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ON

THE COMMONWEALTH PARLIAMENTS

THE JOURNAL OF PARLIAMENTARY INFORMATION

Editor: S. L. SHAKDHER

The Journal of Parliamentary Information, a quarterly publication brought out by the Lok Sabha Secretariat, aims at the dissemination of authoritative information about the practices and procedures that are continuously being evolved in Indian and foreign legislatures. The Journal also purports to serve as an authentic recorder of important parliamentary events and activities and provides a useful forum to Members of Parliament and State Legislatures and other experts for the expression of their views and opinions thereby contributing to the development and strengthening of parliamentary democracy in the country.

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CONTENTS

1393 LS—1.

PART II

Australia

Barbados

Botswana

Canada

SHRI B. N. BANERJEE, Secretary-General, Rajya Sabha, India.

RT. HON. ARTHUR BOTTOMLEY, OBE, MP, House of Commons, (United Kingdom); Hon. Treasurer of the Commonwealth Parliamentary Association.

SIR THEODORE BRANCKER, Kt., Q. C., F.R.S.A., Hony. LL.D., President of the Senate, Barbados.

MR. R. E. BULLOCK, Deputy Clerk of the Senate, Australia.

HON. JUSTICE PERCY R. DAVIES, MBE, Speaker, Parliament of Sierra Leone.

MR. GUY T. D'ESPAIGNET, Clerk of the Legislative Assembly, Mauritius.

HON. DR. G. S. DHILLON, Speaker of Lok Sabha, India; President of the Commonwealth Parliamentary Association and President of the Inter-Parliamentary Union.

RT. HON. LORD ELWYN-JONES, Lord Chancellor and Speaker of the House of Lords, United Kingdom.

MR. ROBERT FORTIER, Clerk of the Senate, Canada.

MR. I. P. GONTSE, Clerk to the National Assembly, Botswana.

MR. IAN GREY, Editor of Publications and Deputy Secretary-General, Commonwealth Parliamentary Association.

HON. RADHAMOHUN GUJADHUR, CMG, MLA, Deputy Speaker, Legislative Assembly, Mauritius.

HON. SHRI B. D. JATTI, Vice-President of India and Chairman of Rajya Sabha, India.

HON. JAMES A. JEROME, Speaker, House of Representatives, Canada.

HON. TAN SRI DATUK NIK AHMED KAMIL, DK, PMN, SPMK, SJMK, M.P., Speaker, House of Representatives, Malaysia.

HON. J. T. KOLANE, Speaker of the National Assembly, Lesotho.

SENATOR THE HON. (MISS) RENAUDE LAPOINTE, Speaker of the Senate, Canada.

MR. C. P. LITTLEJOHN, Deputy Clerk, House of Representatives, New Zealand.

DR. JOHN P. MACKINTOSH, M.P., House of Commons (United Kingdom); Chairman, The Council of the Hansard Society for Parliamentary Government, London.

HON. R. M. NABULYATO, Speaker of the National Assembly, Zambia.

MR. L. J. NGUGI, Clerk of the National Assembly, Kenya.

HON. M. P. K. NWAKO, Minister of Health, Botswana; Member of the Executive Committee of the Commonwealth Parliamentary Association.

SENATOR THE HON. JUSTIN O'BYRNE, President of the Senate, Australia; Chairman of the Executive Committee of the Commonwealth of Australia Branch of the Commonwealth Parliamentary Association.

MR. N. J. PARKES, OBE, Clerk of the House of Representatives, Australia.

HON. SASE NARAIN, J.P., M.P., Speaker of the National Assembly, Guyana.

HON. G.G.D. SCHOLES, Speaker of the House of Representatives, Australia.

HON. DR. YEOH GHIM SENG, B.B.M., J.P., M.P., Speaker, Parliament of Singapore.

SHRI S. L. SHAKDHER, Secretary-General, Lok Sabha, India; President of the Association of Secretaries-General of Parliaments.

MR. CURTIS V. STRACHAN, Clerk of Parliament, Grenada.

MR. B. A. TLELASE, Secretary of the National Assembly, Lesotho.

HON. ABDUL MALEK UKIL, Speaker, Parliament of Bangladesh.

