



# HOUSE OF LORDS

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# Introduction:

- British Parliament is the “Mother of all Parliament” as it is the model for many other nations around the globe.
- It is the most powerful of all the modern legislature.
- It is also the oldest of all Parliaments.
- It took nearly 8 centuries to transform the Parliament into a governing body elected on the basis of adult franchise..
- It is a bicameral legislature.
- It is a talking shop where the people talk about the affairs of the nation.

# HOUSE OF LORDS

- Introduction: it is the first and the oldest chamber of the British Parliament.
- It is also the oldest Legislative Assembly in the world.
- In 1259 King Edward I called his model Parliament constituted of 3 groups namely, Nobles, Clergy & Commons.
- The Nobles & Clergy had common interests and joined together and Commons formed a separate group.
- Thus, the division of the Parliament into 2 houses took place.

# Composition:

- It is the Upper House of the Parliament and constituted mostly of hereditary members.
- It is composed of more than 1000 members. It is constituted of 6 categories of members. They are –
  1. Princes of Royal blood who do not take part in the proceedings of the House.
  2. Hereditary Peers & Peeresses( Peerage Act of 1963) more than 800 peers.

# Composition .....

3. Scottish Peers (Peerage Act of 1963).
4. 21 Law Lords (Appellate Jurisdiction Act, 1876) to assist in the performance of Judicial functions of the House of Lords.
5. Life Peers & Peeresses under the Life Peerage Act of 1952 (more than 200 Life Peers) and
6. 26 Spiritual Peers (Arch Bishops, Bishops of the Church of England).
- Since 1958 women are allowed to become Peeresses.

# Composition .....

- It is a permanent House.
- Its membership is for life.
- It meets at least once in a year.
- Mass absenteeism is its marked feature.
- Average daily attendance in the House is 250 members.
- 3 members is the quorum of the House.

# Presiding officer:

- Lord Chancellor is the presiding officer who is also the member of the cabinet.
  - He has no casting vote, he cannot enforce discipline in the House.
  - He has only formal role to play.
  - He is a legal advisor to the queen & chairman of the judicial committee.
- I. He presides over the House, when it sits as he highest court of appeal.

# Presiding Officer .....

- He recommends the appointment of High Court Judges.
- He appoints the judges of the County courts & Justice of the Peace.
- He can remove the judges of the County courts & Justice of the Peace.
- He holds the great seal of the Realm which he affixes on behalf of the Crown on all agreements, declarations and treaties.
- He acts as the chairman of the Council.

# Presiding officer .....

7. Under the act of 1925, he controls and supervises the organization of the judiciary.
8. He reads over the address of the Crown before the House.
  - There is a committee system which is similar to the one found in the House of Commons.
  - The house of Lords enjoys certain privileges like freedom of speech, arrest while the House is in session.

# Power & Functions:

- Before 1911 Act, the House of Lords was in all respects enjoyed coordinate status with the House of Commons .
- But now, it is subservient to the will of the House of Commons in all respects.
- At present, it has truly remained a secondary chamber.
- It performs following powers and functions -

# Powers and functions .....

1. Legislative powers,
2. Financial powers,
3. Executive powers,
4. Judicial powers,
5. Investigative powers,
6. Constituent powers, etc.

# I. Legislative powers:

- It can initiate any ordinary bill or propose a new bill
- But the number of bills initiated by it are less when compared to the House of Commons.
- But before 1911 Act, it had coequal powers with the House of Commons.
- Now it can delay the passing of an ordinary bill for a period of one year only (1949).
- After one year's duration the bill becomes a law even without its approval.
- Thus the House of Lords enjoys only a suspensive veto and not an absolute veto.

## 2. Financial powers:

- Until 1911, the Lords could accept or reject a money bill but it had no power to amend it
- Now, it has the power in matters of passing money bills to delay its passage for a period of not more than one month duration.
- And all money bills must first originate only in the lower House.
- Hence, this House is quite powerless in money matters.

### 3. Executive powers:

- It can exercise control over the government by asking questions.
- It has the right to fully debate on various issues of government & its policies.
- It can put motions and resolutions for discussions.
- But it has no power to over throw the government by passing a no confidence against it.
- It has equal powers with the Commons to approve statutory instruments and remove the judges.
- Even the members of the House of Lords can be appointed as cabinet ministers.

## 4. Judicial powers:

- It acts as the highest court of appeal in civil and criminal cases for England and Ireland. And in civil cases for Scotland.
- All such cases are heard and decided by the Lords of Appeal which in turn is presided over by the Lord Chancellor.
- It is also a court for the trial of persons impeached by the House of Commons for high crimes.
- However, the whole House never meets as a court of appeal.

## 5. Investigative powers:

- It may set up a committee of enquiry to investigate into any matter of public interest.
- In this committee of investigation are found not only the members of the house but also non-members as well.

## 6. Constituent Powers:

- It is with the consent of the House of Lords that the duration of the Parliament can be altered.
- To amend any part of the constitution or any provisions of the constitutions the consent of both the houses of the Parliament is a must.

