

Report on attending the Attachment Programme with House of Commons

(K P Singh, Director)

I. AN OVERVIEW

I had an opportunity to attend the Professional Development Programme from 12th to 16th September, 2011 in UK. It was an attachment Programme with the House of Commons meant for the officers of the Secretariat. We, six officers of the Secretariat under the leadership of Smt. Vandana Garg, Addl. Secretary attended the Programme. The Programme covered the various aspects of functioning of the UK Parliament covering both the Houses i.e. House of Commons and House of Lords. The Programme *inter alia* focused on the law making process; functioning of the Committees; parliamentary questions; ethics and Parliamentary privileges and; the security in the Parliament House complex.

This note is a brief account of understanding of the British Parliament based on our interaction with the officers of both the Houses. In the end some notable features peculiar to UK Parliament have been mentioned.

The Programme started with the meeting with Clerk of the Overseas Office in the House of Commons who gave us an overview of the UK Parliament and its place in British political system. In the course of meeting it was felt that there were three major issues (reforms) which were drawing attention of the Parliament:

- The issue of having fix tenure of House of Commons and thereby trying to reduce the possibility of early dissolution of the House with a view to avoid burden on the exchequer.
- The second major reform was for reducing the number of constituencies in the House of Commons. There has been a general feeling that the country's population is over represented in the House of Commons, and thereby raising the number of MPs to 650. This would, however, be subject to exception in the cases when the dissolution is unavoidable as the Government of the day does not enjoy the confidence of majority in the House and the formation of alternative Government is also not possible. Ever increasing Number of Lords (currently 830) in the Upper House is also a matter of concern. Efforts are being made to reduce the number of Lords by putting restrictions on the Government to appoint new members and also by providing for early retirements.
- Third issue was the austerity measures being taken to reduce the establishment cost of Parliament.

The relevance of the three issues can very well be appreciated in our context also. We faced similar situations when Lok Sabha had to be dissolved and thereby resulting in avoidable heavy expenditure from our resources.

As far as the reducing number of constituencies it can be stated our population, on the contrary, is less represented in the Lok Sabha. On an average, a Member of Lok Sabha represents about a million or more people. Therefore, a review is desirable to have a reasonable representation of the population in the House and the number of constituencies may need an upward revision.

The austerity measures are also needed to reduce the expenditure on the establishment of Parliament.

II. COMMITTEES

We had then opportunity to meet the Clerks of the Committees of the House of Commons and House of Lords and in the course of interaction we learnt that both the

Houses have their respective Committees of the whole House where the entire House sits as a Committee. In the House of Commons, it is presided by the Chairman of the Ways and Means or one of the Deputies. In the House of Lords, it is known as the Grand Committee.

House of Commons

The House of Commons has the **Select Committees**, Department-wise which examine the expenditure, administration and policy of the relevant department and its associated public bodies. All such Committees except the Northern Ireland Committee have 11 Members. These Committees select their own subjects for their enquiry. They also decide how to conduct their enquiry, usually by gathering evidences written or orally and finally submit their reports to the House normally, within two months. The Second category of Committees is the **Public Bill Committees**. These Committees examine the bills clause by clause and schedule by schedule. These Committees also receive written and oral evidences from the interested parties. Members are nominated by the Committee of selection and the Membership reflects the party position of the House. The sittings of Committees are in public. In addition, there are Committees such as Delegated Legislation Committee, European Committees, Northern Ireland, Scottish and Wales Grand Committees.

The Committees in the UK Parliament submit their Reports based on the broad consensus. However, the Select Committees can call the Ministers and we were told that very frequently Ministers appear before these Committees. As regards the Committees' visit outside London, the Committees do not need approval of the higher authorities for travelling in UK. However, for travelling abroad they take approval of the Liaison Committee. The hearing of evidences are held in public in whereas, discussions within the Committee are in private.

Since our Committees' proceedings are completely confidential and are made public only after the Committee's Report is presented to the House and a conscious decision is taken by the Committee to make public the evidence tendered before it. Rest of the proceedings however, remain confidential. In the times of RTI this may be reviewed. The Standing Committees have been drawing the interest of the media and people at large to a great extent. Moreover, this will also make people aware of the work being done in the Parliamentary Committees.