HON. S. A. WHITEHEAD, Speaker, House of Representatives, New Zealand.

EDITORIAL NOTE

The evolution of the Commonwealth as a free association of independent sovereign nations of diverse races and cultures is one of the unique developments in modern history. The common bonds which link the member-States of the Commonwealth covering the six continents are the ideals of universal peace and prosperity, rule of law, freedom of the individual and a democratic form of government representing the will of the people.

Consultation and cooperation in international affairs are the twin watch-words of the Commonwealth. The Commonwealth Parliamentary Association exists to promote respect for parliamentary institutions and mutual understanding among the Parliaments of the Commonwealth. It serves as the sole machinery for regular consultation between Commonwealth parliamentarians. As Sir Bernard Braine once remarked, it is in fact "a power house of ideas rather than an anvil upon which policies are hammered out".

India is privileged once again to host the Commonwealth Parliamentary Conference this year. On the eve of this Conference, we have great pleasure in releasing this Special Number of the *Journal of Parliamentary Information* on Commonwealth Parliaments. With a view to wider dissemination of information about Commonwealth Parliaments the contents of this number are also being published separately in book form.

The articles included in the number would make a fascinating reading in comparative parliamentary political science and more particularly in the field of legislative procedure of Commonwealth Parliaments. Part I comprises articles on inter-parliamentary cooperation among the Commonwealth countries. Part II includes articles on some specific aspects of the working of parliamentary institutions and processes in the individual Commonwealth countries. The Annexures contain brief notes on the constitution and the composition of Parliaments in Commonwealth countries, a comparative statement showing the salaries, allowances and other facilities available to officers and members in the Commonwealth Parliaments, and some information about Who is Who in Commonwealth Parliaments.

We are deeply beholden to the distinguished Presiding Officers of the various Commonwealth Parliaments who, despite the many pressures on their time made it convenient to contribute some excellent papers. Profound thanks are also due to the Officers of the Commonwealth Parliamentary Association and to my learned colleagues, the Clerks and the Secretaries-General of the Commonwealth Parliaments, for their valuable contributions.

It is hoped that this number of the *Journal* would be found use ful not only by parliamentarians and parliamentary scholars but all those interested in parliamentary and Commonwealth institutions.

—*S. L. Shakdher*

1

Inter-Parliamentary Co-operation and the Commonwealth

G. S. DHILLON

The Commonwealth of Nations is not an organically constituted entity like a State, a federation, a union, a defensive pact or even something like the United Nations. It is a voluntary association of independent sovereign, or even heterogenous States, which at one time or the other, owed allegiance to the British Crown or had some links with the United Kingdom. Each member of the Commonwealth is responsible for the governance and direction of its own policies, mutually consulting and co-operating in the common interests of their peoples and in the promotion of international understanding and world peace. The member-States hail from all the six continents, cover the seven seas and include people of different races, languages and religions, displaying every stage of economic development from poor developing nations to affluent industrialised nations.

The Commonwealth thus represents the most unique association of nations, working together for peaceful purposes, that the world has ever known. It is, in other words, an experiment in human living, international living and international cooperation. To quote our late philosopher President, Dr. Radhakrishnan:

> "The Commonwealth has no legal bond, no constitutional charter, no written document, and it is a community of ideals, such as the freedom of the human individual, rule of law, economic opportunity for all, free elections and love of peace. These thus are the ideals which bind the different members of the Commonwealth."

With several countries of Asia, Africa, the Pacific and the Caribbean attaining independence during the past three decades, the

Commonwealth has not only grown in numbers, it has also shown a remarkable degree of resilience in successfully absorbing the impact of change to match its diversified membership. The value of the modern Commonwealth lies in its capacity to provide a basis for understanding and consensus regardless of the divisions of levels of development, regional commitment, or ethnic or cultural differences. This becomes possible in view of the golden thread of common tradition, common background and common history that binds the members of the Commonwealth together. These traditional links are reflected in their common endeavour of developing, on a continuous basis, the spirit of democracy through the parliamentary system of Government. Although important and significant differences are clearly discernible in the Constitutions of the member-nations, there is no doubt that the underlying basic principle of democracy, which stands for the freedom of the individual, is the same in all, derived as it is mostly from the British Parliamentary traditions.

