

CONVENTIONS OF THE BRITISH CONSTITUTION



INTRODUCTION

- Conventions are not made, rather they just come into existence and no punishment is given for violating these. However, in spite of that these are obeyed like laws and sometimes they are given more respect than to the laws. Being an unwritten, most of the part of British constitution is based on conventions.

MEANING AND DEFINITIONS OF CONVENTIONS

- Conventions are those unwritten rules of political conduct which have got the approval of the people and have become part and parcel of political constitution. Though no punishment is given on the violation of conventions, yet the people obey these because of their utility.
- The various scholars have given the definitions to clarify the meaning of conventions:-
- **Acc to ANSON**, “ *Conventions are the customs of the constitution.*”
- **Acc to J.S. MILL**, “ *Conventions are unwritten maxim of the constitution.*”

CHARACTERISTICS OF THE CONVENTIONS

- 1. Accidental growth of the Conventions
- 2. conventions are unwritten
- 3. Conventions are uncertain
- 4. No specific method to change the conventions
- 5. Courts do not recognise the conventions
- 6. No punishment for breaking Conventions

DIFFERENCE BETWEEN CONVENTIONS AND THE LAW

- 1. Conventions are grow whereas laws are made.
- 2. Conventions are unwritten whereas laws are written .
- 3. Conventions are uncertain whereas laws are certain.
- 4. There is no specific method to change conventions but Laws can be changed through specific method.
- 5. Courts recognise laws but not the conventions
- 6. Violation of laws invite punishment but not of a convention.

IMPORTANT CONVENTIONS OF THE BRITISH CONSTITUTION



- 1. CONVENTION RELATED TO KING:-
- (i) King remains aloof from the party politics. (ii) He is the nominal executive head; exercises his powers according to the wishes of the council of ministers. (iii) He neither presides the meetings of the cabinet nor he takes part in the cabinet meetings. (iv) King appoints the leader of the majority party in the House commons as Prime minister.

CONVENTIONS RELATED TO SPEAKER

- In England, the presiding officer of the House of Commons is called Speaker and following are the conventions related to his office:-
- (i) Speaker is elected unopposed from among the House. (ii) The concerned person breaks relationship with his party after his election as Speaker and moves away from party politics. (iii) The person who speaks less in the House and generally is a bench-bencher is elected as Speaker. (iv) The same person is elected Speaker again and again in England.

CONVENTIONS RELATED TO PARLIAMENT

- (i)Session of Parliament will be convened once a year.
- (ii) Bi-cameral legislature in England is the product of Convention.
- (iii) When House of Lords meets as the highest court, only 'Lords' take part in the meeting.
- (iii) Session of the Parliament begins with the speech from the throne.
- (iv) To become an act, a bill has to pass through three stages separately in the both the houses.
- (v) It is obligatory for the government to get approval of Parliament for its policies.
- (vi) Opposition gets representation in proportion to strength in the committees of the House.

CONVENTIONS RELATED TO CABINET

- (i) The leader of the cabinet, the Prime-minister is taken from the House of commons.
- (ii) All the member of the cabinet are the members of Parliament. (iii) Cabinet remains in the office till it retains the confidence of majority in the House of Parliament. (iv) Collective responsibility of the cabinet before parliament. (v) The cabinet functions on the basis of the principle of political homogeneity. (vi) In emergency, different parties together constitute National Government.

CONVENTIONS RELATED TO COMMON WEALTH OF THE NATIONS AND DOMINIONS

- (i) Membership of Commonwealth is voluntary. (ii) A bill passed by British Parliament is not applicable to the Commonwealth countries.
- (iii) British Parliament can Legislate on the matters related to the commonwealth countries only on their request.(iv) While making a law related to any Dominion, king holds consultations with the ministers of Dominion concerned. (v) In case any change is made in the law relating to the succession to the throne in England, the approval of the Parliament of England and of the Parliament of Dominions will be necessary.

SANCTIONS BEHIND CONVENTIONS

1. According to Prof. Dicey, if a convention is violated , a law gets violated.
2. Conventions are code of Honour.
3. Fear of Impeachment
4. Sanction of Public Opinion
5. Conservative nature of the British People
6. Conventions support Democracy.



UTILITY AND IMPORTANCE OF CONVENTIONS

- Conventions have changed unlimited Monarchy into limited Monarchy.
- Make the constitution Dynamic
- Conventions give workable shape to the constitution.
- Main source of the constitution
- Establishment the supremacy of the House of commons
- Make the administration democratic.
- Provide efficiency to Administration.

CONCLUSION

- We can conclude that conventions are the life-blood of the constitutional system of England and we can not imagine the political system working without them. They are the main source of the constitution, have the capability of moulding the constitution.

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