

# **REPORT ON THE PROFESSIONAL DEVELOPMENT PROGRAMME AT THE HOUSE OF COMMONS (12-16 SEPTEMBER, 2011)**

## **I INTRODUCTION**

**1.1.** I, along with five of my colleagues was nominated to attend the Professional Development Programme at the House of Commons from 12 September to 16 September, 2011. While we had interactions with officials handling different areas of work in the House of Commons on three days, i.e., 12, 13 and 16 September, 2011, for the remaining two days, similar schedule was fixed for the House of Lords. It was a hectic programme with two lectures fixed for 12 September, five lectures fixed for 13 September, five and four interactions scheduled for 14 and 15 September respectively and two lectures on the last day, i.e. 16 September. Our Programme started with a tour of the Palace of Westminster. We also had the opportunity to witness the Speaker's Procession and the proceedings during the Question Hour in both the Houses. Visit to the Parliamentary Archives was also an experience worth-mentioning.

**1.2** Broadly speaking, this programme gave us an idea about the working of some of the very important areas of British Parliament. Our interactions with officials of both the Houses revealed some very distinct features in their handling of same areas of work. Not only this, when compared with our system, while there were quite a few aspects which perhaps can be adapted by us to the extent possible, some of the procedural mechanisms inherent in our system can be considered to be more appropriate and workable.

**1.3** Instead of reporting on each interaction separately, an attempt has been made to mainly focus on those interactions which directly related to my areas of functioning and also those found to be very interesting and informative. These are the Committee System, Parliament Questions, Ethics and Parliamentary Privileges. Besides that, discussions on Legislative Procedure, Parliament Security, Official Reporting, Media Management, Archives and Westminster Hall Debates also gave useful inputs.

## II COMMITTEE SYSTEM IN THE HOUSE OF COMMONS

**2.1** Committees in the House of Commons can be broadly categorized as 'General' and 'Select'. General Committees are mandated to conduct business which otherwise would be taken on the floor of the House. These Committees are appointed to deal with the committee stage of particular Bills, to consider delegated legislation, to consider European documents recommended for debate by the European Scrutiny Committee and the Scottish, Welsh and Northern Ireland Grand Committees. Their functioning is different from Select Committees, being essentially 'debating' rather than 'investigating' committees.

**2.2** Domain of Select Committees is very vast and covers very crucial areas. First category is the 19 Select Committees related to different Government Departments created in 1979 which play a key part in ensuring the accountability of Ministers/Departments to Parliament. They can be compared with our Department-related Parliamentary Standing Committees. However, there are some distinct features so far as their functioning is concerned which are not there in our Committees. Similarly, some of the characteristics of our Committees are missing in these Select Committees.

**2.3** The following table gives an idea in this regard:

<u>Select Committees</u> <u>House of Commons</u>	<u>Department-related Parliamentary</u> <u>Standing Committees Rajya Sabha</u>
(i) 19 Select Committees Every Committee handles one Department with only two Committees having more than one Department (Culture, Media & Sport; Environment, Food and Rural Affairs.	(i) 24 Committees with many Committees having more than one Ministry under their jurisdiction.
(ii) 11 Member Committees. No representation from the House of Lords.	(ii) 31 Member Committees with representation from both the Houses

(iii) Bills are not referred to these Committees as General Committees are appointed by the House to consider public Bills. However, they can conduct scrutiny of any published draft Bill falling within their domain.

(iv) The mandate of these Committees is to investigate three main aspects of each Department - spending, policy and administration.

(v) One of the core tasks assigned to these Committees is to scrutinize major appointments made by the Department.

(vi) Membership of the Committees reflects the party balance in the House as a whole, majority of Members in a Committee will be MPs from the governing Party.

(vii) On a recommendation made by the House of Commons Reform Committee, the term 'Chairman' has been replaced by 'Chair'.

(viii) Chairs of most Select Committees are elected by a secret ballot of all MPs. Once the allocation of the Chair of each Committee to a particular party has been agreed, MPs of the specified party can be nominated to stand for election as Chair of a Committee. Individual political parties are also expected to get their members elected within each party in a transparent and democratic way.

(ix) Quorum for 11-member Departmental Committees is three.

(x) Members are to inform Committee staff if they cannot attend a meeting, particularly one at which evidence is to be taken or a report formally considered.

(iii) All Bills introduced in Parliament are invariably referred to the respective Standing Committees.

(iv) Scrutiny of Demands for Grants after presentation of Budget, consideration of a policy if referred and examination of any subject falling under their domain are the tasks assigned to them.

(v) Committees do not examine administrative functioning of Ministries.

(vi) Same norms applicable in our Committees.

(vii) The term 'Chairman' is used..

(viii) Members and Chairmen of the Committees are nominated by the parties based on the party strength and discussion among various party leaders.

(ix) Quorum is one-third of total members of the Committee.

(x) No such practice prevalent in our system.

(xi) Speaker has the discretionary power to propose that a member who has attended fewer than 60 per cent of formal meetings in a session be replaced on a Committee.

(xii) The Clerk of the Committee writes to all the Members before the first meeting asking for a list of their interests which is circulated before the Committee meets. Information about any additional change in interests circulated is also asked for along with information about declarable interests, if any.

(xiii) Most Committees take evidence in public but deliberate in private.

(xiv) Committees are free to choose any subject within their order of reference, except in very rare cases, when a particular subject is referred to a Committee by the House.

(xv) Copies of public petitions received by House are sent both to the relevant Departmental Select Committees as well as to the respective Departments.

(xvi) Sometimes the same subject may be under the consideration of two Committees. After discussions between the Chairs of the two Committees, overlapping inquiry is conducted which involves exchange of papers between the two Committees. Joint evidence sessions can also be held, leading to a report approved by both the Committees.

(xvii) Non-urgent Select Committee papers are posted to Members. It is

(xi) No such power given in our case.