With numerous disruptive forces at work in the present-day world, parliamentarians have to play a special role towards reducing tensions and in promoting peace and understanding. The honoured place they occupy in society as the elected representatives of the people, gives the parliamentarians an unrivalled position to mould public opinion and to influence their respective Governments. It is in this context that inter-parliamentary co-operation amongst nations having faith in the democratic parliamentary institutions has come to assume great importance. Experience has revealed that the problems which crop up for consideration before Parliaments all over the globe are more or less common, irrespective of differences in political systems and in the socio-economic backgrounds of the peoples they represent. This, in turn, has led to the establishment of regular contacts and effective links amongst the Parliaments on bilateral and multilateral basis. As a means of promoting inter-parliamentary friendships and understanding, it has been found that exchange of goodwill parliamentary delegations and visits of individual Members of Parliament to various countries are quite rewarding. Besides, sharing and dissemination of information and experiences in the evolution of parliamentary procedures and practices at meetings and conferences, and also through correspondence, have been found to be of immense value and potential. In order to institutionalize this growing inter-parliamentary co-operation, it was felt necessary to establish permanent common forums at various levels—international, Commonwealth and regional—whereunder parliamentarians from various countries, regions, and groups could meet periodically and discuss subjects of common interest and

thereby find out acceptable solutions to common problems. There is always scope for learning from each other's experiences particularly at the level of parliamentary institutions.

The early pioneers of the movement for inter-parliamentary co-operation felt an imperative need for a common forum so that there could be some sort of a cross-fertilization of ideas not only between the older and the younger Parliaments but also between parliamentarians working under different parliamentary systems. They felt that discussions in the forum of the United Nations and several other inter-Governmental meetings and conferences, could not be as candid and open as in an exclusive conclave of free and responsible parliamentarians expressing their views with an unbiased mind.

The inter-parliamentary co-operation on the global plane is now organized under the aegis of the Inter-Parliamentary Union, which has as its active members some 75 National Groups of member-countries having a parliament of their own or rather a legislative body of one kind or the other, in the widest sense of the term. Besides the IPU, we also have other well-known parliamentary Groupings and organizations like the Commonwealth Parliamentary Association and the European Parliament, and lesser known Asian, APU Latin-American, Caribbean and Scandinavian regional Parliamentary Groups. These organisations perform a very useful role in their respective spheres and in a way help in furthering the objectives of the Inter-Parliamentary Union for greater international co-operation.

Having been associated with the C.P.A. for more than a decade and a half, I feel that hardly any single institution within the Commonwealth—apart from its Secretariat—performs a more valuable role in promoting inter-parliamentary co-operation than the Commonwealth Parliamentary Association. Nor, also, does any other institution have a more potential for development as an instrument of greater cohesion in the decades to come.

The Commonwealth Parliamentary Association serves the Commonwealth parliamentarians and, through them the Commonwealth, by providing an effective machinery for regular consultation and exchange of useful information on the evolution of parliamentary procedures, practices and conventions. It also provides a basis for consensus on vital issues of global interest and makes it easier for the wider international community to take it into account while considering similar problems in bigger forums.

The idea of having such an association was first mooted by the late Mr. L. S. Amery and a few other enthusiasts in 1911. It was Mr. Amery who suggested that "His Majesty's faithful Commons from each part of the Empire should, by delegations of their members, be present" at the Coronation of King George V in London. When these delegations met at the Westminster Hall at the Coronation Luncheon, the formation of the Association (then known as the Empire Parliamentary Association) was announced.

Beginning originally with just six branches in the U.K. and the Dominions, the Association has now grown into a huge organization with more than 100 branches covering all parts of the Commonwealth and representing the interests of a fifth of the world's population.

After World War II, several changes took place in the British Empire, necessitating suitable modifications in the structure and organization of this Association as well. India, Pakistan and Sri Lanka (then Ceylon) became independent, and changes had to be effected in the constitution and the structure of the Commonwealth in keeping with the new independent status of these countries. This consequent change had to be reflected in the constitution of the Parliamentary Association as well. In 1948, therefore, the name of the Association was changed from the "Empire Parliamentary Association" to the "Commonwealth Parliamentary Association". Prior to Independence the Indian Central Legislative Assembly was a member of the Empire Parliamentary Association. It ceased to function as India Branch after August 15, 1947. In 1949, India renewed her membership following the change in the name and the Constitution of the Association.

