

Constitutional
and Parliamentary
Information
ASGP



**Parliamentary systems of Sweden
and India**

**Relations between Chambers
in Bicameral Parliaments**

INTER-PARLIAMENTARY UNION

Aims

The Inter-Parliamentary Union, whose international Statute is outlined in a Headquarters Agreement drawn up with the Swiss federal authorities, is the only world-wide organization of Parliaments.

The aim of the Inter-Parliamentary Union is to promote personal contacts between members of all Parliaments and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of representative institutions and in the advancement of the work of international peace and co-operation, particularly by supporting the objectives of the United Nations.

In pursuance of this objective, the Union makes known its views on all international problems suitable for settlement by parliamentary action and puts forward suggestions for the development of parliamentary assemblies so as to improve the working of those institutions and increase their prestige.

Membership of the Union (October 1993)

Albania, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Korea (Dem. P. R. of), Korea (Rep. of), Kuwait, Laos, Latvia, Lebanon, Liberia, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mexico, Moldova, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russia, Rwanda, San Marino, Senegal, Singapore, Slovak Republic, Slovenia, Spain, Sri Lanka, Sudan, Surinam, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Associated members: Andean Parliament, Latin American Parliament, Parliamentary Assembly of the Council of Europe.

Structure

The organs of the Union are:

1. *The Inter-Parliamentary Conference* which meets twice a year.
2. *The Inter-Parliamentary Council*, composed of two members from each affiliated Group. *President*: Sir Michael Marshall (United Kingdom).
3. *The Executive Committee*, composed of twelve members elected by the Conference, as well as of the Council President acting as *ex officio* President. At present, it has the following composition:

President: Sir Michael Marshall (United Kingdom)

Members: Mrs. H. Castillo de Lopez-Acosta (Venezuela); D. CavayS Yeguie (Cameroon); T. S. Darsoyo (Indonesia); L. Fischer (Germany); A. Fosset (France); V. Gotsev (Bulgaria); M. Jalal Essaid (Morocco); J. Komiyama (Japan); Mrs Naziha Mahzoud (Tunisia); L. McLeay (Australia); S. Paez Verdugo (Chile); G. L. Papp (Hungary).

4. *Secretariat of the Union*, which is the international secretariat of the Organization, the headquarters being located at: Place du Petit-Saconnex, Case Postale 438, 1211 Geneva, Switzerland.

Secretary general: Mr. Pierre Cornillon.

Official publication

The Union's official organ is the *Inter-Parliamentary Bulletin*, which appears quarterly in both English and French. This publication is indispensable in keeping posted on the activities of the Organization. Subscription can be placed with the Union's Secretariat in Geneva.

Constitutional and Parliamentary Information

Association of Secretaries General
of Parliaments

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I. The Parliamentary System of Sweden

Extracts from the Minutes of the Stockholm session, September 1992

Mr. Gunnar GRENFORS, Secretary general of the Riksdag, welcomed members of the Association to Sweden and spoke from the following paper:

"The Swedish Parliament, the Riksdag

Sweden

According to size Sweden is one of the larger countries in Europe. The area is 450,000 km² (square kilometres), which is approximately only 10 per cent less than Spain and France but larger than Germany or the United Kingdom.

Sweden is approximately 1 500 km in the north-south direction and 500 km at the widest place.

The climate is quite varied. The average temperature during the winter month of January is 10-15C⁰ lower in the northern parts of the country than in the southern and central parts. The country is to a large extent forested. This is particularly evident in the north. In the central and southern parts of Sweden the climate is such that it is possible for the country to be self-sufficient concerning food.

When it comes to population, Sweden is a small country. There are about 8.5 million inhabitants in Sweden. The population is unevenly spread. 85 per cent of the inhabitants live in the southern third of the country. 85 per cent of the people live in urban areas and 15 per cent live in rural areas.

Approximately 3-4 per cent of the population is employed in agriculture and forestry, and 29 per cent is employed in industry. Approximately 30 per cent of the population is employed in transport and private services and enterprises, and 37 per cent is employed in the public administration and service. There are quite a lot of people in the public sector.

Short History

A few words about the history of the Swedish Riksdag, the Parliament.

The Riksdag has a long history. It is more than 500 years old. The Riksdag has for centuries been strongly influenced by the development and progress in important countries in Europe. Originally the influence came chiefly from Germany. During recent centuries the United Kingdom and France have had more influence.

Until the middle of the 19th century we had a system of four chambers - the four Estates (of Nobility, Clergy, Burghers and Peasantry). This system was succeeded by a system of two chambers, which functioned for somewhat more than a hundred years. The current system with one chamber was established in 1971.

Sweden has a parliamentary and democratic constitution. The system developed gradually and was introduced successively. In 1921 equal and universal suffrage for men and women in all elections was established.

The Electoral System

There are general elections every third year in Sweden. The elections are always held in September, and the elections to Parliament and to the local and regional assemblies are held at the same time.

