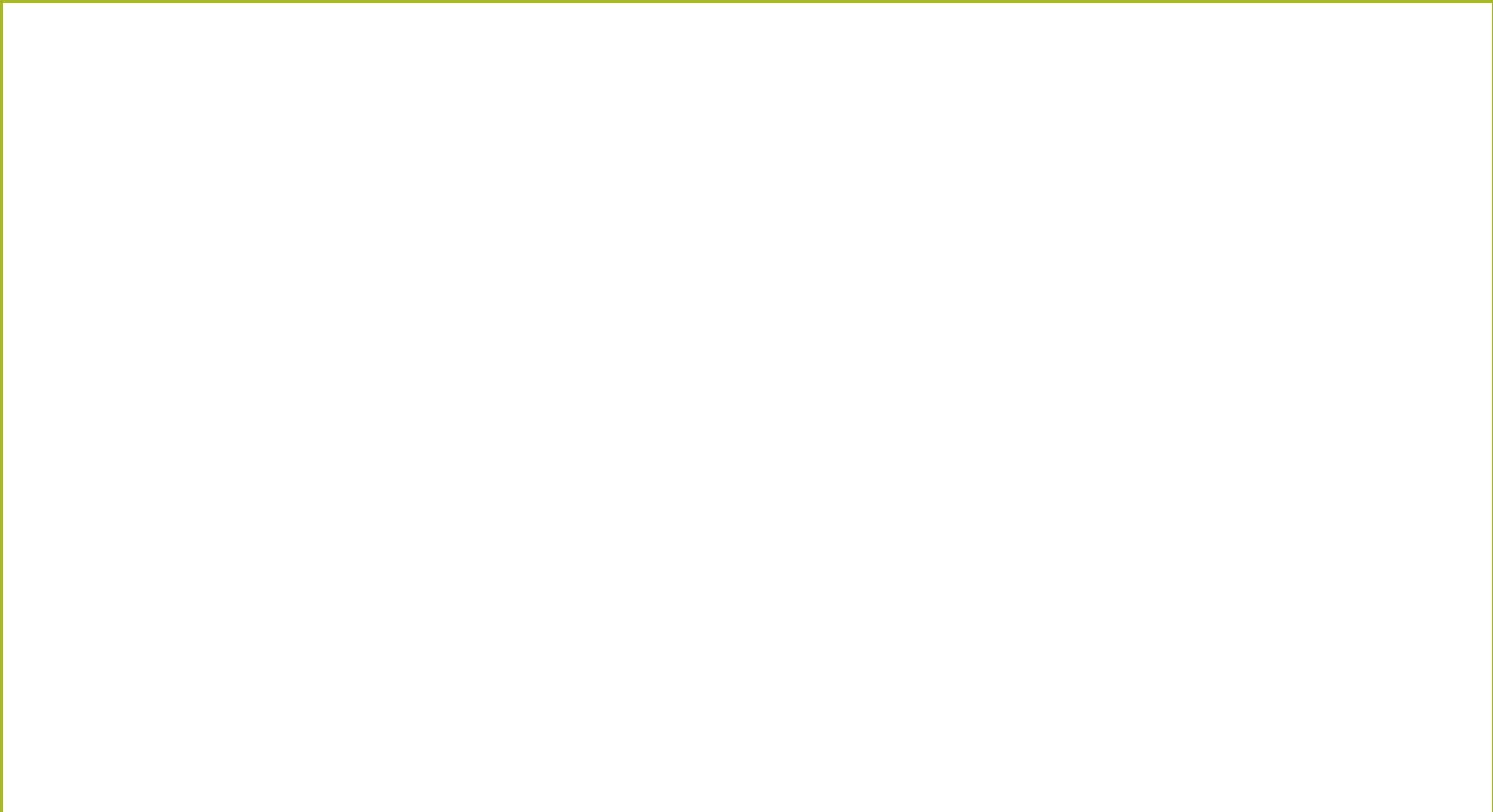
- The Council of States, or “upper chamber”, represents the cantons and comprises 46 members, who are also elected directly by the people for a four-year term. Regardless of their population size, the cantons send two deputies, with the exception of the six half-cantons of

AppenzellAusserrhoden, Appenzell-Innerrhoden, Obwalden, Nidwalden, Basel-Stadt and Basel-Land, which send one deputy each.

- Council of States deputies represent their cantons but are not bound by any instructions from their cantonal government or parliament.

Role and powers of the Swiss parliament

- The National Council and the Council of States meet for three-week sessions four times a year. The two chambers debate all constitutional amendments before putting them to the popular vote. They also adopt, amend or repeal federal legislation, and ratify international treaties.
- The two parliamentary chambers sit together as the United Federal Assembly at least once a year, usually in December, in order to elect the members of the Federal Council and to appoint federal court judges.
- The Federal Assembly is, in keeping with the Swiss “militia” concept of community service, a semi-professional parliament. This means that most deputies have another job in addition to their parliamentary duties, to which they devote an average of 60% of their working hours.