When India declared herself a republic in 1950, the constitutional link which had held the Commonwealth together in the person of the British sovereign as head of State of member-nations, was broken. It was Jawaharlal Nehru's idea of accepting the British sovereign as only a symbolic head of the Commonwealth that restored the link and enabled the new Republic, with its own elected President as Head of State, to continue in the Commonwealth without accepting the suzerainty of the British Crown. This arrangement provided the pattern followed by other British colonies when they attained independence, and transformed the original British Commonwealth into a free association of equally independent republics and dominions.

In providing the sole means of regular consultation amongst the Commonwealth parliamentarians, the Association aims at promoting understanding and cooperation among them. It also encourages the study of and respect for parliamentary institutions throughout the Commonwealth. It has established a machinery for holding of annual conferences, for the exchange of information and for promoting and sponsoring delegations and individual visits, holding of seminars, publication of journals, running of an information and reference centre etc.

The Association is composed of Branches formed in the Legislatures of the various Commonwealth countries. It consists of (i) main Branches formed in the national Parliaments of independent Member-countries of the Commonwealth; (ii) State and Provincial Branches formed in State or Provincial Legislatures within the Member-countries; (iii) Auxiliary Branches formed in Legislatures of countries under responsible governments but which are not fully self-governing; and (iv) affiliated Branches formed in Legislatures of other parts of the Commonwealth under responsible or representative Government. The Members of the Legislature in which a Branch is formed are entitled to become Members of that Branch. The Presiding Officers of Legislative Chambers are normally the Branch Presidents, while the leaders of the parliamentary parties are Vice-Presidents. The Clerk or the Secretary-General of the Legislature usually performs the duties of Honorary Secretary of the Branch.

The Officers of the Association are the President, the Vice-President and the Hon. Treasurer. They are elected by the General Council—the President and the Vice-President for one year and the Hon. Treasurer normally for a three-year term. There is an established convention that the President is chosen from the Branch that is to be the host to the next plenary conference of the Association and the Vice-President from the Branch which is to host the Conference in the succeeding year. The Constitution requires the Hon. Treasurer to be a Member of the Executive Committee of the Branch in the country where the Association has its headquarters.

The Association works through a General Council. All the Branches of the Association are represented on the General Council. The Constitution vests in the General Council the management of the affairs of the Association. The Council meets annually. Its expenses are met by parliamentary grants through the Branches.

In pursuance of a Resolution adopted at the CPA Conference in 1967, an Executive Committee of the General Council was set up which, subject to the General Council's approval, is empowered to act in furtherance of the aims of the Association. The Committee consists of nineteen Members and includes in its membership a Chairman, the Officers of the Association, the immediate past President, and two representatives from each of the Regions, known as Regional Councillors.

The Secretariat of the Association at London is headed by a Secretary-General, who is the chief administrative officer of the Association. Functioning under the overall direction of the Executive Committee and the General Council, the officials of the Secretariat maintain close relations with all Branches and promote liaison and cooperation amongst them.

In the past, plenary conferences of the Association used to be held biennially in various capitals of the Commonwealth, but since 1961 this has become an annual feature. As many as twenty Conferences have been held since 1948. At these conferences, I recall, various important issues have been discussed in a free and frank atmosphere and a willingness was discernible on the part of all concerned to find lasting solutions to problems. Among the subjects recently discussed by us have been problems of world security, international aid, economic issues including problems of developing countries, social problems, and various other aspects of the working of parliamentary institutions.

By convention, resolutions as such are not moved during the annual conferences. The free exchange of information and opinions amongst parliamentarians at these conferences usually leads to the emergence of a Commonwealth consensus which, in turn, is projected to the peoples of the countries in whose name the delegates speak. This helps in influencing Governments on many important issues of immediate concern to the Commonwealth.