The electoral system in Sweden is based on proportional representation. There are 28 constituencies. Several Members of the Riksdag are elected in each constituency. The largest constituency, the County of Stockholm, has 37 seats, while the smallest, the County of Gotland, has only 2. In all there are 349 seats in the Riksdag.

The seats in a constituency are distributed between parties in proportion to the number of votes they receive.

The system as a whole is extremely "fair". A party which receives 10 per cent of the votes in the realm obtains 10 per cent of the seats. However, there is one exception. In order to prevent too many small parties obtaining seats in the Riksdag there is a limit. A party must obtain at least four per cent of the votes in the realm or 12 per cent in a constituency in order to be admitted to the Riksdag. As soon as a party has reached above this level the votes are fully credited to the party. Thus a party which has reached 4 per cent obtains 14 seats, while a party which has reached 3.5 per cent will not obtain any seat at all.

All votes therefore have equal value. In order to attain this mathematical fairness, we have created a system of adjustment seats. 310 out of the 349 are

distributed before the election as fixed constituency seats. The remaining 39 seats are distributed in a manner that the parties will obtain their proportional share in the realm as a whole. When distributing these seats, the whole realm is considered as a single constituency and the number of fixed constituency seats already distributed to each party is deducted from the total sum of seats for each party.

A party which has obtained 10 per cent of the seats in the realm shall thus have 35 seats. If the party has obtained 30 fixed constituency seats, it shall also have 5 adjustment seats.

The electoral system makes it possible for the political parties to exercise a great deal of influence. Each party puts together its own ballot-papers and decides the order in which the party's candidates shall be placed on the list and thus the order in which the party wishes them to be elected. The electors do not have much influence in practice on the personal level, but they can strike out displeasing candidates.

The Current Situation of Party Politics in the Riksdag

We have today a minority government in Sweden. The Moderate Party, the Centre Party, the Liberal Party and the Christian Democrats together form a government. But as we can all see, the Government needs 5 more seats in order to obtain a majority of its own. The Government parties therefore need the support of another party in order to pursue their ideas in the Riksdag. So far, the Government parties have gained some support from the New Democracy party. But the existence of the Government has been and is threatened, and it can by no means be taken for granted that the Government will remain in office until the next ordinary general election in September 1994. Ordinary general elections are held every third year in Sweden. In between, extra elections may be held. If there should be a government crisis leading up to an extra election, for example in February 1993, an ordinary general election would still be held in September 1994.

The electoral system is a much more debated issue in Sweden. Hopefully, we will in the future have electoral periods of four years and a system with better opportunities to vote for persons instead and not only parties.

Women in Parliament

34 per cent of the MPs are women. During the recent decades the number has increased from 12 per cent to 38 per cent after the election in 1988. The percentage dropped after the last election to 34%, which is still a relatively high figure.

Hew the Riksdag Works

The Riksdag opens for a new working year, the ordinary session, in the first week in October and continues working until the middle of June. There is a Christmas recess of three weeks, and in addition there are recesses of a week each almost every month.

The work during the weeks is concentrated to Tuesday, Wednesday and Thursday. During periods with an extra amount of work Fridays are used too. By concentrating the work in this manner, we try to give the members time to spend in their constituencies.

A member's work in parliament is divided into three main areas.

- A. The work in the Party Group.
- B. The work in one or more parliamentary committees.
- C. The work during plenary sittings.

The Work in the Party Group

The Party Groups convene at least once a week. On Tuesday afternoons the parties hold their ordinary meetings. Important issues are discussed at these meetings. The government parties maintain their contacts with the ministers, and the opposition parties discuss their alternatives to government policy. Within the parties committees, or informal groups, are set up to deal with different issues, for example a committee dealing with social issues and another for foreign issues. Each Party Group has its own secretariat which receives financial assistance from the Riksdag in order to be able to employ staff. The opposition parties receive a larger amount of financial assistance than the Government parties, which have access to the Government Office.

The Committee

A characteristic feature in the Swedish Constitution is the strong position of the committees. We have 16 permanent committees which deal with different subject areas.

In addition, temporary committees may be appointed - but that is very unusual. During the last 20 years this has happened only once. Last spring a

temporary committee was appointed, and this committee is currently dealing with issues concerning whether Sweden should join the EEA - the European Economic Area.

A permanent committee consists of 15 ordinary members and 10 or more deputy members. A committee has its own secretariat (5 - 6 persons) which prepares matters and drafts the committee reports.

A matter may not be raised for decision in the Chamber before it has been referred to a committee and the committee has considered the matter. All matters raised in the Riksdag are referred to committees, and each committee is obliged to consider and report. A committee may also, by its own initiative, introduce business and submit proposals to the Chamber. These provisions constitute the basis for the strong position of the committees.

