

**FEEDBACK ON “PROFESSIONAL DEVELOPMENT PROGRAMME”
FROM 12TH TO 16TH SEPTEMBER, 2011 AT UK PARLIAMENT,
LONDON.**

Anyone who stops learning is old, whether at twenty or eighty.

~Henry Ford

All the world is a laboratory to the inquiring mind.

~Martin H. Fischer

I am always ready to learn although I do not always like being taught.

~Winston Churchill

Learning is a continuous process for which whole life may not be sufficient. According to a Chinese proverb, a single conversation with a wise man is better than ten years of study; and in this context, Meeting and discussion with knowledgeable people widens the horizon of understanding as well as increase knowledge and skills.

Practices and procedures of one's as well as others' institutions and learning about them definitely play an important role in expanding one's horizon of knowledge and vision. The Professional Development Programme was one such exchange programme that provided an opportunity to me to learn more about the functioning of the different branches/sections of the Parliament of the United Kingdom.

In this regard, I was fortunate to attend the Professional Development Attachment at House of Commons, London from 12th - 16th September, 2011. The Training Programme at the House of Commons was organized by the

Overseas Office of the House of Commons, UK. I want to thank Secretary General for nominating me for the above mentioned programme. I would like to share my experience and observations in the succeeding paragraphs.

United Kingdom has no written Constitution. It functions according to conventions, practices and precedents evolved over the years. Its constitutional laws and practices are flexible and can be amended as any other laws in the country. There are 650 MPs in House of Commons and 828 MPs in House of Lords. The House of Commons require a quorum of 40 Members and once a debate starts, just the Speaker and a Member are sufficient to run the House. The minimum age for membership of House of Lords and House of Commons is 21 years and 18 years respectively. While the minimum age to become a Member of Rajya Sabha and Lok Sabha is 30 and 25 years respectively.

The House begins and ends at different times on different days. Members of the House of Lords are nominated by the Queen on the advice of Prime Minister. Some members are hereditary peers and others are life peers. The members are classified as lord spiritual and lord temporal. The Lords (Members of the House of Lords) do not represent any region of UK i.e. Scotland, Northern Ireland and Wales, while in Rajya Sabha as the name suggests, States are represented by their respective Members. The Lord Speaker is elected among the members of Lords and cannot hold office beyond two terms of five years each, however In the Rajya Sabha, Chairman is elected by the Members of Lok Sabha and Rajya Sabha and there is no specific bar for seeking the re-elections. The Chairman, Rajya Sabha unlike the Lord Speaker is not Member of Parliament. The Lord Member cannot

become the Prime Minister in UK. The only exception was Mr. Douglas Home, who became Prime Minister in 1963-64.

House of Lords members do not get salary; they are paid daily allowance throughout the month. Members of the House of the Common receive regular salary, but DA is not paid to them. For attending the Committee meetings, they don't get allowances except travel allowance. In the House of Commons, the Independent Parliamentary Standard Authority (IPSA) makes recommendations about the Members' salaries.

In the House of Lords, the quorum requirement is only three Members including the Lord Speaker. There is a Commission which is independent of Prime Minister to select peers. The power to make one a life peer actually lies with the Prime Minister. There is a Compilation of Standing Orders and Procedures of the House of Lords. It is published every two years.

Westminster Hall is a parallel Chamber of the House of Commons where mainly Back Benchers are allowed to participate in the debate. Two one-and-a-half hour debates and three half-an-hour debates take place on different subjects proposed by the Back Benchers as well as Government on Tuesdays and Wednesdays. On Thursdays. Reports of the Select Committees and other Committees are debated. Mostly debates are held during the time when the House is not sitting. The concerned Minister remains present and respond to such debates. However, there is no voting. It provides an opportunity to Members to raise cross-cutting issues and Ministers from more than one Department provide the answers.

The Queen during the starting of the Budget Session and after each general election addresses the House of Lords only and this is called the State

Opening of the Parliament. There is no provision of Joint sitting whether it is opening of the Budget Session at the start of the year or during the dead lock over amendment of any Bill. Under certain circumstances, Rajya Sabha has been given special powers to make certain Laws, but there is no such provision in the case of House of Lords. The opposition parties in the House of Commons can determine the topic for debate on certain days. Those day are called Opposition Days. Approximately 20 opposition days in a Parliamentary Session are allocated to the official opposition party.