(xii) No such procedure in vogue in our system.

(xiii) Our Committee proceedings are confidential.

(xiv) Our Committees are free to select any subject falling under their respective Ministry(ies).

(xv) Our practice is different, the petitions are to be presented by a Member which are considered by the Petitions Committee. Representations received by this Committee are sent to the concerned Ministries.

(xvi) Generally, in our case, two Committees do not take up the same subject. Even if a similar subject is taken up by two Committees, they examine the same as per their mandate.

(xvii) All Committee papers are posted to Members. Normally

the Members' responsibility to ensure the security of papers received by post and e-mail.

(xviii) Papers too urgent to post are usually delivered to the letterboard in the Members' Lobby, where each Committee has a pigeonhole from where Committee papers are collected by Members.

(xix) Draft Committee reports/sensitive papers are circulated to Members personally in double envelopes and not sent by e-mail.

(xx) Disclosure of a draft report or of an agreed report before it has officially been made to the House - is a contempt of the House. Any disclosure of a draft report even to another Member of the House is unacceptable. Any complaint by a Committee in this regard is examined by the Committee on Standards and Privileges. There have been instances when based on the findings of the Committee on Standards and Privileges, action has been taken against the Members by the House, including a period of suspension from the House.

(xxi) Uncorrected versions of the transcripts of evidence are circulated to Members as well as witnesses for their correction.

(xxii) Committees may undertake visits within UK without any separate authorization of the visit or of the cost involved. Subject to certain conditions, the same is also true of visits to European Union institutions in Brussels, Luxembourg or Frankfurt or Strasbourg. Committees wishing to undertake other

meeting details are sent by e-mail and SMS.

(xviii) No such facility is available for our Members.

(xix) No special arrangements for circulation of draft reports/sensitive papers to Members is there.

(xx) Although there have been instances when details of draft reports have been reported in media, specially in the recent past, no action has been initiated as no formal complaint has been made by the concerned Committee so far.

(xxi) Copies of verbatim record are sent to the witnesses for making minor corrections, if required. Copies of verbatim record are simply circulated to Members with other agenda papers.

(xxii) Permission of Hon'ble Chairman for any meeting of the Committee held outside Delhi is necessary. Visits outside India have been very rare. Committees can undertake local visits for which approval of Hon'ble Chairman is not required.

overseas visits need authority from the Liaison Committee. Select Committees can hold a private Seminar away from Westminster, expenditure on which needs the approval of the Liaison Committee.

(xxiii) Initially, a draft report is prepared by the Clerk known as 'heads of report', suggesting a possible structure and identifying questions to be resolved by the Committee. This is followed by a draft report prepared by the Clerk for the Chair. After his approval, Chair's draft report is presented to the Committee. Amendments are proposed by members, sometimes even alternative draft reports are prepared by members. Any draft report or amendment, formally considered but not agreed to will be published in the minutes of proceedings appended to the approved report.

(xxiv) After the Committee has agreed to a report, a formal record of the fact appears in that day's Votes and Proceedings (the official record of the House's decisions). Thereafter, the report is got published on a date decided by the Committee.

(xxv) Response of the Government to a Committee Report can be published by it as a Command Paper or a memorandum may be sent to the Committee. It is for the Committee to publish the Government response with further comments or take further evidence. Response time is generally two months from the publication of the Report.

(xxiii) Draft report is prepared by the Secretariat based on the deliberations of the Committee. After getting the approval of the Chairman, draft report is circulated to members. Draft report is adopted by the Committee with suggestions from members duly incorporated in the report. Any dissent note which is generally on the reports on the Bills is appended to the report after being placed before the Committee at the adoption stage.

(xxiv) After the formal adoption of the report by the Committee, the same is presented in both the Houses simultaneously if Parliament is in session. Reports are also presented to Hon'ble Chairman/Speaker during the inter-session period to be followed by presentation in the Parliament also.

(xxv) Committee Report is forwarded to the concerned Ministry after presentation in both the Houses. Action Taken Note is to be submitted within three months. Thereafter, Action Taken Reports are prepared by the Committee which are presented to the Parliament.

(xxvi) Three 'estimates days' are available each session for discussing one or more Committee reports on the floor of the House on a motion to approve a related Estimate of Government expenditure.

There are also regular opportunities for Committee Reports to be debated in Westminster Hall, usually on Thursday afternoons.

(xxvii) Five Select Committee Media Officers from the Media and Communications Service support the work of Select Committees by :

- publicising evidence sessions and reports
- liaising with lobby journalists and specialist correspondents for improving awareness of Committee work and highlighting the main themes of published reports/evidence sessions.
- providing support to Committees on media-related aspects of their work.

(xxviii) Staffing pattern for a Select Committee

- Clerk of the Committee
- Second Clerk
- Inquiry Manager
- Committee Specialists- may be employed by the House or seconded from the National Audit Office/Civil Service/local government.
- Media Officer (shared with other Committees)
- Senior Committee Assistant, Committee Assistant and Committee Support Assistant.

(xxvi) Working of few Ministries is discussed by the House during the Budget approval exercise. Reference to Demands for Grants reports is made by the members while participating in the debate. Reports on Bills are also referred to by members when a revised Bill is brought before the House.

No such mechanism is available to our Members.

(xxvii) No exclusive media service support is there for our Committees.

(xxviii) Staffing pattern for our DRSCs is quite different and not so substantive.

In addition Specialists Advisers who are paid by the day, can be hired by the Committees. Services of Committee Office's Scrutiny Unit, consisting of Specialists in expenditure, estimates, social policy and performance measurement are also available. Committee staff is under the overall supervision of one of the three Principal Clerks of Select Committees.

(xxix) Schedule of meetings of different Select Committees - both department related and other categories - is fixed much in advance. Select Committee calendar 2011 (updated on 9 September) gives details of meetings of different Committees upto December, 2011 with details of subjects and names of witnesses to be heard.