THE FRENCH PARLIAMENT

INTRODUCTION

- The current Constitution of France was adopted on 4 October 1958. It is typically called the Constitution of the Fifth Republic, and replaced that of the Fourth Republic, dating from 1946.
- The preamble of the constitution recalls the Declaration of the Rights of Man and of the Citizen from 1789 and establishes France as a secular and democratic country, deriving its sovereignty from the people.
- It provides for the election of the President and the Parliament, the selection of the Government, the powers of each and the relations between them. It ensures judicial authority and creates a High Court (a never-as-yet-convened court for trying the Government),^[2] a Constitutional Council, and an Economic and Social Council. It was designed to create a politically strong President.
- It enables the ratification of international treaties^[3] and those associated with the European Union. It is unclear whether the wording, especially the reserves of reciprocity, is compatible with European Union law.

- The Constitution also sets out methods for its own amendment: a referendum or a Parliamentary process with Presidential consent. The normal procedure of constitutional amendment is that the amendment must be adopted in identical terms by both houses of Parliament and then must be adopted by a simple majority in a referendum or by a three-fifths supermajority of the French Congress, a joint session of both houses of Parliament (article 89).

PARLIAMENT

- The French Parliament (French: *Parlement français*) is the bicameral legislature of the French Republic, consisting of the Senate (*Sénat*) and the National Assembly (*Assemblée nationale*). Each assembly conducts legislative sessions at a separate location in Paris: the Palais du Luxembourg for the Senate and the Palais Bourbon for the National Assembly.
- Each house has its own regulations and rules of procedure. However, they may occasionally meet as a single house, the French Congress (*Congrès du Parlement français*), convened at the Palace of Versailles, to revise and amend the Constitution of France.

FRENCH
PARLIAMENT

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graph TD; A[FRENCH PARLIAMENT] --> B[SENATE (upper house)]; A --> C[NATIONAL ASSEMBLY (LOWER HOUSE)];
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SENATE (upper
house)

NATIONAL
ASSEMBLY
(LOWER HOUSE)

ORGANISATION AND POWER

- Parliament meets for a single, nine-month session each year. Under special circumstances the President can call an additional session. While parliamentary power has been diminished since the Fourth Republic, the National Assembly can still cause a government to fall if an absolute majority of the legislators votes a motion of no confidence. As a result, the government normally is from the same political party as the Assembly and must be supported by a majority there to prevent a vote of no-confidence.
- The government (or, when it sits in session every Wednesday, the cabinet) has a strong influence in shaping the agenda of Parliament. The government also can link its term to a legislative text which it proposes, and unless a motion of censure is introduced (within 24 hours after the proposal) and passed (within 48 hours of introduction – thus full procedures last at most 72 hours), the text is considered adopted without a vote. However, this procedure has been limited by the 2008 constitutional amendment. Legislative initiative rests with the National Assembly.
- Legislators enjoy parliamentary immunity. Both assemblies have committees that write reports on a variety of topics. If necessary, they can establish parliamentary enquiry commissions with broad

investigative power. However, the latter possibility is almost never exercised, since the majority can reject a proposition by the opposition to create an investigation commission. Also, such a commission may only be created if it does not interfere with a judiciary investigation, meaning that in order to cancel its creation, one just needs to press charges on the topic concerned by the investigation commission. Since 2008, the opposition may impose the creation of an investigation commission once a year, even against the wishes of the majority. However, they still can't lead investigations if there is a judiciary case going on already (or started after the commission was formed).

STRUCTURE AND COMPOSITION

NATIONAL ASSEMBLY

1. Overall Structure

- France has a bicameral Parliament, composed of the National Assembly and the Senate. The two houses both sit in Paris, but in separate places: the National Assembly at the Bourbon Palace (Palais Bourbon), and the Senate at the Luxembourg Palace (Palais du Luxembourg).
- The National Assembly has 577 members, called deputies (députés), and the Senate has 348 senators.