After a matter has been referred to a committee, the committee writes a report which ends with a proposal from the majority on what decision the Chamber should reach. Those who do not share the majority opinion add dissenting opinions, and by those means formulate alternative decisions. The reports constitute a basis for a debate in the Chamber, which is brought to a close with a division when the Chamber takes a vote on the alternative proposals. The committees convene for their meetings on Tuesdays and Thursdays, and the duration of the meetings is usually a couple of hours.

The Chamber

The members are seated according to their constituencies - i.e., not according to party affiliation - which I think is very unusual relative to other parliaments.

The Chamber is the heart of the Riksdag. The Chamber convenes all weeks throughout the Riksdag session. The total amount of time spent in sitting during a Riksdag session became somewhat less during the most recent Riksdag session, but usually it amounts to 650 hours per session. That makes an average of 20 hours per week, as the Riksdag convenes approximately 32 weeks per session. The duration of these sittings is extremely varied with periods of short sittings and other periods with peaks in December and May-June.

What happens in the Chamber? As in all parliaments, there are deliberations on different issues, matters are raised for decision and there are elections. The Speaker of the Riksdag or a Deputy Speaker presides over the sittings. The Speaker, as well as the three Deputy Speakers, are elected by the Chamber. It is customary for them to represent different parties. The Clerk of the Chamber is also

elected by the Chamber. The Clerk is an official who is expected to be non-political when performing his duties.

I should hear mention that the Speaker has a special status in the Swedish Constitution. The Speaker heads the negotiations when a new government is to be formed. When the negotiations are to be brought to a close, the Speaker shall submit a proposal to the Riksdag of a new Prime Minister who can establish a government. The Chamber votes on this proposal. It is approved if not more than half the total number of members have rejected the proposal. The Office of the Speaker is the second in rank in the realm - after the Head of State, the King, but before the Prime Minister.

Somewhat more than half of the time in the Chamber is taken up by deliberations and approval of business. The rest of the time is used for Question Time and other debates not connected to matters which are to be raised for decision.

Questions can be of three different kinds. All of them are given oral answers in the Chamber. The most usual type of question is summarised in a couple of sentences and put forward by a member to a minister. Questions handed in to the Secretariat of the Chamber, at the latest at 11 a.m. on Fridays, are usually answered on Tuesday afternoon the next week during Question Time. Question Time usually has a duration of about three hours. When a question is answered the questioner and the minister stand in two special rostrums turned towards each other. The questioner is given the floor to put supplementary questions and interventions, and a short debate of approximately 5-10 minutes follows between the two of them. The minister and the questioner are the only participants allowed in these debates. Approximately 800 questions are answered during a Riksdag session.

A member who wishes to debate with a minister on a major issue may submit an interpellation. The questioner must in this case develop the background of the issue ending the presentation with one or several specific questions. The interpellation must be answered within four weeks. Apart from the questioner and the minister, other members are also allowed to participate in the ensuing debate. Approximately 200 interpellations are put forward during a Riksdag session. Most of them give rise to short debates of 20 - 30 minutes. But when politically hot issues are current, the debates can take a couple of hours.

The third form of putting questions is still on an experimental level. Once a month a special Question Time is arranged to answer questions not known in advance. The Prime Minister, together with 4-5 ministers, comes to the Riksdag to answer questions. The Speaker gives the floor to a questioner who has not given notice in advance of what question he or she intends to ask. After an answer has been given, the Speaker may give the floor to a questioner for one, or sometimes

even two, supplementary questions. These Question Times are lively and appreciated. A Question Time of this kind may go on for 30 - 40 minutes.

The most important circumstance in the work of the Chamber is the fact that the members decide on important matters. The Riksdag passes all important laws, decides on state expenditure and taxes. International treaties are ratified by the Riksdag.

One important issue is, of course, the question of who is qualified to put forward proposals and under what circumstances. The Government has an important position in this matter. The Government submits 150-200 Government Bills to the Riksdag each year. Some of these are short and some are quite extensive. This applies for example to the Budget Bill with the Government proposals for expenditure and revenues. This bill comprises several thousand pages.

After a Bill has been submitted to the Riksdag and notified in the Chamber it is referred - usually without any debate - to one of the Riksdag committees for consideration.

Private members' motions relating to the bill, consisting of counter-proposals and amendments, may be submitted within fifteen days. The most important proposals are prepared in the party groups and are submitted as party motions. The private members' motions are referred to the same committee as the Government Bill.

Both the Government's and the members' proposals are considered in the committee, and thereafter the committee presents a report to the Chamber, containing suggestions of what decisions should be taken on account of the Government Bill and the private members' motions. The report is the basis for the debate and divisions in the Chamber, which take place a couple of days after the committee has submitted the report. The normal time space for dealing with a Government Bill is three months counting from the first tabling in the Chamber to the final decision. So, unlike many other Parliaments, we have only one reading.