(xxix) Our Committee meetings are normally fixed at a notice of 7 to 10 days, sometimes at a longer notice. It is only on very rare occasions that schedule of series of meetings of a Committee is finalized for one month.

**2.4** Besides the department-specific Select Committees, there are Select Committees having responsibilities extending across all Government departments. These are the Committee on Public Accounts, Environmental Audit Committee, Public Administration Committee, Political and Constitutional Reform Committee and the Committee on Arms Export Controls. There are also joint Select Committees having legislative scrutiny roles - the European Scrutiny Committee, Joint Committee on Human Rights, Regulatory Reform Committee, Joint and Select Committees on Statutory Instruments and Joint Committee on Consolidation of Bills.

### **Lords Select Committees**

**2.5** Unlike Commons Select Committees, Lords Select Committees do not shadow the work of government departments but are more thematic. They examine matters of public interest from a broad perspective and with long-term implications in mind. The five permanent Lords Select Committees cover European Union (7 Sub-Committees), Science and Technology (2 units) Economic Affairs (Finance Bill Sub-Committees) Constitution and Communications. On a comparative analysis of Commons and Lords Select

Committees, it is observed that some of the Committees are concerned with similar subjects as indicated below:

<u>House of Commons</u> <u>Department-specific</u> <u>Select Committees</u> <u>Four independent</u> <u>Committees</u>	<u>Other Select Committees</u>	<u>House of Lords</u> <u>Select Committees</u>
<ul style="list-style-type: none"> <li>- Business, Innovation and Skills</li> <li>- Defence</li> <li>- Foreign Affairs</li> <li>- International development</li> </ul>	<p>These four Committees also meet and work together as the Committee on Arms Export Controls. Four members from each committee nominated for the purpose.</p>	
<p>Science and Technology Committee</p> <p>Treasury Committee</p>		<p>Science and Technology Committee</p> <p>Economic Affairs Committee</p>
	<p>European Scrutiny Committee</p>	<p>European Union Committee</p>
<p>Environment, Food and Rural Affairs</p>	<p>Environmental Audit Committee</p>	
	<p>Political and Constitutional Reform Committee</p>	<p>Constitution Committee</p>
<p>Health Committee</p>		<p>Adhoc Committee on HIV and AIDS in the UK</p>

**2.6** There are four Joint Committees having members from both the Houses on Consolidation Bills, Human Rights, National Security Strategy and Statutory Instruments.

## **Membership in Lords Committees**

**2.7** Out of the 800 members in the House of Lords, about 170 members are currently involved in investigative policy committees and Delegated Powers and Merits Committees. Usually, about 12 members are there in each Committee who are selected by the Committee of Selection on nomination of the Chief Whips and Convener of the Crossbenches. Rotation rule is applicable so that no one may serve for more than four consecutive sessions. However, Chairmen are exempt from being rotated from the Committee for three sessions after appointment.

## **2.8 Nomination/election of members/Chairmen to Lords and Commons Select Committees**

### **Commons Select Committees**

Committee of Selection consists of nine members, amongst whom the whips of the political parties are usually represented.

Members of general committees are appointed by the Committee of Selection. The Committee also gets members/Chairs appointed to Select Committees and subsequent changes by putting motions to the House.

Names considered by the Committee of Selection follow secret ballots within the parties.

### **Lords Select Committees**

Committee of Selection consists of Chairmen of the Committees and such other Lords as the House shall name.

Names of the Lords are selected and proposed to the House by the Committee of Selection to form each Select Committee. Names of the Lords as Chairmen of the Select Committees are either proposed by the Committee of Selection or appointed by the Committee itself.

Names of the panel of Lords to act as Deputy Chairmen of Committees for each session are selected and proposed to the House by the Committee of Selection. Chairmen of respective Committees shall have discretion to propose to the House the name of Lord to fill casual vacancy in a Select Committee, without reference to the Committee of Selection.

**2.9** Besides the Committee of Selection, both the Houses have other internal committees like the Liaison Committee and the Procedure Committee. Mandate of the Procedure Committee is to consider and make recommendations on the practice and procedure of the House. Liaison Committee of House of Commons consists of Chairs of all Select Committees. It functions as an advisor on general issues relating to Select Committee, including the choice of Committee reports to be debated in the House and the Westminster Hall and allocation of funds for overseas travel. Mandate of Lords Liaison Committee is also oversight of Committee activity.

**2.10** When compared with our system, General Purposes Committee can be considered to be playing the role of Procedure Committees and Liaison Committees of British Parliament, although in a restricted manner. Rajya Sabha Rules, practices, precedents and conventions and also directions given by Hon'ble Chairman play a major role in deciding Committee related issues. Lastly, Committee (Co-ordination) Section acts as the nodal branch in these matters.

**2.11** The above analysis of Committee System in the House of Commons and Lords when compared with our Committee System reveals very interesting facts. While members of both the Houses are jointly involved in the exercise of reviewing the working of various Government Ministries through our Department-related Standing Committees, only members of the House of Commons get this opportunity through Select Committees. Moreover, Bills are not referred to these Select Committees which is not the case in our system. In fact, the exercise of scrutiny of Bills by our Committees is very exhaustive, fills the gaps left out by the Ministries while drafting the Bills, offers a platform to all the stakeholders and thus works as a 'mini Parliament' representing members from all parties of both the Houses.

**2.12** With specific mandate assigned to all the Committees, chances of over-lapping in our system are very rare. This is not the case in respect of Committees of British Parliament. Commons Select Committee on Science and Technology is there and there is a

Lords Committee on Science and Technology. Similarly, there is a Commons Select Committee, i.e., European Scrutiny Committee and there is also a Lords European Scrutiny Committee. While there is a Joint Committee on Statutory Instruments, there is a separate Lords Merits of Statutory Instruments Committee.

