CHAPTER 1.
CHAPTER I.

THE THEORY OF A SECOND CHAMBER

"Of all forms of Government that are possible among mankind I do not know any which is likely to be worse than the government of a single omnipotent democratic chamber."

--Lecky.

Explain the need for a Second chamber to Jefferson, George Washington poured a cup of boiling tea into a saucer to let it cool. "This", he said, pointing to the saucer, "is the Second chamber". The theory of the bicameral system is that it may provide an appeal from Philip Drunk to Philip Sober. In other words from the caprice of a transient majority to the court of mature public opinion.

The arguments for and against bicameralism have for long been a happy hunting ground for political Scientists.¹ When the new State of Andhra was created in the Republic of the Indian Union the Central Government decided that there shall be only a unicameral legislature for it. The Bombay State legislature passed a resolution on the 14th December 1953 demanding the abolition of the upper House in the State. It is interesting to note that this motion was supported by 213 out of 219 members present and the remaining six were ministers who did not participate in the voting.² The final say of course, rests with the Parliament of India.³ Even in Ceylon, the proposal to abolish the

1. Harry J. Benda, End of bicameralism in Newzealand.
2. The Hindu d. 14th December 1953.
Upper House was said to have gained momentum at one stage as the constitutional sub-committee of the government party recommended the abolition of the Senate. New Zealand saw the end of bicameralism recently when the Legislative Council Abolition Bill passed its second reading in the Council itself on August 15, 1951 by a majority of ten votes.

The unfortunate political experience in States of a single-chamber warrants a dispassionate study of the history and the utility of the Second chambers at present. Modern States have, however, for the most chosen the bicameral system in making provision for their Central governments and have followed the same policy in regard to their political subdivisions to a certain extent. A bicameral government has been established in the newest Republics such as Eire, India and China. The exceptions however are such small countries as Thailand, Finland, New Zealand, Israel, Indonesia, Yugoslavia and Czechoslovakia, Panama, Paraguay, Bulgaria, Hungary, Honduras, Norway, Denmark, Greece, Costa Rica, Turkey, El Salvador, Spain and Rumania. The countries which have adopted the uni-cameral principle will tell the reader how little is their influence on the course of international politics.

In spite of their political differences and ideological conflicts, U.S.A. and U.S.S.R. have accepted the bicameral principle as an integral part of their governments. With rare unanimity, we find, the civilised world has decided in favour of a bicameral legislature.

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4 The Hindu d. March 10, 1954.
5 Harry J. Benda - "End of Bicameralism in New Zealand."
6 J.A.R. Marriott - "Second Chambers."
Among the constituent States of Federations all but Nebraska of the U.S.A. and most of the American States adhere to bicameralism but in Canada, only Quebec has two Houses. John Stuart Mill, Viscount Bryce, Henry Sidgwick, Herman Finer and Lecky have been ardent supporters of the bicameral principle while Abbe Sieyes, Rousseau, Goldwin Smith and Harold Laski have been its vehement critics. The need of two chambers has been an axiom of political science based on the belief of the innate tendency of an assembly to become lazy, tyrannical and corrupt—a tendency which can only be checked by the co-existence of another House of equal authority.  

A single chamber government was tried in England during the revolutionary period. France tried it twice and America too made an experiment in this direction. But all these countries met with total failure and returned to the bicameral principle. Even the redoubtable republican Cromwell had ultimately seen the wisdom of reverting to a Second chamber and gave vent to his feelings in no uncertain terms. "I tell you", he said, "that unless you have some such thing as a balance, we cannot be safe". Revolutionaries, republicans and academic people have ultimately seen the folly of hoping to govern with a single chamber. A single assembly is liable to all the vices, follies and frailties of an individual, subject to fits of humour, starts of passion, flights of enthusiasm, partialities or prejudices and consequently productive of hasty results and absurd judgements.  