These Conferences thus provide excellent opportunities to the delegates to come together formally and informally and share each other's thinking, renew old friendships and forge new ones. There is a lot for the comparatively younger Parliaments to learn from these Conferences. Not only that, even the older Parliaments derive considerable benefit by studying what is being done in the younger Parliaments of the Commonwealth. This in turn, encourages a cross-fertilisation of ideas between the older and the younger Parliaments.

Apart from the main Conferences, separate gatherings are also held on a regional basis. The African, Australasian, Canadian, Caribbean, and the U.K. and Mediterranean Regions regularly arrange conferences of Branches in their respective regions. The agenda for these conferences devote special attention to matters of regional interest. Besides, the Speakers and the Clerks (Secretaries-General) of Parliaments also meet occasionally. Such meetings provide valuable forum for finding solutions to problems of Parliamentary practice and procedure. My experience of some of these meetings has been much rewarding.

The General Council and the United Kingdom Branch jointly host seminars on Parliamentary Practice and Procedure, which has been an annual feature at Westminster since 1951. Started as a course of instruction for Members of Parliament of dependent or newly independent legislatures, these Seminars, which are open to all Branches, have developed into symposia leading to an exchange of ideas and pooling of experience among participants. Seminars on parliamentary practice and procedure are also becoming a regular feature of the Association's activities in the Australasian and Canadian Regions.

The interchange of visits by delegations and by individual Members is a major contribution to the achievement of the Association's aims. The visiting Members are afforded all parliamentary facilities and they meet and exchange views with the Members of the Parliament in the host country. These delegations have shown a steady increase in recent years and the practice has developed of certain Branches making regular exchanges of visits with other Branches.

A Parliamentary Information and Reference Centre was established in the office of the General Council Secretariat in January 1971. The objects of the Centre are to assemble through direct acquisition and exchanges with Members. Secretaries-General or Clerks of Parliament, and Parliamentary Libraries, a comprehensive collection of authoritative material on Commonwealth Parliaments and kindred Legislatures; to provide a complete and prompt information service for Members and Branches of the Association; and to publish monographs, bibliographies, and shorter book lists for those working for parliamentary institutions and studying in the parliamentary field.

The Association also issues a quarterly journal, *The Parliamentarian* which contains articles on parliamentary practice and procedure contributed by experts from Commonwealth Parliaments,

digests of important events taking place in Commonwealth Parliaments in the constitutional and parliamentary field in the previous quarter and summaries of important debates on matters likely to be of particular interest to Commonwealth Parliamentarians.

India's membership of the Commonwealth Parliamentary Association in the post-Independence period, dates back to the year 1949. In the beginning there were very few State Branches functioning in our country apart from India Branch, *i.e.*, the main Branch at the Centre. The very fact that the number of State Branches has registered a steady growth indicates the popularity of the Association's growing activities in India. At present 19 State Branches are functioning in the following States:

> Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, and West Bengal.

India is thus represented in the Commonwealth Parliamentary Association through the largest number of branches in any country, Malaysia comes next with 12 branches, followed by Canada 11 and Australia 7, each of the other nations being represented only through a single branch.

The India Branch is an autonomous body having its own constitution and directing its own affairs. Its membership is open only to Members of Parliament. Former M.Ps. or members of the Provisional Parliament or the Constituent Assembly (Legislative) or the Central Assembly are entitled to become affiliated members and they can claim certain limited rights of membership.

The affairs of the Branch are looked after by an Executive Committee consisting of a President, two Vice-Presidents, a Treasurer and twelve members. The Speaker of Lok Sabha is the *ex-officio* President of the Branch and the Executive Committee. The other office-bearers and members of the Executive Committee are elected at the annual general meeting.

The aims and objects of the Branch are: (i) to promote personal contacts among M.Ps.; (ii) to study questions of public importance that are likely to come up before Parliament; (iii) to arrange lectures on political, defence, economic, social and educational problems by Members of Parliament and distinguished persons; and

(iv) to arrange visits to foreign countries with a view to develop contacts with Members of other Parliaments.

In addition, the India Branch provides assistance to visiting Members of Parliament from the Commonwealth countries and other distinguished persons, holds receptions in their honour and provides facilities to them to study the working of the Indian Parliament.