**2.13** One very important aspect worth mentioning is status of Committee Reports. Select Committee Reports are debated in the House as well as in the Westminster Hall. This gives due focus to the Committee Reports. Members as well as general public come to know about the work done by the Committees. This is further strengthened by the support given by a well-structured Media and Communication Service. It would not be wrong to conclude that if these two crucial components become part of our Committee system, work done by the different Committees will be highlighted in a balanced and objective manner. At present, only those Committee Reports get the attention of the media where issues covered by them are/have become controversial. As a result, tremendous work done by the Committees on very crucial aspects of governance as well as of social interest lies buried in the Committee Secretariat and concerned Ministry records.

### **III CODE OF CONDUCT AND REGISTER OF INTERESTS**

**3.1** Interactions were held with officers dealing with Parliamentary privileges, ethics, code of conduct, maintenance of Register of Interests and supervision of members. Both the Houses have Committee for Privileges and Conduct (House of Lords) and Committee on Standards and Privileges (House of Commons). While we have separate Committees - Committee on Ethics and Committee of Privileges, there is one Committee dealing with privilege issues and conduct related matters in both the Houses of British Parliament.

**3.2** An attempt has been made to highlight the issues relating to maintenance of Register of Interests, code of conduct for members, action to be taken in case of any violation by members, with focus on the Commons Committee on Standards and Privileges vis-à-vis Rajya Sabha Committee on Ethics:

## **Commons Committee on Standards and Privileges**

- (i) Members are expected to observe general principles of conduct which include selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
  
- (ii) Members are also expected to observe a number of rules and associated Resolutions of the House. Following two are worth mentioning
  - No Member shall act as a paid advocate in any proceeding of the House.
  - Use of expenses, allowances, facilities, services provided from the public purse is to be strictly in accordance with the rules.
  
- (ii) Two distinct but overlapping and interdependent mechanisms for the disclosure of personal financial interests of Members: registration of interests in a Register and declaration of interest in the course of debate in the House and in other contexts.
  - (a) Registration on the Register of Members' Financial Interests meets the requirement of the Political Parties, Elections and Referendum Act, 2000/Electoral Administration Act, 2006.  
The Electoral Commission extracts the information from the published Register/accesses the information from the Office of the Parliamentary Commissioner for Standards.
  
  - (b) Only one Register of Members' Financial Interests which also contains property details and liabilities is maintained under the supervision of the Parliamentary Commissioner for Standards appointed by the House.

## **Rajya Sabha Committee on Ethics**

- (i) Code of Conduct for Rajya Sabha Members includes 14 principles ranging from their conduct and responsibilities as MPs to conflict of interest and fundamental duties.
  
- (ii) Principles enshrined under the Code of Conduct are quite exhaustive and cover almost all situations.
  - (iii) Broadly speaking, our rules also prescribe similar procedure for Members but there are some major differences as indicated below:
    - (a) The members have to furnish the information about their assets and liabilities direct to the Election Commission at the time of their election.
  
    - (b) Two separate Registers, Assets and Liabilities Register and Register of Interests are maintained by the Committee Secretariat serving the Committee on Ethics.

- |  |  |
|--|--|
| <p>(c) The Register is published under the authority of the Committee in printed form soon after the beginning of a new Parliament and approximately annually thereafter.</p> <ul style="list-style-type: none"> <li>- The Register is updated electronically.</li> <li>- The current Register with previous editions is available for public inspection in the Parliamentary Archives and also on the Internet.</li> <li>- Copies of individual entries in the Register are supplied on request at the discretion of the Commissioner.</li> </ul>   | <p>(c) There is no provision for publication of both the Registers.</p> <ul style="list-style-type: none"> <li>- Information on Assets and Liabilities Register can be sought by any individual under RTI which is given under the orders of Hon'ble Chairman.</li> <li>- Information about the Register of Members' Interests is not in public domain and requests for the same are being entertained on case to case basis.</li> </ul> |
| <p>(d) There are 12 categories of registrable interest. <u>category 8</u> relates to land and property - land/property having substantial value is to be registered. Substantial value means a value greater than the current Parliamentary salary. However, property used for personal residential purposes of member/spouse/dependent children to be registered only if having substantial value.</p> <ul style="list-style-type: none"> <li>- <u>Category 9</u> relates to shareholdings. Interests in shareholdings held by the Member/spouse/dependent children in any public/private company which is greater than 15 per cent of the issued share capital of the company or 15 per cent or less of the issued share capital but greater in value than the current Parliamentary salary.</li> <li>- <u>Category 5: Gifts, benefits and hospitality (UK)</u> - Any gift to the member/spouse/partner or any material benefit of a value greater than one per cent of the current Parliamentary salary from any company, organization, person within UK, relating to the membership of the House/his political activity.</li> <li>- <u>Category 6: Overseas visits</u> With certain specified exceptions, overseas visits</li> </ul> | <p>(d) All immovable property owned by the member/spouse/dependent children has to be registered.</p> <p>No such specifications are there. All movable property details including shares, bank deposits and other investments and also gold/silver/precious stones details in possession of member/spouse/dependent children have to be registered.</p> <p>No such provision is there.</p> <p>No such provision is there.</p>            |

made by the member/spouse/partner relating/arising out of membership of the house with cost exceeding one per cent of the current Parliamentary salary.

- Category 7: Overseas benefits and gifts No such provision is there.  
Any gift to the member/spouse/partner or any material advantage of a value greater than one per cent of the current Parliamentary salary.
- Category 11: Miscellaneous No such general category is there.  
Any relevant interest not falling within any of the 10 categories.
- Category 12: Family members employed and remunerated through Parliamentary allowance, subject to one per cent of Member's annual Parliamentary salary. No such category is there.