7 Viscount Bryce—"Modern Democracies."
8 John Adams, "A defence of the Constitution of Government of the U.S.A."
Second Chambers have come into existence sometimes due to a precise theory, sometimes due to imitation and sometimes due to a vague sense of tradition. Force of example and imitation have certainly led some countries to think it necessary to have an upper House. The familiar advantages shown in respect of a Second chamber are that they are a useful check on the hasty and ill-digested legislation of the lower House. It is only when we have a second chamber that the examination and revision of bills brought from the lower House can take place. Improvements can be effected in form as well as the substance of legislation. Where there is no Second chamber there is no room for second thoughts and a vacuum is created in this direction. The area of legislation before a modern State is incredibly wide and its character largely technical and sometimes controversial and as Bluntschli said four eyes see better than two, especially when a subject is to be considered from different standpoints. A Second chamber can interpose delay between the introduction and final adoption of legislation and thus permit time for reflection and deliberation. It affords a protection to the individual against the despotism of a single chamber and is a guarantee of liberty as well as to some extent a safeguard against tyranny. The existence of a Second chamber doubles the security of the people by requiring the concurrence of two distinct bodies in any scheme of usurpation or perfidy where otherwise the ambition of a single body would be sufficient. The quality and quantity of legislators

9 Story, "Commentaries on the Constitution of U.S.A."
10 Lord Acton, "History of Freedom and other Essays."
11 Story, "Ibid".
in the lower House is pitifully small to grapple with the problems that are thrust before them. In the absence of a body of Elder men there is always the danger of bills going straight to the Statute book without being enriched by the grains of truth and wisdom which emerge from a full-scale controversy and discussion. Rightly therefore, did Sir Henry Maine observe that any Second chamber was better than none. Further, it affords a convenient means of giving representation to special interests or classes in the State.

In spite of these obvious advantages, the critics of a Second Chamber have considered it as complicated, conservative, expensive and unnecessary, which charges are insignificant when pitted against the volume and intricacy of modern legislation. The unrealistic French Utopian Rousseau maintained the thesis that the Sovereignty was indivisible and the nation was sovereign and therefore its representative body ought to be but one. This fallacious logic of Rousseau has of course been torpedoed by the Pluralist and Federal conceptions of State subsequently.

Second chambers have a unique and special function to perform in federations. They make it possible for the representation of weakest States on a par with the strongest in all respects. Therefore a fund of psychological satisfaction is disseminated all over the land assuring the Citizens that they are all equal in the eyes of federal government. Indeed, all Second chambers have been instituted and maintained not from disinterested love of mature deliberation but because there is something their makers wished to defend against the rest of the community, especially
inherited possessions and status. The contention of those who oppose bicameralism now-a-days (who of course are found rarely among responsible Statesmen) is based on the Abbe Sieyes dictum that if the two assemblies agree the Second chamber is unnecessary and if they disagree it is obnoxious—a dilemma which recalls that attributed to the Khalif Omar when he permitted the destruction of the library at Alexandria, on the contention that if the books agreed with the Kuran they were not needed and if they differed they ought to perish. This has very well been answered by Herman Finer when he says, "If the two assemblies agree so much the better for our belief in the wisdom and justice of the law; if they disagree it is time for the people to reconsider their attitude."

The very fact that the major powers like England, U.S.A. and France have tried the single chamber experiment and returned to bicameralism is itself a strong reason in the soundness of the institution. It would do well to recall the wise words of H.E. Lord Reading, Viceroy and Governor-General of India: "There should be no vexatious interference with the proceedings and yet a Second chamber must not shrink from exercising the powers entrusted to it when matters of vital interest are stakes." It is refreshing to note that the Rajya Sabha (Council of States) in India is living up to the dictum enunciated by a former Governor-General of India. Under the new governments however, practically, the Second

12 Finer, "The Theory and Practice of Modern Governments."
13 Bryce, "Modern Democracies."
14 Finer, "The Theory and Practice of Modern Governments."
chambers are not co-ordinate in matters of power (except that of U.S.A.) but subordinate to the First Chamber. Cabinet governments and ministerial responsibility to popular House makes it so almost inevitably. The tendency therefore, is to thrust the Second chamber into a Shadowy background of the crowded political stage which, however requires reconsideration.

To conclude, the weighty commonsense and experience of ages is indisputably on the side of Second chambers. The wholesale condemnation of Second chambers springs from a misguided proletarianism which it is time to arrest. Even the proletarian Russia has a respectable place for Second Chamber. The perilous 20th Century beset with challenging problems to the humanity requires the consideration of powerful, mature, intelligent and wise brains in a higher degree than in the previous times. He who dares to say that lower House unaccompanied by an Upper House is capable of meeting these life and death issues is living in a fool's paradise, to say the least. The sooner it is recognised the better it is for the humanity.

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