In 1957, India hosted the Commonwealth Parliamentary Conference jointly with Pakistan and Ceylon. It is after eighteen long years that we have again got the privilege of hosting the Conference this year.

It can be observed with a sense of satisfaction that the Association has played a prominent role in promoting understanding among its members and generally in strengthening the Commonwealth. It has clearly demonstrated how nations can and should conduct their mutual relationships. Obviously, there are bound to be conflicts and developments which fall short of ideals to which we subscribe. Many criticisms can be made, but in a world so divided by conflict and misunderstanding, this unique association has enabled the member-nations to communicate readily amongst themselves and helped them to know each other better. The Association has made a wonderful impact on the Commonwealth as a whole on account of its broad social outlook and its influence on parliamentarians. It has helped in upholding the principles of parliamentary democracy based on human dignity and rule of law. It has brought together under a common forum the rich and the poor nations alike from all over the world into a meaningful dialogue. The Association has made an enormous contribution to the cause of world peace and holds out good prospects for ensuring an era of understanding and cooperation among free nations and respect for the parliamentary institutions. I am sure this unique club of Parliamentarians will continue from strength to strength as it has done in the past.

August 21, 1975.

The Role of Commonwealth Parliaments in the Changing International System

SASE NARAIN

There are two aspects of the changing international system which impinges directly on the role of Commonwealth Parliaments. The first is that the rapidity of change and the complexity of the issues posed as our societies seek to transform themselves has added to our deliberations a new dimension of difficulty. As parliamentarians we must not only seek to build consensus and to preserve the coherence and fundamental unity of our societies, we must also at the same time ensure that the new ideas and techniques and forms of organisation and the laws in which they are embodied are rooted in relevant expert advice and sound experience of what genuinely advances the welfare of the people. We, none of us, have a monopoly of such skills and information available to us and therefore it seems to me that one of the main tasks within the Commonwealth Parliamentary Association is to devise arrangements which will continue to ensure that there are easy methods of consultation and for the wide-ranging exchange of experience and information.

But there is a second and even more important task which our Association will be called upon increasingly to undertake in the future. In our time the international system is more and more characterised by divisions and a kind of compartmentalisation. We are tending to become exclusively preoccupied by the problems and issues in our own regions or corners of the world. Yet at the same time the thrust of the world, as mankind moves through this last quarter of the twentieth century, is towards even greater interdependence of human communities. The great planetary issues which now confront mankind, such as the provision of adequate food and energy or the management of the resources of the sea can only be resolved on a global basis.

The value of the modern Commonwealth lies in its capacity, because of traditional links, to provide a basis for understanding and consensus which transcends the divisions of levels of development, regional commitment, or ethnic or cultural differences. It is for this reason that when our Heads of State or Government meet in their regular conferences, as they did so recently here in the Caribbean, that they can find more readily areas of agreement on urgent issues than would have been possible in the general debate of the international community as a whole. And that is precisely the value of the Commonwealth, that it provides a basis for consensus which the wider international community could then possibly adopt.

But agreement negotiated at the level of Governments is one thing. Such agreements will not hold if they do not have the consent of the people. It is therefore the task and opportunity of our Commonwealth Parliamentary Association to take steps to ensure that an emerging Commonwealth consensus is projected to the peoples of the countries in whose name we speak. If we can perform this task we would have taken a major step forward to overcome regional and other divisions and the tendency to be too inward-looking, and at the same time would provide an important input into the deliberations of such world bodies as the General Assembly and the fora of other agencies of the U.N. System.

It is to the vocation of advancing such wider approaches and areas of agreement that the Commonwealth Parliamentary Association is now called.

July 10, 1975.

The Commonwealth Parliamentary Association and International Development

ABDUL MALEK UKIL

The Commonwealth Parliamentary Association is an institution of those Commonwealth countries which are committed to the practice and traditions of parliamentary democracy and parliamentary way of life and have accepted in principle the rules and by-laws of the Commonwealth Parliamentary Association. It is multi-racial, multi-lingual and multi-religious in character and provides a synoptic vision of the ideal goal to which the Commonwealth movement guides us all. Its genesis was the meeting in London of a handful of representatives from 5 dominion Parliaments at the time of the coronation of King George V in 1911 and it has been growing since then. 17 Legislatures in 1935, 27 in 1937, 61 in 1967, and 94 in 1973, and 84 in 1974 have sent delegates to the C.P.A. Conference and the Association now consists of the members of 97 Commonwealth Parliaments.