### **Declaration of Members' Interests**

**3.3** There is a very elaborate and structured mechanism for declaration of interests by Members of House of Commons, while participating in House debates and Committee meetings laid out in the Rules and House Resolutions. Members are expected to comply with these rules/resolutions about declaration of interests. Broad features of this system are as follows:

- Unlike registration of interests, declaration of interest includes current interests, relevant past interests and expected relevant interests.
- Interests held in the recent past, i.e. those current within previous twelve months are to be considered for declaration.
- Expected future interests may include situations where a Member is debating legislation or making representations to a Minister on a matter from which personal financial advantage is expected.
- Relevant indirect interests like those of a spouse or partner are required to be declared.
- Similarly, non-registrable financial interests which are affected by the proceedings in question are also to be declared.
- In addition to debates in the House, Member has to declare his interest at the beginning of his remarks in Committee meetings, presentation of a Public Petition. If his interest is already recorded in the Register, he may simply draw attention to the same.

- Members should declare relevant interest at the first meeting of the Committee or while speaking for the first time.
- It would not be necessary for a declaration to be repeated at subsequent meetings.
- Members are required to declare relevant interests on the Order Paper when tabling any written notice -questions, Early Day Motions, amendments to them, notice for introducing a Bill, moving amendments to Bills. There is a procedure prescribed for this purpose.
- Requests for emergency debates, daily adjournment debates and adjournment debates in Westminster Hall have to be accompanied by declaration of relevant interest.
- When a Committee meets in public, declaration of interest should be in Public Session. When a Committee meets in private and takes oral evidence, declaration has to be made in the presence of witnesses.
- While making a declaration, a Member has to clearly identify the nature of the 'financial interest'. Declaration has to be entered in the Minutes.
- While taking part in any division in the House/Committee member has to ensure prior to any voting taking place that any relevant interest is registered and if not, to register the interest immediately after the vote.

**3.4** From the above, it is evident that there is a well-defined, structured and very effective mechanism whereunder Members of House of Commons are duty-bound to adhere to the code of conduct and religiously register as well as declare their interests. Committee on Standards and Privileges is assisted by the Parliamentary Commissioner for Standards who is appointed by the House and can be dismissed only following resolution of the House. Duties assigned to the Commissioner are self-explanatory:

- to maintain Register of Members' Financial Interests
- to advise the members confidentially
- to advise the Committee as well as individual members on interpretation of Code of Conduct.
- to monitor the operation of Code/Register
- to investigate a complaint as per the prescribed procedure.

**3.5** Not only this, all the registration details of members are in the public domain by having the same on the website as well as in the print form and easily available to the public on demand. A number of cases of violation of Code of Conduct, some of them quite serious have occurred in the recent past which were disposed effectively as per the

prescribed norms. Indeed, it was an experience interacting with Registrar of Lords' Interests and Clerk, Commons Standards and Privileges.

#### **IV QUESTIONS**

**4.1** Separate sessions were held for having an idea about the procedure relating to Parliamentary Questions with Clerks of Table Office of both the Houses. We also had the opportunity to witness the Question Hour in both the Houses. Procedure for handling of Questions and proceedings during the Questions Hour highlighted some aspects which are significantly different from our system. Not only this, whereas in the House of Commons, mechanism of Questions is used as a very effective tool and in an elaborate manner, in the House of Lords, similar emphasis is lacking. An attempt has been made to highlight some of the significant features in the House of Commons in the statement given below:

- Table Office is the nodal office with respect to Parliament Questions.
- Question Hour is held on Monday, Tuesday, Wednesday and Thursday.
- Question Hour is divided in two parts, first 45 minutes are meant for answer to Questions tabled in advance. In the second part of 15 minutes, Ministers answer 'topical' or spontaneous Questions they have no advance notice of.
- Departments answer questions at regular intervals according to a rota set by the Government.
- For the major Departments, the entire Question Hour is scheduled for answering of Questions. However, Questions for written answer are listed Group-wise.
- Each member may table one oral question for each Government Department, subject to maximum of two such questions. In addition, Members may table one topical oral question.
- Overall limit of Questions for oral answers is 25 and for Topical Questions, it is 10.
- Notice period for tabling of Questions for oral answer is three days. On the last day of tabling, Questions must reach the Table Office by 12.30 p.m. for inclusion in the random computer shuffle.
- Substantive Questions tabled by the first 25 MPs drawn in the ballot are printed, along with Topical Questions tabled by the first 10.
- Remaining Questions are treated as 'lost' and are not printed; they are answered only if re-tabled by the tabling member, specifically for written answer.
- The Prime Minister answers Questions for half an hour between 12 noon and 12.30 pm each sitting Wednesday.

- Unlike Questions tabled to other Ministers, there is no requirement to provide advance notice of the question. Majority of Members merely request the Prime Minister to 'list his engagements for the day'.
- As Prime Minister's Questions, Members can ask only a supplementary question. Same norm is applicable for Topical Questions.
- The Leader of the Opposition is permitted six supplementary Questions in total.
- If unable to attend Question Hour, members should 'unstar' their question or withdraw it by informing the Table Office.
- On each sitting day, Member can table upto five Questions for written answer on a 'named day'. There is no limit on the number of ordinary written questions a Member may table.
- For 'named day' Questions, minimum notice period is three days and for other Questions two days.
- Notices of oral and written Questions can be given only in written form available from the Table Office. They can be overprinted on request with the Member's name and constituency.
- Questions may be sent electronically only from the computers provided by the House, via the intranet and using the Member's Parliamentary Network login ID and password.
- When tabling Questions, members have to declare any personal or financial interest. On such a declaration being made, an 'R' appears next to the member's name on the Order Paper.
- Questions are sub-edited by the Clerks at the Table Office under the authority of the Speaker and in accordance with rules and conventions similar to conditions of admissibility applicable to our Parliament Questions, with some adaptations. One such rule is that Members may not normally ask for information dating back to more than 30 years.
- There is a mechanism for asking of questions of urgent nature and of public importance. Any member may apply to the Speaker on any sitting day in the morning to put an oral question later that same day. The Speaker considers the Member's representation and also Minister's view on the urgency of question before taking a decision which is final. Urgent Question is taken immediately after Question Time. Supplementaries are called until the Speaker is satisfied that the debate has been exhausted. Debate on urgent Questions often lasts over half an hour.