We use electronic technique to count the votes. The MPs cast their votes by pushing one of three buttons - either "yes", "no" or "abstain". Previously there used to be several thousands of separate divisions during each session. We have now tried to reduce the amount of divisions, and during the last session there were approximately 900 divisions.

In addition to the right to submit proposals in private members' motions in connection with a specific Government Bill, the members have the opportunity of submitting private members' motions concerning any subject area whatsoever during a period of fifteen days in January. 3000 - 5000 such motions are submitted in January. All of these are referred to different permanent committees according

to subject. After a committee has decided on a standpoint a report is submitted to the Chamber. All private members' motions are therefore dealt with in a committee and become subject to a final decision in the Chamber.

A separate report is not written for each private members' motion. Instead these are dealt with within different groups of subjects, resulting in several private members' motions being presented in the same report.

This vast amount of proposals from the individual members constitutes a large problem for us. In truth, many of these motions are dealt with briefly. This applies especially to those motions which are repeatedly submitted year after year more or less in the same shape.

The Parliamentary Control of Government by the Riksdag

Besides being a political centre for debate and a legislative assembly, the Riksdag also supervises the Government and administration.

Interpellations and questions are part of this control system. But we also have specialised bodies for the purpose of exercising control.

The Committee on the Constitution

The Committee shall, as well as other committees, prepare matters, for example changes in the fundamental laws. In addition, the Committee has a special task of examining the Government, performance of ministers' duties and the handling of Government business. The aim of the examination is to follow up whether the Government keeps within the framework of the Constitution and abides by those decisions made by the Riksdag.

The Committee on the Constitution submits a report to the Riksdag presenting the outcome of the examinations carried out during a Riksdag session. In this report the Committee states, more or less openly, criticism and other opinions against the Government or a specific minister. The conclusions made by the Committee will thereafter be voted upon in the Chamber.

(Ministers also have legal responsibility. It is for the Committee to decide whether to instigate legal proceedings under penal law. Such cases are tried by the Supreme Court. We have not had any case of this kind in modern times.)

Declaration off No Confidence

Irrespective of the examination made by the Committee on the Constitution, the opposition has the opportunity of moving a motion for a declaration of no confidence in the Chamber against the Government or an individual minister. A condition is that at least 35 members support the motion. A declaration of no confidence is approved if more than half of all the members (175) have voted in favour. If the declaration has been approved the Government or the minister concerned must, of course, resign.

In this situation, however, the Government can, within a week, order an extra election and remain in office pending the election results.

The Parliamentary Ombudsman

An important Swedish contribution to political science is the establishment of the Office of the Parliamentary Ombudsman. The origin of the word ombudsman is Swedish.

The first Ombudsman was appointed in 1766. The office of the Ombudsmiin has existed, as an institution, continuously since 1809. Today the office consists of four ombudsmen - 2 men and 2 women - recruited among those who are suited for the highest judicial offices in Sweden. An ombudsman is elected by the Riksdag for a period of 4 years and may be re-elected. They are often re-elected once or twice.

The Ombudsmen have a secretariat consisting of approximately 60 persons to assist them in their work.

The foremost duty of the Ombudsmen is to examine that the authorities execute their duties according to existing laws and directives and treat the citizens in a correct manner. The 4 ombudsmen operate in different areas of society: for example the taxation system, police service, public prosecution authorities and the judiciary. The Ombudsmen receive approximately 3500 complaints every year.

The Ombudsmen annually submit a report presenting different cases which have been examined during the year. This report is in turn examined by the Committee on the Constitution. The Committee cannot change any decisions already made. But the examination is a way of finding out whether an Ombudsman ought to be re-elected or not. The Ombudsmen obtain the basis for their work through information and complaints from the public, through inspections and by studying the media.

The Ombudsmen may initiate legal proceedings against officials who have grossly neglected their duties. The Ombudsman may also suggest law amendments when considered necessary.

The Auditors of the Riksdag

The Auditors of the Riksdag are 9 Members of the Riksdag, and their duty is to examine the activities of the State and that state funds are used in an effective way in society. Thus, it is not a question of checking figures but to judge the efficiency of different activities. The Auditors have a secretariat consisting of approximately 20 persons to assist them in their work.

The secretariat performs investigations for the Auditors. Sometimes consultants are used for certain investigations. The Auditors submit reports to the Riksdag, and their proposals are prepared in the committee concerned before they are deliberated and voted upon in the Chamber.

It is considered necessary to widen the parliamentary control in financial areas, and currently there are plans for reinforcing the Secretariat of the Auditors. There are also currently discussions whether to widen the scope of the duties of the committees, for example, following up law enforcement and administration within the subject areas of each committee.

Concluding points

As has been made evident in my presentation, the Swedish Riksdag works in a traditionally parliamentary manner. We have certain characteristic features, but I am sure you recognise most of what I have said.

An important prerequisite for the Parliament to be able to work efficiently is an efficient administration. An important factor is to give the members good service in all respects.