House of Lords

In the House of Lords, the Domestic Committee is mainly concerned with the administration of the House. The **Policy Committees** are both Legislative and Investigative Committees that consider the primary and secondary legislation and also the draft legislation. These committees also consider matter of public policy within a particular area. The principle behind Lords Committee Policy activity is the integration of the Committee and the Chamber work and also to avoid duplication of the work of other committees, particularly the Commons Committee. Some of the Policy Committees also have **sub-committees**. For example, European Union has 7 sub-committees, Science and Technology has 2 sub-committees (units), economic affairs have one finance bill sub-committee. In addition, there is normally one ad-hoc Committee which is formed on the recommendation of Liaison Committee of the House.

Liaison Committee composed of party leaders and senior Members of the House exercises general oversight of the Lords policy Committee activity and it also considers proposals for new committee activity and the constraints, if any.

Usually every policy committee has 12 members and by and large 170 members are currently involved in the committees. Members are selected by the Committee of Selection on the nomination by the Chief Whip and Convener of the crossbenchers. The

Committees function and submit its reports based on broad consensus like Commons Committee. These Committees are empowered to call for the witnesses, written submissions, undertake visits, deliberate amongst themselves and finally report to House. The investigative reports are usually debated on the floor and receive written response (action taken) from the Government within two months.

III. PARLIAMENTARY QUESTIONS

The Departments of the Government oblige responding to the questions asked for by the Members as per the procedure laid down.

House of Commons

Each Member may table one specific **oral question** for each Government Department answering subject to an overall maximum of two such questions to Ministers answering questions on a single day. In addition, Members may table one oral question to each department. The oral questions may be tabled three days before the sitting day by 12.30 when the ballot takes place. A ballot of 25 members is drawn for a day. The main departments which are 15 in numbers get one hour whereas the smaller departments which are 5 in numbers get half an hour before the **P M's day** (half an hour). The grouping of departments and the days of departments are identified three months in advance. It may be noted that the Prime Minister has a fix day to reply the oral questions to the Members. As stated above, a member can give only one notice for oral answer. Government is, however, allowed to group similar questions and there is no limit for raising the supplementary.

It is worth noting that last 15 minutes of the question time are reserved the **Topical oral questions**. These are the oral questions for which no formal notice is given.

There are two types of **questions for written answers**. The ordinary written questions for which no specific day is given. There is no limit on the number of ordinary written questions a Member may table. The other category is the questions for answer that are named for a specific day. Member may request three days before the sitting for the answer.

The Table Office processes the work relating to questions and also takes care of the correcting replies. If the correction is of substantial nature, a written statement is made in the House. In case a Member is not satisfied with the answer, he may raise the issue after the Question Hour.

The process of dealing with Parliamentary Questions is altogether different from that of ours. However, P M's day is really captivating when he answers to all the Questions and supplementary raised by the members.

House of Lords

Four questions are admitted for **oral answer** each day (Monday - Thursday). Notice for the oral answer is to be given four weeks before the date of sitting. The Members themselves decide the days of the Ministries / Departments of the Government for reply to their questions. Unlike House of Commons, more than one Ministry or Departments are listed for a day. The Lords being a self-regulatory House, Members themselves decide who to raise the supplementary. Fourth question of the list of the day is a **Topical question** it is identified on the basis of shuffle.

For the questions for **written answers**, a Member can give six notices for a particular day. The questions are to be replied within ten days from the date of listing (If the Member's question is listed today, the answer to be given within ten days). Notice can be given a day before listing and there is no upper limit of the list for list of questions for written answers.

IV. JOURNAL'S OFFICE

Meeting with the Clerks of Journals was interesting one as this office does not have any counterpart in our Secretariat. The Journal's Office in House of Commons, set up in 18th Century, maintains the minutes of the decisions of the House; publishes notice on the proceedings; maintains local and accurate record of what has happened in the House; the record of papers laid on the Table and; the official report (Hansard). In addition, it maintains the record of proceeding and procedures and standing orders. This is the office for drafting new standing orders and also deals with laying of orders, notifications, delegated legislations. This office extends support to Committee on Standard and Privileges and West Ministers Hall (Debating Chamber).