Due to the high cost of running the British Parliament, the expenses scandal, need for observing economic austerity to reduce its civil service expenditure, etc., the British Parliament has set up a Reforms Committee chaired by the Speaker to make recommendations on reforms. It is proposing to reduce the number of Members in the House of Commons from 650 to 600 with a uniform population size for each constituency. It is also proposing to bring down the strength of Members in the House of Lords from 842 to 350 or so and get them elected instead of appointing them.

Parliamentary Committees

Parliamentary Committees perform oversight function on behalf of parliament and hold Government accountable for its omissions besides suggesting remedial measures, thus a further step towards good governance approach. In our country and UK both, there is an elaborate Committee system.

There are different Committees like Joint Committees, Select Committees, Public Bill Committees, Grand Committees, etc. in UK Parliament. There is a Liaison Committee headed by the Deputy Speaker,

which comprises Chairmen of all the Select Committees. It reviews the working of the Select Committees and gives advice on general matters relating to the work of the Committees. It chooses the reports of the Select Committees to be debated in the House and in the Westminster Hall. It calls the Prime Minister twice in a year to take his evidence on policy matters and on domestic and international affairs. The Grand Committees deals with the Scottish, Welsh, Northern Ireland and regional matters.

There is also an interesting feature in the Committee system in UK Parliament. Sometimes the entire House sits as a Committee in the Chamber. It is called the Committee of the Whole House. It is chaired by the Chairman of Ways and Means or his deputies. It deals with Bills of constitutional importance, urgent Bills, parts of the Finance Bill and uncontroversial or technical Bills.

The Committee of Selection appoints Members to general committees including Public Bill Committees, Delegated Legislative Committee and Select Committees. It consists of Whips of all political parties and meets once in a week, usually on Wednesdays. The political parties give the names of the Members to the Select Committees to the Committee of Selection and it proposes a motion to the House for their appointment to the Select Committees as well as for subsequent changes to the membership.

Our Department- related Parliamentary Standing Committees (DPRSCs) and Departmental Select Committees (DSCs) of UK, can be termed counterparts and in some sense, have some similarities as well as, some basic differences in their functioning. Though in UK these Committees were formed way back in 1979, where as in India, Standing Committees were formed in

1993, but by nature, both are Standing Committees of their respective Parliaments. However there is basic difference as Departmental Select Committees of UK Parliament are standing Committees of the House of Commons only, and there no such Committees in House of Lords or its Members (Lords) are Members of DSCs. Whereas on the other hand, in India; DRPSCs are Joint Committees with Members from both the Houses having fixed membership of 31 Members; 10 Members from Rajya Sabha and 21 Members from Lok Sabha. There are 24 DPRSCs, out of which, 8 being serviced by Rajya Sabha Secretariat and the rest by Lok Sabha Secretariat. All DSCs except the Northern Ireland Affairs Committee have 11 members, which are serviced by the secretariat of House of Commons. All Members are back benchers and normally Ministers, Opposition Front Bench Spokesmen and Party Whips are not members of DSCs. While in India, there is no condition for senior members to become members of DRPSCs. Usually a senior party leaders are appointed as its Chairmen of the Committees. However, in UK, the majority of Select Committee Chairmen are elected by their fellow MPs. This applies to Departmental Committees and other Committees such as Environmental Audit, Political and Constitutional Reform, Procedure, Public Administration and Public Accounts committees. However, no MP is elected as Chairman of a Committee consecutively for the third term. An MP remain can as a Member of the Committee for the whole term of a Parliament unless he or she resigns, becomes a Minister, ceases to be a Member, etc. The House has recently endorsed the principle that the names considered by the Committee of Selection should follow secret ballots within the parties.