The Riksdag has two executive bodies. The Speaker's Conference is responsible for the parliamentary work. The Conference consists of the Speaker and the Deputy Speakers, the Party Group Leaders and the Chairmen of all the Committees. The Party Group Leaders and the Speaker constitute an inner core which hold their own meetings. The Secretary General, in his capacity as Clerk of the Chamber, is responsible to these assemblies.

To deal with administrative issues there is a specific board which consists of the Speaker and members representing the different parties. The Administrative Director is responsible to this board."

Mr. Anders FORSBERG, Administrative Director of the Riksdag, indicated that in that position he was responsible to the Board of Administration, of which the Speaker was the Chairman and on which all Parties were represented. The Bank of Sweden, the Auditor General, the Ombudsman and the Delegation to the Nordic Council were all connected to the Parliament as agencies.

The Administration was organised into 12 divisions comprising four main blocks, namely Administration (covering staff, finance etc.), Electronic Data Processing and documents (including publications and printing), Supplies, Security and Buildings, and the Research Bureau, Library and Information Offices (including the Riksdag Journal). The overall budget was approximately US \$125 million. About half went on administration, and about half on Members' costs. There were 450 employees. The Parliament was administered on a de-centralised basis with goals being set for staff, the principal goals being to assist the decision-taking process in Parliament and to provide service support for Members. It was of course difficult to define targets and measures for this but one of the methods used was to ask former Members and new Members for their opinions.

New techniques were being continuously developed, in particular the computer system for which there were now about one thousand users. This included support for PCs for Members in their homes, which had risen from 40 in 1989 to 320 currently. Electronic mail was proving very successful and, overall, these developments were enabling Members to stay longer in their constituencies. The Swedish Parliament had been active, jointly with the USA, in assisting the Estonian Parliament with new equipment. Various expenses and allowances were included within the computer system but the biggest change had been in respect of printing which could now be done faster and more cheaply. Official Riksdag documents were also available on the system in their various stages and could be made available to the public in this way.

As for security, the Parliament faced the problem faced by other parliaments of drawing the correct balance between safety on the one hand and openness on the other. Part of the work was done by a private security company but neither the parliamentary staff nor the private security staff were armed. The parliamentary buildings included the two main buildings of the Riksdag itself plus a former Ministry building alongside which was now used for Members and party groups, plus one further administrative building. However the Parliament faced the same problem as other parliaments faced in finding appropriate buildings near the parliament itself. The Parliament was responsible for 150 combined office bed-

rooms for Members and for 100 flats for Members outside the parliamentary buildings, for which Members paid.

The Library and Research Bureau produced about 3000 reports a year and the staff included specialists economists and lawyers. The Library served universities and the public as well as Parliament. It was a deposit library for United Nations, European Community and World Bank documents. There was an information service for the public and the press, and there were around 100,000 visitors a year to the Parliament. The Riksdag Journal summarised decisions of both the Parliament and the Government and had about 25,000 subscribers.

Mr. HADJIOANNOU (President) (Cyprus) asked what happened if a Committee to which a matter had been referred failed to report it back to the Plenary and why the Riksdag Members sat by constituency.

Mr. GRENFORS replied on the first point that a Committee was under an obligation to report back to the Plenary but that it could get permission to delay a report to the following session and it did have the option to produce a very short report. On the second point he said the reasons for this were historical and dated from times before parties had become so strong.

Mr. ABUL HASHEM (Bangladesh) asked about the Chairmen of the Committees and whether the recommendations of Committees were binding on the Government.

Mr. GRENFORS replied on the first point that each Committee elected its own Chairman although in practice the parties had usually arranged between them the proportion to go to Government and Opposition parties. If a Chairman of a Committee was a Government Member then the Vice-Chairman would be an Opposition Member and vice versa. On the second point, the recommendations of each Committee were voted on in the Chamber so it would be the vote in the Plenary session that counted.

Dr. ALZU'BI (Jordan) asked how many parties there were in Sweden and about the rules under which they were formed, and also about the statement by Mr. Grenfors that elections might perhaps in future provide more opportunity for voting on a personal rather than party basis.

Mr. GRENFORS on the first point replied that there were seven parties in Parliament but new parties could be formed all the time, although the 4% vote barrier was quite a significant one. On the second point he noted that while parties were essential to the system there was a danger if they became too strong and dominant. This could separate them from the voters so it was a question of balance.

Mr. KOULICHEV (Bulgaria) asked about Members' rights to request the Speaker to resign, the procedure for ratification of treaties and about access for the press.

Mr. GRENFORS on the first point replied that the Speaker had a three year term of office, ie up to each election, and that the Speaker could only be removed by the election. On the second point treaties were ratified by a form of Government Bill which had to go through the normal Committee and Plenary process. Mr. FORSBERG replied on the third point that the question of access for the press was a difficult and much discussed one. The press was already provided with good office accommodation close to the Chamber but some MPs had sought greater privacy in the restaurants and reading rooms and the press had been asked not to be too active in those areas. At the same time, some Members wanted to be interviewed in those areas so it was difficult to enforce a general rule. Mr. GRENFORS added that the operations of Parliament were based on the premise that it must be an open Parliament.