**4.2** We had the opportunity to watch the proceedings during the Question Hour in both the Houses. Broadly speaking, process of asking of questions by members and response by the Minister was very orderly and smooth. The main Questions as well as the supplementaries were very direct, precise and short. Unlike our system, all the 23 questions listed for oral answer had only one query. Reply given by the Minister was specific and to-

the-point. All the oral questions were directed against Secretary of State for Justice. Some of the questions were taken together, either being identical or similar. Besides answer to his main question, member had the chance to raise one supplementary. Out of 23 questions listed for oral answers, on an average, two-three members got the chance to raise supplementaries. Questions upto 18<sup>th</sup> position could be taken up with 4 Questions being taken up in pair. Out of the 15 minutes for 10 Topical Questions, 9 Topical Questions were asked. Another interesting fact is that answers to both Oral Questions and Topical Questions are given on the floor of the House. Answers are sent directly to the member who asked the question for written answer and published in the Hansard and on the internet.

**4.3** So far as the House of Lords is concerned, only 30 minutes are kept for Question time with only 4 Questions listed for oral answer. While in the House of Commons, the Speaker calls the member whose Question is listed, in the House of Lords, members themselves rise to raise their Questions. Other members wishing to raise supplementaries simply rise from their seat and try to catch the eye of the Speaker. In the House of Commons, members having registered interest have to indicate the same by putting R on the Notice which is printed. The letter 'I' is the indicator for such Questions in the House of Lords.

## **V LEGISLATIVE PROCESS**

**5.1** Our interaction with concerned officers dealing with Legislative process gave us an idea about the most important aspect of the functioning of both the Houses of British Parliament.

**5.2** The bulk of the legislative work of both the Houses is originated by the Government. Some of it is primary legislation, which has to be agreed to by both the Houses in the same form. Legislation may be introduced in either House, but politically contentious Bills are usually introduced by the Government in the Commons. A large amount of Parliamentary time in each session is devoted to them and they are usually formally timetabled in the Commons which means they are very likely to be passed.

**5.3** Sometimes Government Bills are introduced in a 'draft' format before being formally presented to Parliament. Draft Bills are referred to a Commons Select Committee or a Joint Committee of both the Houses which can take evidence from the public and suggest improvement.

**5.4** Individual members (backbenchers) and Lords can introduce as many Bills as they wish which are known as Private Members' Bills. In the Commons, consideration of such Bills is confined to Fridays on which the House sits with precedence given to the Bills of 20 Members selected by ballot each session. Lords have an unrestricted right to introduce Private Members' Bills and time is normally found for them.

**5.5** In addition, each House also considers legislation known as Private Bills, dealing with specific matters affecting only one area or group of people. Such Bills are promoted from time to time by organizations, like local authorities or private companies in excess of, or in conflict with, the general law.

**5.6** The stages through which a Bill must pass in each House are as follows:

	<b>Commons</b>	<b>Lords</b>
First Reading:	Formality <7-10 days>	Formality <2 weekends>
Second Reading:	Debate on principles (1 to 6 hours) <7-10 days>	Debate on principles <14 days>
Committee:	Detailed consideration in Public Bill Committee evidence taking and clause by clause (from 1 to 80 or more hours)	Detailed consideration (sometimes in plenary or Grand Committee) <14 days>
Report:	Amendments to Bill (as amended in Committee) discussed in plenary (time	Further detailed consideration of amendments. It can be

	taken varies: 1 to 8 hours) <usually proceed immediately to Third Reading	spread over several days. <3 clear sitting days>
Third Reading:	Debate on Bill as it now stands (1 to 2 hours)	Further detailed consideration and, unlike the Commons, further amendments can be made
Lords/Commons Amends:	Consideration as necessary in both Houses	
Royal Assent:	Formality: announcement in both Houses	

**5.7** Committee stage is where detailed examination of the Bill takes place. In the Commons, a Public Bill Committee is appointed which takes evidence from experts and interest groups from outside Parliament. Every clause in the Bill is agreed to, changed or removed from the Bill. Some of the Bills are dealt with by Committee of the whole House which takes place in the main Chamber with every MP taking part. The Lords Committee stage usually takes place in the main Chamber. Less controversial Bills may be debated in a Grand Committee which sits in another room.

**5.8** Before a Bill becomes a law, the two Houses need to agree to its final text. The first House to examine the Bill sends its amended version to the second House. There may be changes made by the second House which have to be seen/considered by the first House. Accordingly, these amendments are sent back to the first House which may or may not agree to them. It is possible for the Houses to disagree and continue to send amendments to each other. At the end of the session, such Bills fail and a fresh Bill has to be brought again.

**5.9** House of Commons has one advantage in such situations. In the event of a Bill beginning in the Commons and failing to become an Act because of Lords not agreeing to it, following year on the Lords still refusing to agree to the text, the House of

Commons can use the Parliament Act to send the text originally sent to the Lords for Royal Assent.

**5.10** When compared with our legislative process, one significant aspect worth-mentioning is the procedure of scrutiny of Government Bills. Our Department-related Parliamentary Standing Committees which have members of both the Houses act as the nodal agency for extensive scrutiny of Government Bills introduced in either House. Almost all the Bills are referred to these Committees. The Committees after holding extensive deliberations with all the stakeholders present their Report to Parliament, which is followed by bringing of the revised Bill in the light of Committee Report before the Parliament and the same being passed.