DSCs in UK are constituted after a General Parliamentary Election and Member are nominated for the duration of Parliament. Members to the DRPSCs are nominated for one year term. Committees of both Parliaments monitor the activities and schemes of the Ministries and Departments under their jurisdiction. However in UK, there is exclusive one DSC for one Department while in India 48 Ministries/ Departments and some autonomous offices come under the purview of 24 Standing Committees. Names of DSCs of UK Parliament and the Ministries/ Departments under their purview are as below in tabular form:-

Sr. No.	Name of the Departmental Select Committee (DSC)	Ministry/ Department under it
1.	Business, Innovation and Skills Committee	Department for Business, Innovation and Skills and its associated public bodies
2.	Communities and Local Government Committee	Department for Communities and Local Government and its associated bodies
3.	Culture, Media and Sport Committee	Department for Culture, Media and Sport and its associated bodies
4.	Defence Committee	Ministry of Defence and its associated public bodies.
5.	Education Committee	Department for Education and non-departmental public bodies.
6.	Energy and Climate Change Committee	Department of Energy and Climate Change and its associated public bodies
7.	Environment, Food and Rural Affairs Committee	Department for Environment, Food and Rural Affairs (Defra) and its associated

		public bodies.
8.	Foreign Affairs Committee	Foreign and Commonwealth Office and its associated public bodies.
10.	Home Affairs Committee	Home Office and its associated public bodies.
11.	International Development Committee	Department for International Development and its associated public bodies
12.	Justice Committee	Ministry of Justice and its associated public bodies
13.	Northern Ireland Affairs Committee	Northern Ireland Office and its associated public bodies.
14.	Scottish Affairs	Scotland Office and its associated public bodies
15.	Transport Committee	Department for Transport and its associated public bodies
16.	Treasury Committee	HM Treasury, HM Revenue & Customs, and associated public bodies, including the Bank of England and the Financial Services Authority
17.	Work and Pensions Committee	Department for Work and Pensions and its associated public bodies

As stated earlier, there is a Commons Select Committee for each Government Department, examining three aspects: spending, policies and

administration. These Departmental Select Committees decide upon the line of inquiry and then gather written and oral evidence. Findings are reported to the Commons, printed, and published on the Parliament website. The government then usually has 60 days to reply to the Committee's recommendations. The Committees have power to appoint specialists or experts on contract basis to assist them for a particular purpose or in a particular inquiry. The Committees have a say in the appointments at the senior levels in the departments. On the Select Committee the concerned Minister and the main speaker of the Opposition will be there. The debates in the Committees are of high standard. They are done in a very serious, intelligent and well-behaved way.

Some Select Committees have a role that crosses Departmental boundaries such as the Public Accounts or Environmental Audit Committees. Depending on the issue under consideration they can look at any or all of the government departments. These Committees are as below:-

1. **Political and Constitutional Reform Committee**

This Committee has recently been constituted in June 2010 to consider political and constitutional reform as well as scrutinizing the work of the Deputy Prime Minister.

2. **Public Accounts Committee**

This Committee examines reports produced by the Comptroller and Auditor General (C&AG) on his value for money (VFM) studies of the economy, efficiency and effectiveness with which government departments and other bodies have used their resources.

3. Public Administration Select Committee

This Committee considers matters relating to the quality and standards of administration within the Civil Service.

4. Regulatory Reform Committee

This Committee scrutinizes government proposals for draft legislative reform orders.

5. Science and Technology Committee (Commons)

This Committee ensures that government policy and decision-making is based on good scientific and engineering advice and evidence.

6. Statutory Instruments Committee

This Committee is responsible for scrutinizing all statutory instruments laid before the House of Commons (its work is closely related to that of the Joint Committee on Statutory Instruments).

7. Environmental Audit Committee

The Environmental Audit Committee considers how well government policies and programmes contribute to environmental protection and sustainable development, and it audits performance against targets in those areas.

8. European Scrutiny Committee

This Committee assesses the legal and/or political importance of each EU document and decides which EU documents are to be debated. It also monitors

the activities of UK Ministers in the Council, and keeps legal, procedural and institutional developments in the EU under review.

9. **Wales Affairs**

This Committee examines matters concerning the responsibility of the Secretary of State for Wales (including relations with the National Assembly for Wales).

Likewise, there are also following Committees to look after affairs of Members and House of Commons and these Commons Committees are involved in a range of on-going investigations, like administration of the House itself or allegations about the conduct of individual MPs.

1. **Liaison Committee**

The Liaison Committee comprises all the chairs of select committees in the House of Commons. They regularly look at the work of their committees and decide which committee reports the House of Commons should be debating.

2. **Standards and Privileges Committee**

This Committee oversees the work of the Parliamentary Commissioner for Standards and to consider any matter relating to the conduct of Members.