Mr. IDRISSEKAITOUNI (Morocco) asked about the requirements to reply to Members' Questions and interpellations and about Written Questions and asked about the debate on political representation in modern Swedish society (including how it came about that there had grown up pressure for the creation of a Women's Party).

Mr. GRENFORS, on the first point, replied that there were three kinds of Oral Questions, namely the ordinary Questions of which notice was given on Friday for answer on Tuesday, the interpellations, (which had a four week period for answer), and the Questions without notice, but there were no written Questions and Answers. On the second point he observed that this was not something that could be regulated and Parties were free to form when they wished.

Mr. MASYA (Kenya) asked about the impact of the Questions without notice procedure and about Private Members' Bills that had financial implications.

Mr. GRENFORS answered on the first point that it had worked quite well. The Ministers were quite happy to take part in these sessions. On the second point, any Member could put a motion forward proposing legislation with financial implications but very few were adopted. If, however, such a proposal were passed then it would be binding.

Mr. BENVENUTO (Italy) asked about the powers of the Ombudsmen.

Mr. GRENFORS replied that the Ombudsmen's conclusions could lead to legal action if there had been gross illegality but that for most complaints the Ombudsman would inform the relevant public authority and the necessary action, including if necessary disciplinary action, would be taken.

Mrs. AVOGNON-DETINHO (Benin) asked about the system for recording proceedings of the House, noting that in Benin, being a newly developing Parliament, there had been problems in establishing a working system for this.

Mr. GRENFORS replied that they would be happy to show to anyone who wished the Swedish system for doing this and to discuss the problems involved and perhaps possible methods of assistance.

Mr. BLOH (Liberia) asked about the sources of law-making and whether, in respect of the administration of the House, departments reported directly to the Speaker or the Board of Administration or the Secretaries-General.

Mr. GRENFORS, in respect of the first query replied that the law-making process was similar to elsewhere in that it might begin with a special Commission reporting to the Government which in turn, following consultation, decided to submit a proposal to the Parliament. More rarely a Private Member might propose a law which would normally be in the form of a motion requesting the Government to prepare a law. Mr. FORSBERG noted in respect of the second point that the Board of Administration submitted the Budget of the House departments to the relevant Committee and that Members could then comment on this in the Plenary Session.

Mr. NDIAYE (Senegal) asked about the position of Members of Parliament themselves. He also noted that the idea of a Women's Party, which had been raised, would be unlawful in Senegal because of the constitutional prohibition against discrimination on the grounds of race, sex or religion.

Mr. GRENFORS replied on the second point that there was no such constitutional restriction affecting this point in Sweden. On the position of an MP, Mr. FORSBERG indicated that in principle an MP had the same salary as a Judge, although because of political difficulties in implementing this there was a salary differential at present. There were however additional subsistence allowances for those from outside Stockholm and other allowances available.

Mr. JARRAL (Pakistan) asked about the rules for admissibility of questions.

MR. GRENFORS indicated there were broad rules but that very few were rejected. A Minister could, however, refuse to reply though he must give his reasons.

Mr. SAWICKI (Poland) asked why the bicameral system had been rejected in favour of a unicameral system.

Mr. GRENFORS replied that the two Houses had been very much alike, except that the elections to one House were every four years while the other had more frequent elections but which only involved one-eighth of the membership. That House had therefore become rather conservative.

Mr. WHEELER-BOOTH (United Kingdom) asked whether constitutional changes involved a referendum and, in particular, whether there had been any concern within Parliament about the relationship between sovereign powers and possible EC membership.

Mr. GRENFORs replied that this was indeed a contentious issue. The ordinary way to change the Constitution was to have two parliamentary decisions separated by an election though there was provision for a referendum if enough Members requested it. A referendum was planned for EC membership. It was proposed that the consequences of EC membership on the law-making authority of the Parliament would be made absolutely clear in the referendum process.

Mr. NYS (Belgium) asked whether Members had parliamentary immunity and whether the Ministers were Members of Parliament.

Mr. GRENFORs replied on the first point that Members did have immunity and that a decision by the Plenary Session was required to waive such immunity. On the second point there was an alternate system so that if a Member became a Minister then his or her alternate took over the position of Member.

Mr. NGUEMA-MVE (Gabon) asked how the constitutionality of laws was controlled.

Mr. GRENFORs replied that there were no special courts for this and that only Parliament itself exercised control.

Mr. RAVAl (Philippines) asked about the relationship between the Ombudsman and the Constitutional Committee in respect of monitoring of government.

Mr. GRENFORs replied that the Ombudsman had no role with respect to the Government itself, only towards the central and local Government agencies operating underneath the Government. The Ministries themselves were quite small.