## **VI BACKBENCH BUSINESS COMMITTEE AND THE WESTMINSTER HALL**

**6.1** House of Commons Standing Orders provide for a Backbench Business Committee with the mandate to determine the backbench business to be taken in the House and in the Westminster Hall on days allotted for the purpose. It is a 8 member Committee with Minister/Parliamentary Private Secretary/Principal Opposition Frontbench Spokesperson not being eligible.

**6.2** Sittings in Westminster Hall held on three days in a week constitute sittings of the House (effectively a parallel chamber) in which any member can take part. They are intended for uncontentious business, i.e., general debate arising on a motion to adjourn the sitting. Such debates are debates without a substantive proposition (motion) which is open to amendment and on which the House has to come to a decision. Besides that, on six Thursdays designated by the Speaker in each session, Liaison Committee chooses Select Committee reports for debate. In practice, the Government makes available upto two-thirds of all Thursdays for such debates. The business for sittings in Westminster Hall is listed in part B of the Future Business Paper. On Tuesdays and Wednesdays, there are two 1 ½ hour debates and three half-hour debates. Mostly subjects raised by

backbenchers and Select Committee Reports are debated. Ballots are held on Wednesday morning. Ministers from each Department are available to respond to such debates only every other week according to a rota set out in Future Business Part B. Provision exists for questions for oral answer to be taken in Westminster Hall covering 'cross-cutting issues' with Minister from more than one department providing answers, but such occasions have been rare.

## **VII RECORDING THE HOUSE WORK**

**7.1** The Official Report Directorate (Hansard) is responsible for providing accurate and timely edited verbatim reports of the Proceedings of the House, Westminster Hall and Committees, processing and printing written answers to questions, written ministerial statements, petitions and ministerial corrections and overseeing broadcasting and webcasting of both Houses and providing the audio-visual archive service. In advance of printing, speeches made in the main Chamber are made publicly available on the Parliamentary website three hours after delivery (four hours in the case of Westminster Hall).

**7.2** After speaking, Members are asked for their notes and queries are also made about names, figures or quotations, through the doorkeepers. There is also a facility for e-mailing main speeches to Members for checking.

**7.3** Separate daily reports of debates in general committees including public bill committees, delegated legislation committees etc. are produced. There is about 100 permanent staff under Hansard. For recording proceeding of Select Committees, 80 per cent services are outsourced. However, for recording of private sessions, permanent staff is employed.

## **VIII MEDIA AND COMMUNICATIONS SERVICE**

**8.1** The House of Commons Media and Communications Service has cross-House responsibility of working with the media to improve public information and access. Its major domain is to promote better understanding of and engagements with the work of the

House and its Committees in print, broadcast and online media. MCS has eleven staff members, six Select Committee Media Officers who support and promote the work of Select Committees and five other officers who can be deployed more flexibly depending on the priorities of the House.

**8.2** During 2009-10, Select Committee Media Officers promoted over 200 Select Committee reports and 607 evidence sessions. Similarly, during 2010-11, MCS actively promoted 84 Select Committee Reports and 454 evidence Sessions. Such coverage is helpful in raising the political profile of a particular issue, exerting influence on Government and encouraging future engagement by stakeholders. A new 'Committee news' page has been established on the Parliamentary website to bring together key news items.

## **IX PARLIAMENTARY ARCHIVES**

**9.1** The Record Office which was established in the House of Lords in 1946, became a shared facility with the House of Commons in 1999 and was renamed the Parliamentary Archives in 2006.

**9.2** The Parliamentary Archives comprise of several million documents that have been preserved at the Palace of Westminster from 1497 in a variety of formats, from vellum and parchment to computer disk. Parliamentary records prior to 1497 form part of the National Archives. The records are pre-dominantly unique and irreplaceable and have been preserved for their historical, legal and administrative value.

**9.3** The broadcasting archives consists of audio and video tape recordings of gavel to gavel coverage from the Chambers in both the Houses and also Committees selected by the broadcasters.

**9.4** The Parliamentary Archives has custody of several million records of historical constitution, and political significance and provides an accessible resource for research and lifelong learning. Among the Archives are:

- original Acts of Parliament from 1497
- Journals from 1510
- Papers laid before Parliament from 1531
- Peerage papers from 1597
- Judicial Papers from 1621
- Records about the Palace of Westminster

## **X     SECURITY ARRANGEMENTS**

**10.1** Security arrangement is the joint responsibility of House of Commons and Lords and the Metro Police. A contract is signed by Clerk of Commons and Lords and Chief Superintendent, London Metro Police. Security of the Parliament Estate is supervised by the Contract Steering Committee consisting of Black Rod responsible for House of Lords, Sergeant at Arms for House of Commons and Chief Superintendent, Metro Police. Contract period is for five years. There are uniformed Police Officers recruited by Metro Police and under its pay roll and who are authorized to arrest. There are uniformed Security Officers who do not have the power to arrest. Special security arrangements are made for Commons Committees meetings open to public. For Lords Committees, no police is deployed as public interest is less for their meetings.

**10.2** It is a security force which is public and visitor friendly. It is also responsible for conducting school trips. A very large number of visitors have access to Parliament estate as lobbying with members is a very common occurring. Foreign Language Tours are also conducted for them. Special tour guides are hired on contract basis during the summer recess. Training is provided to security staff.

**10.3** In the House of Commons, a glass screen has been installed in the public gallery which has however, not been appreciated by members. No such barrier is there in the House of Lords.

**10.4** Parliament security is also responsible for managing protests and demonstrations. For controlling protest groups outside Parliament, working with metro police is very effective as it is posted both inside Parliament building and outside. Besides that, Metro

Police infrastructure is utilized for conducting training programme of Parliament security.