3. **Procedure Committee**

This Committee considers and makes recommendations on the practices and procedures of the House of Commons.

4. **Finance and Services Committee**

It considers expenditure on, and the administration of services for the House of Commons. It has responsibility for detailed scrutiny of the House's budget.

One major observation noted was regarding setting up of the Scrutiny Unit, which is a part of the Committee Office in the House of Commons. It has a team of specialists who support the work of select committees. This Unit also examines the Bills before introduction to the House of Commons. It may be mentioned that there is no such arrangement in our Parliamentary Committee system.

Select Committees of the House of Lords

Lords Select Committees do not shadow the work of Government Departments. Their investigations look into specialist subjects, taking advantage of the Lords' expertise and the greater amount of time (compared to MPs) available to them to examine issues. There are currently five major Lords Select Committees:

- a) European Union Committee;
- b) Science and Technology Committee;
- c) Communications Committee;
- d) Constitution Committee; and
- e) Economic Affairs Committee

These five committees are re-appointed at the beginning of a new session. Each Committee makes inquiries and reports on issues within their specific areas. Occasionally, other committees are also set up to look at issues outside of the five main groups.

In addition, some other things are also worth mentioning in relation to the working of committee system in UK Parliament, which are dealt with in the succeeding paragraphs.

Any member of public can view the proceedings of the committee whereas in our case Committee proceedings are not open to public. In certain cases, Chairman may brief media persons after the meeting but without divulging the details of the discussion held.

The quorum for committee proceedings is three including the Chairman but in our case the quorum varies from 33% to 50%. Strength of our Parliamentary Committees also differ from Committee to Committee.

Specialists from the national audit service, the civil service or local government are appointed by the House to provide analysis and briefing to the Committees.

Permission to visit foreign countries by a committee in connection with its business is given by the Chairman of the Liaison Committee. While in our case, permission for the domestic and international visits is accorded by the presiding officer of the respective Houses.

Questions

Questions are of different types like starred, unstarred, urgent question, engagement question and topical questions. Normally, 25 questions are chosen for oral answers each day. Topical oral questions are raised during the last 15 minutes of the question time and for this, no formal notice is given and capital 'T' is mentioned on the format. Topical questions are submitted mostly by the Back Benchers. Engagement questions are raised to hear the reply from the

Prime Minister and for this also, no formal notice is required. For the oral question, three clear days notice is required while for replies to written questions, two clear days are required.

Reply to a question can be refused if the expenditure for processing it exceeds expenditure of 800 pounds. The oral question list contains the 25 starred questions and 10 topical questions. The reply of the unstarred questions can be furnished during the recess period also.

The House begins and ends at different times on different days. On every Wednesday in the House of Commons from 12 noon to 12.30 p.m. there is Prime Minister's question time during which Members may raise the question on topical issues. The Leader of the opposition is the main speaker, who can ask six supplementary questions. Urgent questions are raised after the Question Hour. The urgent questions can be asked even on Friday at 11.00 O' clock. The oral questions can be asked from Monday to Thursday but on Friday, such questions can not be asked. There is no fixed limit on the number of questions for written answers on a particular day. There is also another type of Question called Named Day Question. These questions are also called ordinary questions for written answers, which are not required to be replied on a specific date; however replies are given within seven days of being asked.

Oral questions are submitted to the Table Office. Questions are selected by the Table Office through random computer shuffle. A Member can approach the Speaker if his question is not admitted by the Table Office and the Speaker takes a decision. Questions can be submitted electronically through the intranet system. One interesting thing noted was regarding addressing the questions. In House of Commons, questions are addressed to a

particular Minister, but in House of Lords, questions are addressed to ‘Her Majesty’s Government’. In both the Houses of UK Parliament, answers to written questions are sent directly to the asking Member besides publishing in Hansard and posting on the net.

On a particular date Member can ask two oral questions (one for each department and five written questions). There is no limit of written questions if there is no specific date for reply. While in our question system, a Member can ask one starred questions and four unstarred questions on a particular date. The unstarred questions can not be asked without mentioning the desired date of reply.

If there is any minor mistake in the answer provided by the Minister, it can be corrected by approaching the Table Office. If there is a major mistake, the Minister has to make a statement in the House after giving notice to the Table Office.