II. The Parliamentary System of India

Extracts from the Minutes of the New Delhi session, April 1993

SHRI SHAKHDER (Former President of the Association)(India) drew attention to the booklet "Parliament of India: an Introduction", which had been written by Shri Agarwal, the Secretary General of the Rajya Sabha, and which had been made available to Members of the Association. He explained that the Indian parliamentary system had derived from the British system and that the Lok Sabha (the Lower House) was directly elected from very large constituencies, with over 1 million voters each, the elections to which involved a very great amount of organisation and work, while the Rajya Sabha (the Upper House) comprised 250 members elected by the various States, of which one third retired every year. The two houses were equal except in respect of financial legislation, which was the prerogative of the lower house. The powers of the Rajya Sabha in this area were limited to the right to propose amendments to such bills within 14 days of receiving the bill from the lower house, which the Lok Sabha was free to accept or reject as it wished. The government was free to introduce bills without restriction, while ordinary members had to get Presidential assent to introduce a bill involving expenditure or taxation. The Rajya Sabha had a special role in respect of the transfer of law-making powers from the list of powers reserved under the Constitution for the Union Government to the list reserved for the State Governments, or vice-versa. Where a conflict arose in respect of normal legislation, a Joint Sitting could be convened to resolve the problem, though this had happened only two or three times in 40 years.

Committees had existed for some time for matters such as Public Accounts, Estimates, and Public Undertakings. Recently a new set of Committees had been added in the form of a subject committee to cover each government ministry. There was also a Committee on Government Assurances, which examined cases where the government had given an assurance that it would examine a matter further, a Committee on Petitions, which could report on the substance of a petition submitted to Parliament by an outsider (including complaints about things said by Members in Parliament) and a Committee on Subordinate Legislation, which examined the vires and the manner of exercise of such legislation. Details of

legislation were scrutinised by Committees. A Comptroller and Auditor General examined the accounts of both the Union and the State Governments, working independently from government, under the authority of Parliament.

Daily business commenced with Question Hour, for which notice of a Question must be given 10 days in advance. Questions which were not reached (i.e. all but a very few out of perhaps 200) received a written answer. Where a Member considered the answer to be unsatisfactory he could raise it later in the day. Other procedures existed for raising matters of immediate importance, which could lead to a short emergency debate. Overall, although Parliament had not in practice held up government legislation, it had been a very vigorous forum for debate and had held government closely to account.

SHRI AGARWAL, Secretary General of the Rajya Sabha, added a number of points. He observed the particular liveliness of Question Hour and that it was now televised, noting that Members now increasingly came to the secretariat's offices to try to increase their chances of being called. On the role of the President of the Union, he reported that the President summoned and prorogued both Houses and any Joint Sittings and could send messages to both Houses. The President also appointed 12 Members directly to the Rajya Sabha, whose members otherwise comprised representation from the States in proportion to their populations (thus ranging from 1 to 34). The Vice-President of the Union was the Speaker of the Rajya Sabha. The Rajya Sabha's equal powers in respect of bills other than financial bills was particularly important in respect of constitutional bills since these had to be agreed by both Houses sitting separately, not by Joint Sitting, and the Rajya Sabha had twice rejected such bills.

The new Committees which had been set up were joint committees comprising 20 members from the Lok Sabha and 15 from the Rajya Sabha. Ministers could be members of either House, and there were currently 39 women in the Lok Sabha and 17 in the Rajya Sabha. The Parliament had three annual sessions: Budget (February to March and May), Monsoon (July to August), and Winter (November-December).

SHRI C. K. JAIN, Secretary General of the Lok Sabha, drew attention to the importance of the Constitution, which had drawn some features from other systems, notably the United Kingdom but also the USA. The most striking feature was the preamble, which laid down the guiding philosophy which involved recognition of the principles of freedom from exploitation, liberty, equality, and fraternity, and reflected the place given to secular social democracy. The Constitution contained a section setting out fundamental rights and provided for the separation of powers between the executive, legislature and judiciary. Amendment of the Constitution was by the legislative process, not by referendum.

He drew further attention to the new committees, indicating that among the reasons for their establishment was the need for closer consideration of the government's expenditure proposals and the recognition that many issues could be discussed in a less partisan manner in committee.

MR SWEETMAN (United Kingdom) asked about the details of the workings of the new committees. SHRI JAIN explained that their membership was 35 (15 from the Rajya Sabha and 20 from the Lok Sabha) chosen by the Speaker after nominations from the parties in proportion to the party strengths in each House. Chairmanships also were shared on the basis of party strength, so that there were some opposition chairmen. The Committees were charged with considering bills, as well as the expenditure estimates and annual reports of each Department.