**10.5** In view of security concerns, all the postal and other deliveries like stationery and food items are off-loaded in a separate place and only after thorough check, material is allowed inside. Security checks/screening is quite stringent. Even members not carrying passes have to take temporary passes. There is a proper mechanism for security review periodically. For expenditure, both Finance Committee and Speaker's approval is required.

**10.6** The post of Sergeant at Arms originated in the 13<sup>th</sup> century and has evolved over time to its present form while retaining some ceremonial duties. The current Sergeant at Arms, for House Commons, Jill Pay, appointed in 2008 is the first woman to be appointed to the post in its 600 year history.

## **XI REMUNERATION STRUCTURE AND EXPENSES OF MEMBERS OF HOUSE OF LORDS**

**11.1** Most members of the House of Lords do not receive a salary in respect of their Parliamentary duties. Arrangements for financial support are administered by the Members' Finance Section in the Finance Department. All requests for financial support are to be submitted on the appropriate claim form. Most claim forms can be obtained from the Finance Section and can also be found on the House of Lords Intranet.

**11.2** While there is no specific time-limit prescribed for submission of claims by Rajya Sabha members, in the House of Lords, claims must be received by the Finance Department within one month from the end of the calendar month when the entitlement to claim arose. Payments to members are paid on monthly basis as compared to our members making their claims as per their convenience.

**11.3** Information on the allowances/expenses paid to members is published on the Parliamentary Website.

**11.4** Entitlement to claim arises only in respect of attendance at sittings of the House or its Committees. Members' attendance in the Chamber is noted and subsequently

recorded by the Journal Office. A Member is contacted when a claim is received by the Finance Department for a date where there is no record of attendance. A written self-certified attendance will be referred to the Finance Director and any appeal beyond that will be referred to the Clerk of the Parliament whose decision is final. A daily allowance of £ 300 for each qualifying day of attendance is admissible.

**11.5** Members claiming reimbursement are encouraged to make use of the member's travel credit card. Members should use only Air Miles offered by airlines in connection with travel for Parliamentary business and not for personal benefit.

**11.6** A breach of rules relating to financial support for members constitutes a breach of the Code of Conduct. A breach could lead to an investigation by the House of Lords Commissioner for Standards.

**11.7** During the year 2010-11, several cases of alleged abuses of the former Members Reimbursement Scheme (new Scheme came into effect from 1<sup>st</sup> Oct, 2010) were investigated. Two members suspended by the House repaid sums wrongly claimed. The monies owned by a third member are being actively pursued by the Administration. Two other members were charged with criminal offences and sentenced to imprisonments. Both have made repayments to the House.

## **XII MANAGEMENT STRUCTURE AT THE HOUSE OF LORDS**

**12.1** The Clerk of the Parliaments is head of the permanent staff of the House of Lords. He is the Accounting Officer and under the Parliamentary Corporate Bodies Act, 1992, he is also the Corporate Officer of the House of Lords. He is supported by a Management Board which he chairs. The membership of the Management Board is designed to reflect the wide range of services provided to the House and its members.

**12.2** The Clerk of the Parliaments is appointed by the Crown and can be removed from office only by the Sovereign upon an address of the House of Lords for that purpose. The Clerk Assistant and the Reading Clerk are appointed by the Lord Speaker, subject to the approval of the House and can be removed from office only by Order of the House.

Gentlemen Usher of the Black Rod is appointed formally by the Crown following recruitment exercise conducted by the Clerk of the Parliaments. All other staff are appointed and removable by the Clerk of the Parliaments as Corporate Officer of the House of Lords.

### **XIII SHARING OF EXPENDITURE BETWEEN THE TWO HOUSES**

**13.1** Responsibility for maintenance of the Palace and the Parliamentary Estate is a function resting with the Parliamentary Estates Directorate and then Director General of Facilities in the House of Commons. Expenditure on the Palace and the Parliamentary Estate is apportioned in a 40:60 (Lords:Commons) ratio or solely allocated to the House of Lords /Commons where appropriate.

**13.2** The Parliamentary Archives is a shared facility with relevant costs split in a 60:40 ratio between the House of Lords and Commons.

**13.3** Security costs are arranged and monitored jointly but are billed separately to the two Houses by the Metropolitan Police, apportioned in a 31:69 ratio (Lords: Commons)

**13.4** ICT Services are managed by the Parliamentary Information and Communication Technology (PICT) Service for both Houses. Each House pays for its own ICT hardware with costs of PICT itself being split on an 20:80 (Lords:Commons) ratio. Joint ICT development project costs are shared on an agreed project by project basis.

### **XIV CONCLUSION**

**14.1** In conclusion, I would like to make some general observations on the Professional Development Programme at the House of Commons attended by me from 12 to 16 September, 2011. It was a five-day programme having interactions with officials dealing with different areas of work in both the Houses of British Parliament. Duration of each interaction was 45 minutes to one hour. It would have been better to have such individual interactions for longer duration so as to have a better and detailed understanding of the subject. Many of our queries could not be taken up. It seems that different components of discussions are entirely left at the discretion of programme organizers. Although it was a

programme at the House of Commons, two days were meant entirely for discussions at House of Lords. Result was that we were kept totally busy running from one lecture to the other. Another small but very practical aspect missing in the programme was that no facilities were there for having some tea/coffee or even water during our interactions. Almost all our interactions were in different areas of Westminster Palace. I have attended the RIPA Programme also in the past which I think is better organized. At a personal level, I feel that along with RIPA Programme, continuance of the above Programme would be justified if focus is there on two-three areas of functioning of British Parliament with opportunity being given for having longer sessions and meeting with concerned officers.

**14.2** Lastly, I would be failing in my duty if I do not mention about our stay arrangements. I think that when compared with our arrangements with RIPA, hotel selected was more expensive. Training Cell can easily explore the possibility of having a reasonably good but cheaper accommodation for the participants.

\*\*\*\*\*