QUESTIONS IN HOUSE OF LORDS

The question time in House of Lords is half-an-hour and starts at different points of time on different days i.e. on Monday and Tuesday at 2.30 p.m.; Wednesday at 3.00 p.m. and on Thursday at 11.00 a.m. Only four questions (with fourth question as topical question except on Monday), are allowed from Monday to Thursday. Normally, there is no sitting on Fridays. Questions for oral answers may be given up to one month in advance; however it should not be less than 24 hours before the start of the sitting of the House of Lords. Others are allowed to put supplementary questions. If a Member is not present, somebody can be authorized to put the question. The fourth question is a topical question. It is selected by shuffle. A Member can

put six questions for written replies and answers should be supplied within ten days.

As in the House of Commons, there is also a Liaison Committee in the House of Lords. It does general oversight of Lords Policy Committee activity. It consists of all party leaders and senior members of the House. It considers proposals for new Committee activity. There is a Joint Committee on House of Lords Reforms.

DECLARATION OF INTERESTS

Members are required to declare their assets and there is register of interests for Members to declare their assets. If anyone makes a complaint about misreporting, it would be investigated by the Commissioner for Standards, who is an independent officer. The complaints are published online and updated daily.

A Member has to declare his interests within one month after taking oath. When any new interests are created it should be declared within four weeks. The Declaration of interests is put on the website within 30 days after taking oath. They have to take a separate oath to obey the code of conduct and to sign the document in their own handwriting. There is a Committee to look into the declaration of interests. The House of Lords is now considering appointing a new Commission on Complaints.

BILLS

As regards Bills, there are three kinds of Bills. One is Private Bill which is proposed by organizations outside the House such as local authorities or companies to give themselves powers beyond or in conflict with general

law. It is submitted through the Private Bill Office. The second is Private Member's Bill which is almost a Public Bill proposed by a Member. Thirteen Fridays in each session are set for consideration of Private Members' Bills in the House of Commons. The Clerk of Private Members' Bills helps the Members in drafting the Bill. The third is Public Bill which is proposed by the Government. Certain bills are called Hybrid Bills because they are intended to serve partially public interest and partially private interest. Hybrid Bill may be introduced either by the Government or by a backbencher. Before introduction of Bills in UK Parliament, draft Bills are issued to the interested parties and it get attention as well as discussion outside Parliament before its introduction there.

The Government Bills can originate in either of the Houses. Both the Houses have got similar pattern of proceedings for consideration of the Government Bills. The Bills are sometimes ping-ponged for a long time between the two Houses until all points of disagreements are resolved. After both the Houses have completed consideration, Bills are returned to the House of origin for any differences to be resolved.

There are Public Bill Committees. These are *ad hoc* committees for considering each Bill. The Bills are automatically referred to a Public Bill Committee unless it is decided to refer it to the Committee of the Whole House or a Select Committee. The Members of the Committee are nominated by the Committee of Selection and the Chair is appointed by the Speaker. The Public Bill Committees on Government Bills normally meet on Tuesdays and Thursdays and those on Private Members' Bills meet on Wednesdays. Both the Houses have got separate Public Bill Committees. A Public Bill

Committee has got a sub-committee which decides about the sittings, the witnesses to be called, etc.

Pre-legislative scrutiny of some draft Bills can be done by both Houses of UK Parliament. It is often done by a Select Committee of the House of Commons or by a Joint Committee of Lords and Commons. The intention is to produce a better law by well informed debates and consensus among political parties so as to save time in the Houses by identifying problems at an early stage.

There is also post-legislative scrutiny to assess the effectiveness or slackness of a legislation. It is done by the concerned Government Department as also by the Parliament through a Select Committee after three years of its passing.

As already stated, a Bill can be introduced in either of the Houses. There are three readings. Introduction stage is the first reading. The second reading is done after two weeks. The second reading is the debate. After the second reading the Bill goes to the Whole House Committee or the Grand Committee or the Select Committee and sometimes to other kinds of Committees. The third reading is the final stage of passing the Bill. Only in a very few Bills evidence is taken. If a party doesn't have the majority it can't make or change any law. The Queen usually to give her assent for a Bill to become an Act, but theoretically, has power to refuse to sign a Bill. However, no such power has never been exercised.