Similarly, the House of Lords also have a Journal's Office. In addition to the activities covered by the House of Commons Journal's Office, the Lords Journal's Office covers the attendance of the Members as the same is linked to the entitlements of the Members. It assists the Lords on the Committee relating to procedure that considers changes to the procedure relating to House. It handles the publication of standing orders and compendium of standing orders for day to day use which is updated in every two years. It provides supports to the House when it sits in the form of Committee of whole House. And lastly, it publishes the register of assets and liability which is also available online and is updated on daily basis.

IV LAW MAKING PROCESS

The law making process in both the Houses begins with the formal reading of the title of the Bill and then it is ordered to be printed. This is called **first reading**.

Second reading usually takes after the two weeks of the first reading and provides the main opportunity to debate the bill.

This is followed by the **Committee stage**. The bills are referred to a Committee. In the case of House of Commons the Bill can go to one of the three Committees:

- Committee of the Whole House mainly for Constitutional Bills and parts of the Finance Bill,
- Public Bill Committee , and
- Select Committee which are used infrequently.

Mostly, the Bills go to the Public Bill Committee. In the case of Lords, Bills usually go to a Committee of Whole House (in the Chamber) or Grand Committee (away from Chamber) and rarely does it go to other types of Committee. At this stage Bill is examined by clause by clause. In the Commons there is a practice of selection of amendments by the Chairman as advised by Clerk and the Committee has to power to send for persons, papers and records and can hear oral evidence also. Whereas, the Committee of Whole House or Grand Committee in Lords does not call for public evidence and rarely voting takes place.

Report stage usually starts 14 days after the Committee stage. At this stage there is further chance to consider amendments and also the new clauses.

Third reading and passing of the Bill takes place usually immediately after the report stage on the same day in the case of Commons. In the case of Lords it is usually three sitting days after report stage. It provides final opportunity for the Members to debate the Bill and after passing the Bill it goes to the other House.

In addition, both the Houses carry out Pre- legislative scrutiny of some of the draft bills, to be initiated by the Government, in the session prior to their introduction. The purpose of this scrutiny is to take evidence on the policies underlying bills, and to consider whether bills can be improved before they are introduced. Pre-legislative

scrutiny should lead to better informed debates on Bills when they are introduced and may save time in both the Houses by identifying problems at an early stage. Such scrutiny may be carried out by Select Committees of either House or by the Joint Committees.

Pre- legislative scrutiny of the draft bills, to be initiated by the Government is a novel and much desired step. In UK this is in practice for the last ten years or so. In Indian context its relevance can very well be appreciated.

V SECURITY IN THE WEST MINISTER COMPLEX

Joint Committee on Security of both the Houses is responsible for the security arrangements in the West Minister's Complex. The security is entirely managed by the London Metropolitan Police and all the security personnel are hired through London Metropolitan Police. We were told that no security personnel are recruited by the Administration of Parliament. The Budget of the security was told to be around £32 million per annum. They also facilitate the visitors in the complex and effort is made to welcome and encourage more and more people in the Parliament Complex. A fee of £15 is levied from the tourists to see the West Minister but no such fee is charged when Houses are in Session. Idea being the Parliament belongs to the people and they have the right to see the Parliament in Session.

VI CONDUCT OF MEMBERS AND PRIVILEGES

Instances of abuse/ misuse of office by Members of Parliament have raised grave concern in UK. There has been a demand throughout to put necessary and affective mechanism in place to control such misuse of power. A Code of Conduct and the guidelines have been drawn and posted on Parliament website.

The privilege of the House means to conduct the proceedings of the Houses the way it desires. No hindrance can be caused in its proceedings. As regards the privilege of the Members, there is no exemption from the criminal proceedings. This has been wisely interpreted by the Supreme Court. However, a Member enjoys complete immunity even from the criminal prosecution if any, for whatever he speaks in the House. Codification of the privileges of Members as well as that of House is debatable issue and has not yet been finalised.

Members are expected to register their assets and also declare their interests. This information is kept in public domain and is available online. The Committee on Standard and Privilege of the respective House looks into the matters relating to privileges issues. A resolution of the House appoints the Commissioner for investigation who conducts the investigation on the receipt of the complaints and then the complaint is sent to the Committee for examination and Report.