# Criticisms against House of Lords:

- Following are some of the argument against the House of Lords –
  1. Undemocratic composition,
  2. A centre of vested interest
  3. Lack of impartiality,
  4. Opponents of progress and development
  5. Indifference of members,
  6. Powerless House, etc.

# I. Undemocratic composition:

- It is a political anachronism in the land of democracy.
- It is constituted of hereditary members and not an elected body.
- It is not a representative body of the people.

## 2. A centre of vested interest:

- It consists of rich business men and industrialists who remain busy in fulfilling their own selfish interests.
- “it is the Fortress of wealth” says Ramsay Muir.
- The House represents the rich sections of the society and not the working classes of the society.

### 3. Lack of Impartiality:

- It protects the interests of only one party namely the Conservative party.
- It is the supporter of conventional ideas.
- It has opposed all the progressive measures which are taken by the Liberal or the Labor Party.
- It does not create any obstructions when the government is in the hands of the Conservative Party.

## 4. Opponents of Progress and Development:

- The House is opposed to all progressive socialistic policies of the government.
- They are not only conventional but also reactionary.
- Since it is an institution of capitalists it will never like any measures which may not further the interest of the capitalists.
- They do not care for the whole nation especially for the poor classes.
- Moreover, it is the worst representative assembly ever created.

## 5. Indifference of Members:

- A large part of the members do not take active interest in the work of the House.
- They do not even attend the meetings of the House regularly.
- Average attendance is around 250/1000.
- The quorum of the House is fixed at 30.
- There are many members who rarely speak and some who do not even take oath.
- This indifference of members is an important defect of the house.
- Mass absenteeism is the characteristic feature of the House of Lords.

## 6. Powerless House:

- Today the Lords is deprived of almost all of its powers.
- And it does not even serve the needs of Bicameralism.
- Upper house is not necessary in a country which has a perfect lower house, representing the entire nation.
- While criticizing the House, Abbey Sieyes has remarked “if the second chamber agrees with the first it is superfluous; while if it disagrees it is obnoxious”

# Utility of the House:

- Some of the arguments put forward in favour of the continuation of the House of Lords are –
  1. It is a symbol of tradition,
  2. Represents men of great experience,
  3. Democratic system requires a second chamber
  4. Independent discussions,
  5. Opportunity for public to express their views,
  6. Perform certain useful functions
  7. Exerts moral authority,
  8. Useful to ministers who are election shy, etc.

# I. It is a symbol of Tradition:

- British's do not want to discard the old institutions.
- They take everything as it is and tolerate it as long as it works well.
- The House of Lords represents the past glory of Great Britain.

## 2. Represents men of great experiences:

- It is the store house of the experienced Statesmen, generals and admirals and men of law, letters and science.
- These people would not like to contest elections.
- If the upper House is abolished their services would be denied to the nation.

### 3. Democratic system requires a Second Chamber:

- In order to check the dictatorship of one house, there is a need for a second chamber.
- And if the House of Lords is abolished, it is possible that the party having majority in the House of Commons may deprive the people of their fundamental rights.
- Thus, it serves the need of bicameralism.

## 4. Independent discussions:

- There is a greater scope for independent discussions in the House of Lords, because its members are not bound by party discipline and can express their views freely.
- Moreover, the debates that takes place in the house are of a high standard.
- No government can ignore opinion of the Lords.
- In Britain, the absence of other safeguards like a rigid constitution, referendum & the judicial review made the Second Chamber the only safeguard against arbitrary laws.

## 5. Opportunity for the public to express their views:

- The debates carried on in the Lords gets wide publicity and create strong public opinion which influences the people and government.
- The parliament will not pass a bill on which public opinion is against it.
- As the Lords causes a delay in the passage of a controversial bill giving some time for the crystallization of public opinion.
- This stops the passage of a ill-considered and a hasty legislation.

## 6. Performs certain useful functions:

- It acts as the highest court of appeal in the country.
- It relieves the burden of the House of Commons regarding private bills, provisional orders, special orders and statutory instruments.
- Bills which are non-controversial have an easy passage if discussed and drafted by the House of Lords.
- The House of Lords is a revisory chamber which eliminates the technical flaws of the bill. Thus it provides the opportunity for a second thought before adopting any bill.

## 7. Exerts moral authority:

- The greatest merit of the House of Lords is its moral authority says Lord Bryce.
- It constituted of Peers who are members of the ancient of the ancient families in whom a sense of public service is deeply ingrained by long traditions.
- The moral authority here simply means the influence exerted on the mind of the nation by the members of this House.

## 8. Useful to Ministers who are Election Shy:

- In Britain to be a minister a person must be the member of the Parliament.
- The House of Lords provides seats in the Parliament for those ministers who are election shy.

# Conclusion:

- The House of Lords should not be abolished as it performs certain useful functions and as it is a necessity for successful functioning of bicameralism and democracy.
- It is suggested to reform the House like reduce its over size, restructure it on representative lines & retain the historic institution so as to conform with British traditions.