2. The National Assembly

a. The President of the National Assembly

At the beginning of each legislative term, the National Assembly elects a President of the National Assembly. The President of the National Assembly has important powers, and is ranked as the fourth most important figure in the French government hierarchy under the rules of protocol (the first three being the President of the Republic, the Prime Minister, and the President of the Senate)

b. The Bureau of the National Assembly

- The President of the National Assembly is the head of the Bureau of the National Assembly, and the only member of that body to be elected for an entire legislative term. The other members (six vice-presidents, three quaestors, and twelve secretaries) are elected at the beginning of each year. The National Assembly Rules call for the deputies to choose a bureau that is gender-balanced and that reflects the political composition of the National Assembly as a whole, thus ensuring that opposition parties are adequately represented.
- The Bureau is responsible for organizing the National Assembly's workload and agenda, and for managing the institution's day-to-day operations.

c. Permanent Commissions

- The National Assembly has eight permanent commissions: the Education and Cultural Commission; the Economic Commission; the Foreign Relations Commission; the Social Issues Commission; the National Defense and Armed Forces Commission; the Sustainable Development and Territorial Organization Commission; the Finance, General Economy, and Budgetary Control Commission; and the Commission for Constitutional Laws, Legislation, and the General Administration of the Republic. Additionally, the National Assembly can also create temporary special commissions. A deputy may not be a member of more than one commission at a time.

d. Political Groups

- Deputies may organize into political groups, although such groups must have at least fifteen members to be officially recognized. These groups represent “the organized expression of the political parties and formations within the Assembly, and allow deputies to group themselves according to their affinities.” A deputy may only belong to one political group at a time.

SENATE

The Senate is organized in a manner very similar to the National Assembly. a. The President of the Senate

- The President of the Senate is elected every three years, after each partial renewal of the Senate (see Part IV, "Elections," below). He/she is in charge of ensuring the Senate's security and proper operation, and has a key role in organizing the institution's workload and agenda.
- b. The Bureau of the Senate, Commissions, and Political Groups
- The Bureau of the Senate is composed of twenty-six members: the President of the Senate, eight vice-presidents, three quaestors, and fourteen secretaries. A new Bureau is formed every three years, with the election of a new President of the Senate. Senate Rules require that the Bureau reflect the political composition of the Senate. Like its equivalent in the National Assembly, the Bureau of the Senate is responsible for organizing the institution's workload and agenda, and for managing day-to-day operations.

CONSTITUTIONAL POWERS AND AREAS OF RESPONSIBILITY

- The Constitution states that the role of Parliament is to “pass statutes,” “monitor the action of the Government,” and “assess public policies.”[33] The Parliament does not have the authority to legislate on anything it wishes, however. Indeed, the Constitution explicitly defines what can be the object of a statute. The areas that fall under the Parliament’s legislative authority include the following:
 - - civic rights and the fundamental guarantees granted to citizens for the exercise of their civil liberties; freedom, pluralism and the independence of the media; the obligations imposed for the purposes of national defense upon the person and property of citizens;
 - - nationality, the status and capacity of persons, matrimonial property systems, inheritance and gifts;

- the determination of serious crimes and other major offences and the penalties they carry; criminal procedure; amnesty; the setting up of new categories of courts and the status of members of the Judiciary;
- the base, rates and methods of collection of all types of taxes; the issuing of currency.

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- the system for electing members of the Houses of Parliament, local assemblies and the representative bodies for French nationals living abroad, as well as the conditions for holding elective offices and positions for the members of the deliberative assemblies of the territorial communities;
- the setting up of categories of public legal entities;
- the fundamental guarantees granted to civil servants and members of the Armed Forces;
- nationalization of companies and the transfer of ownership of companies from the public to the private sector.

Statutes shall also lay down the basic principles of :

- the general organization of national defence;
- the self-government of territorial communities, their powers and revenue;
- education;
- the preservation of the environment;

- systems of ownership, property rights and civil and commercial obligations;
- Employment law, Trade Union law and Social Security

FRANCE

description: bicameral Parliament or Parlement consists of the Senate or Senat (348 seats - 328 for metropolitan France and overseas departments and regions of Guadeloupe, Martinique, French Guiana, Reunion, and Mayotte, 2 for New Caledonia, 2 for French Polynesia, 1 for Saint-Pierre and Miquelon, 1 for Saint-Barthelemy, 1 for Saint-Martin, 1 for Wallis and Futuna, and 12 for French nationals abroad; members indirectly elected by departmental electoral colleges using absolute majority vote in 2 rounds if needed for departments with 1-3 members and proportional representation vote in departments with 4 or more members; members serve 6-year terms with one-half of the membership renewed every 3 years) and the National Assembly or Assemblée Nationale (577 seats - 556 for metropolitan France, 10 for

overseas departments, and 11 for French nationals abroad; members directly elected by absolute majority vote in 2 rounds if needed to serve 5-year terms)

SWITZERLAND

description: bicameral Federal Assembly or Bundesversammlung (in German), Assemblée Federale (in French), Assemblea Federale (in Italian) consists of the Council of States or Staenderat (in German), Conseil des Etats (in French), Consiglio degli Stati (in Italian) (46 seats; members in multi-seat constituencies representing cantons and single-seat constituencies representing half cantons directly elected by simple majority vote; members serve 4 year terms) and the National Council or Nationalrat (in German), Conseil National (in