MR JARRAL (Pakistan) asked about the sanctions available in respect of compelling the attendance of witnesses and of other evidence. SHRI JAIN replied that the Committees had powers to demand the attendance of persons and to send for documents, but he could not imagine a Government department refusing to produce the relevant evidence except in certain well-defined and understood areas, such as national security.

MR MADUREIRA (Portugal) asked about the rules relating to television. SHRI JAIN indicated that there was now limited access to TV. Coverage alternated on a weekly basis between the Lok Sabha and the Rajya Sabha, with question hour being broadcast on the following day and certain major debates being broadcast live. Committees were not televised, nor open to the press.

MR BENVENUTO (Italy) asked whether amendments to the Constitution required a special majority. SHRI JAIN replied that such amendments required a majority of those present and a two-thirds majority of those voting.

MR HAYTER (United Kingdom) noted that he would welcome the system of TV coverage alternating between the two houses, because the UK experience was that once the House of Commons had permitted television the TV companies no longer showed much interest in broadcasting the House of Lords. He asked whether the experience of television had been good in respect of the education of the public and in respect of behaviour of members. SHRI JAIN considered that the educational objectives of televising were being achieved but that the behaviour of members was probably unaffected.

MR GALAL (Sudan) asked about the relationship between Parliament and the Ministry of Finance in respect of the parliamentary budget. SHRI JAIN explained that by convention the Ministry of Finance honoured the parliament's proposed budget and that, also by convention, the proposals were not discussed by the House, being regarded as a matter for the Speaker.

ANNEX

Question and answer session during the visit to the Parliament buildings on Tuesday 13th April

Mr GUJAR (Director, Rajya Sabha) outlined some of the procedures in operation in the two Chambers, which began with the Question Hour (11 am -12 noon) and followed with mini-debates under the 'calling attention' procedure and the main motions of the day.

Mr ABDUL HASHEM (Bangladesh) asked for further information about the so-called 'zero-hour' and its relationship to Question Hour. Mr GUJAR explained that, while Questions required formal notice, the practice had developed of Members raising at the end of Questions (i.e. at 1200 hrs exactly, or 'zero-hour') other topical matters. It had no formal procedural basis, though it might be observed that many formal procedures had begun in an informal way and that in due course this procedure also might come to be officially recognised. It might last for any time from less than five minutes to over an hour, and could be very lively on occasion. In response to further questions from Mr GURURE (Zimbabwe) and Dato WAN ZAHIR (Malaysia) he indicated that Question Hour could not be extended, and that normally two supplementary questions were permitted to the Member asking the original question though the Speaker might also allow supplementaries to other Members.

Mr GALAL (Sudan) asked about the speed of the reporting system. Mrs NARAIN (Director) replied that the official report was available to Members on the same day and there was a synopsis made available.

Mr KLEBES (Council of Europe) asked about official languages and interpretation. Mr GUJAR replied that the Constitution recognised 18 official languages and that interpretation was available in all of them. However the interpretation was sometimes done consecutively, through English or Hindi, and a Member was required to give an hour's notice of his or her intention to speak in some of the languages.

Mr CASTIGLIA (Italy) asked how the agenda was arranged. Mr GUJAR said that there were a fixed number of days set aside for Government business and for other categories of business (eg private members' business) and the Secretary General then drew up the detailed agenda on the basis of the notices then given.

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Mr JARRAL (Pakistan) asked about the relative times of sittings of the two Houses and about the attendance of Ministers. Mr GUJAR indicated that the two Houses sat at the same time. Ministers, who were members of one or other House, could attend both Houses. For the purposes of Questions, the different Ministries were arranged into five groups.

In response to questions from Mr BENVENUTO (Italy), Mr FORSBERG (Sweden) and Mr SWEETMAN (United Kingdom), Mrs NARAIN said that there were about 750 staff in the Rajya Sabha and about 1500 in the Lok Sabha, including security staff and interpreters. There was no interchange between the staff of the two Houses.

Mr TRAVERSA (Italy), Dr ALZU'BI (Jordan) and Mrs HUBER (Switzerland) asked about the voting procedures. Mr GUJAR explained that there was electronic voting and that the Speaker had only a casting vote. Abstentions were recorded, but only had any significance as a record of attendance. The voting lists were recorded and published.

Mr NDIAYE (President) (Senegal) and Mr ABUL HASHEM (Bangladesh) asked about the Committee on Government Assurances. Mr GUJAR replied that the Committee had been established specifically to examine cases where a Minister had given some form of undertaking, or assurance, that a particular matter would be examined further. The assurances were recorded in the first instance by the Committee's secretariat. If no action had been taken after three months then the Committee would report on the matter or the Government would seek an extension.

Mr MALHOTRA (Lok Sabha) described the work of the Information and Library services. He indicated that those services comprised about 200 staff, and provided access only at limited times to members' research assistants.

Mr SHARMA (Lok Sabha) showed ASGP Members round the Parliament's annex building, including its Committee rooms and the Medical Centre, which provided all health facilities for Members short of actual hospitalisation.