Private Members' Bills are taken up in the House of Lords also on Fridays. Private Members' Bills actually do not become laws. Twenty

Fridays in a year are set apart for Private Members Bills in the House of Lords.

HANSARD (OFFICIAL REPORT)

Hansard is the official name given to reporting the verbatim proceedings of the House and its general committees. It is interesting to note that Hansard is the name of the family which was given the contract to publish parliamentary debates in the 18th century. Both the House of Commons and the House of Lords have separate Official Reports. The Official Report of the House of Commons covers the proceedings of the Westminster Hall debates also. The proceedings are edited by removing repetitions and redundancies and correcting other obvious mistakes. Hansard is a combination of both reporting and editing. In the case of the House, a Member can approach the Assistant Editors for making corrections after one-and-a-half hours to two-and-a-half hours of delivering the speech and in the case of Westminster Hall after three hours. The Members can make corrections up to four weeks after they made their speeches.

The proceedings are digitally recorded and reporters transcribe the proceedings from the digital recording. Reporters only jot down the speaker's name and the main contents. The House proceedings and the Westminster Hall proceedings are prepared the same day and printed by 6.00 a.m., the next day. In the case of Committees where the meetings are open to the public, reporting of the proceedings is outsourced in order to reduce the work pressure on official reporters. They keep a panel of transcribers and give the job on contract basis. The proceedings of the Committees should be submitted within three days.

The Hansard structure in the House of Lords is similar to the House of Commons. In the House of Lords also reporting of the proceedings is outsourced where the Committee proceedings are open to the public. When the House is not in session, there are no meetings. It happens very unusually.

PRIVILEGES

Like in India, the parliamentary privileges in UK are also not codified. Though, the Joint Parliamentary Committee of UK has suggested codification of parliamentary privileges and a judicial review. There is a Joint Committee on Privacy and Super Injunctions. It has got 26 members, thirteen Members from the House of Commons and thirteen Members from the House of Lords. It *inter alia* looks into how the statutory and common law on privacy and the use of anonymity injunctions and super-injunctions has operated in practice, parliamentary privilege and the rule of law, issues relating to media regulation, etc. It also looks into various scandals relating to Members.

If a Member is sentenced or imprisoned for more than one year, he is disqualified and his seat is vacated. If the sentence is for one year or less he is entitled to retain his seat. If the Committee on Standards and Privileges finds a Member guilty of serious misconduct, the Speaker could direct the District Election Officer to file an election petition.

There is also a Committee on Standards and Privileges. It assists the Committee on Standards and Privileges in investigating ethics complaints against Members, etc.

Members are not exempted from criminal proceedings. Members have immunity in respect of their conduct in Parliament. The Government is

coming up with a Bill on codification of the privileges of the Members, however Members are not in favour of codification of the privileges. There are strict rules in respect of registering one's interests. A Commission is appointed by a resolution of the House to look into complaints against a Member.

SECURITY

The Marshal of the House of Commons is called the Sergeant at arms who moves with mace which is a royal symbol. The Marshal of the Upper House of UK is called the Black Rod.

The Serjeant at Arms of the House of Commons and the Black Rod of the House of Lords are responsible for the security of the Westminster. The Serjeant is accountable to the Speaker of the House of Commons and the Black Rod is accountable to the Lord Speaker of the House of Lords. The Serjeant and the Black Rod are assisted by the Metropolitan police. There is a financial contract with the Metropolitan Police for providing security. There is a Contract Steering Group which does the contracting. The House of Commons pay more for the security. The police can arrest a person whereas the security officers don't have the power to arrest. The strength of the staff is about 600. They work on shift system. They have flexible working hours. Plainclothes policemen are deployed as it is very necessary from the security point. In the House of Lords Chamber one Serjeant always sits. The Black Rod remains in the Chamber during Question Hour.

Visitors are allowed freely. There is no physical search. Security check is done mainly through electronic devices. There is a committee on Parliamentary Security called Joint Mission on Security. A senior Member of

the House of Commons chairs the Committee. Even Members have to pay for making a temporary pass if they forgot to bring their pass.

I while concluding my experience once again thank the Secretary General for his generous task of nominating me for the said programme and other concerned for help and guidance.

**D.K. MISHRA,
JOINT DIRECTOR**