VII SOME FEATURES UNIQUE TO UK PARLIAMENT

During our visit, I could observe some notable features which are unique to UK Parliament. These features may find some relevance in our context:

West Minister Hall (Debating Chamber):

West Minister Hall is effectively a parallel Chamber of House of Commons and its sittings are held in Grand Committee Room. Any Member of the House of Commons may take part in these sittings. The business of the West Minister Hall largely includes uncontentious issues. The business for the sittings of the West Minister's Hall is listed in part B of the future business paper.

There is also a provision for question for oral answer to be taken by Ministers in West Ministers Hall. It further provides for 'cross cutting issues' with Ministers from

more than one department and they may be providing answers but such occasions have been rare.

Only debates of adjournment motion have taken place in West Minister Hall. If other Motions were debated a single objection would be enough to prevent a question being decided. Six Members standing in their place and signifying their objection to further proceeding would be sufficient to halt business other than adjournment motion in West Minister Hall.

At sittings in West Minister Hall on Tuesday and Wednesday there are two **one and a half hour debate** and three **half an hour debates**. The one and half hour debates are intended to be wider debates involving a number of Members. Ministers from each department are available to respond to such debates. Members may apply both for one and half hour debate and a half hour debate but will be successful in not more than one ballot. The Speaker's Office notifies the result of their applications. The successful applicants are listed in future business paper. Any relevant interest relating to successful applications should be declared immediately in table office. Unsuccessful applications are considered again if only resubmitted for subsequent week. Members will not be granted more than one debate in the same week or to debates in a successive week. Practice on speech and interventions for half hour debates in West Minister's Hall are the same as for half hour adjournment debates in the Chamber.

Committee of Whole House:

The Committee of the Whole House is the entire House sitting as Committee in the Chamber. It is presided over by the Chairman of Ways and Means or one of his Deputies. As in other committees any Member may speak more than once to the same question. Normally, the Bills are taken in the Public Bills Committee and a decision of the House is needed immediately after second reading to commit them to a Committee of the Whole House. This is usually done for Bills of constitutional importance, urgent bills, and parts of Finance Bill or for short uncontroversial or technical bills.

Committee of Selection:

The Committee of Selection consists of nine Members amongst whom the whips of political parties are usually represented. It normally meets on Wednesday. Committee of Selection appoints Members to General Committees including Public Bills Committee and Delegated Legislation Committees as well as Committees relating to private business. The Committee also puts motion to the House for the appointment of Members to most Select Committees and subsequent changes to membership. In practice, the Committee is responsible for applying the rules and conventions of the House to all names proposed by the political parties. In appointing or nominating members to Committee, the Committee of Selection must have regard to the political party position of the House which will usually have the effect of granting the Government a majority. Each political party makes its own arrangements for putting forward members name to the Committee of Selection for nomination to Committees.

Pre-Legislative Scrutiny of Draft Bills:

Pre-legislative Scrutiny of the draft Bills referred to by the Government is carried out in both the Houses. This practice is in vogue for about last 10 years. Such scrutiny may be carried out by Select committee of either Houses or by the Joint Committees. Joint Committees of both the Houses may be formed to carry out such scrutiny. These Committees carry out pre-legislative scrutiny of some draft bills in the Session, prior to their introduction. These committees scrutinize the Bill and also take evidence on the policies underlying the bills. They consider if the Bills can be improved before those are introduced. The objective of pre legislative scrutiny to lead better- informed debates on

the bills when they are introduced and also save time in both the Houses by identifying problems at an early stage.

Maiden Speech:

Members who have not previously spoken on the floor of the House are usually called early in a debate and are heard without interruption. As on other occasions, they should give notice of their intention to speak to the Speaker's Office. A maiden speech is usually uncontroversial fairly brief and includes a tribute to the Member's predecessors irrespective of their party. It is also a tradition that speakers who follow praise the new members' first contribution. Members may however take part in a wide range of parliamentary proceedings without affecting their right to make a maiden speech. But if a Member speaks in a debate in the House or West Minister's Hall he or she may forfeit the right to be called to make a maiden speech.

Opposition Days:

On twenty days in each session (sometimes divided into half days), the Opposition Parties choose the business to be discussed. Seventeen such days are allocated to the Leader of Opposition and three days for the leader of second largest opposition party. The business to be taken on such days usually takes the form of debate arising out of motion, or split between two motions, tabled by the opposition party whose days it is.