After the last World War various organisations of a universal character for the achievement of peace like the United Nations and its affiliated Agencies were formed. But the baffling nature of modern problems has placed serious limitations on those institutions. Hence there arose the need for other decentralised institutions with limited jurisdiction of a pragmatic and flexible nature to deal with specific problems. This is why organisations like the 'Commonwealth Foundation'. 'The Association of Commonwealth Universities', 'The Royal Commonwealth Society', 'The Commonwealth Fund for Technical Co-operation' and 'The Commonwealth Youth Fund', etc. were formed. The C.P.A. is also such an institution but it can claim special importance and significance as it is an

Association of Parliamentarians who are representatives of peoples. For, it is mainly through annual C.P.A. meetings that the Commonwealth keeps in touch with its great roots—the ordinary people of the Commonwealth countries. What they feel and what they expect of the Commonwealth can be fed in at these meetings through their elected representatives who in turn can feed back to the people what the Commonwealth at work can do to help their own governments' efforts to improve the quality of their lives. The C.P.A. thus serves as a valuable, and indeed an essential, link between the instruments of the Commonwealth and the people that they, in the last analysis, serve.

As a rule and according to its own constitution, the purpose of the C.P.A. is "to promote knowledge and education in the social, economic, cultural, constitutional and legislative system within a parliamentary democratic framework with particular reference to the countries of the Commonwealth of Nations and to countries outside the Commonwealth having close historical and Parliamentary Associations with it". The Association pursues its aim by holding conferences and seminars and organising international visits which enable parliamentarians and other persons in a position to spread information to exchange points of view and inform themselves with regard to problems affecting all or any of them and to disseminate information with regard to those problems through the reports of such conferences and seminars. But in practice the C.P.A. has not remained confined within its constitutional limits or to some limited subjects. It has instead been trying not only to solve the multifarious problems of its member countries but also to help solve the burning problems of the world at large through its deliberations on world topics. In fact, it has served two-fold purposes during the last 64 years. First, it strengthens the sense of community prevailing in the Commonwealth and fosters a sense of fellowship among the members even when differences tend to separate them. Its members remain in it not because of any sense of compulsion or obligation but because they are drawn together by common interests. They are inspired by a common faith that binds them like a golden thread-faith in democracy, in the rule of law and in the dignity and equality of man. The warmth and rapport, the sympathy and the understanding shown by the delegates of widely different backgrounds and cultures go—a long way towards increasing the vitality and momentum of the Commonwealth. It thus gives the Commonwealth its abiding strength and vitality. Second, it strengthens parliamentary institutions through exchanges of information, the

pooling of experience and holding of seminars on parliamentary practice and procedure.

It is true, no resolutions are moved and no formal decisions are arrived at in the C.P.A. Conferences but the knowledge that the views expressed in the Conference will be heard and felt beyond the confines of "the six continents and the five Oceans" of the Commonwealth gives a meaning and purpose to the labours of the Conference. Here discussions and negotiations take place in a spirit of mutual understanding to try to solve problems and failing to do so, at best to lay a base and set guidelines to be worked out more fully at a later stage. As a matter of fact, the C.P.A. affords the practical advantage of meeting and discussing problems and gaining understanding on different points of view. It is indeed unique in providing opportunities for regular consultation and interchange of views between Parliamentarians, both Government and opposition, in a free and informal manner and it is in these practical contacts, bridges of communication, exchange of ideas, help and friendship that the Commonwealth has a special value.

Our daily lives are affected by Parliaments and the way they operate. The C.P.A. Conference as a forum for discussion of the many things which affect our daily lives has, therefore, a special meaning and value. We are living in an age of rapid change. The Conference enables the delegates to bring themselves upto date on each other's thinking and to exchange views on their problems. When the delegates discuss political questions they try to achieve understanding, on economic matters they try to reach agreement on a basis advantageous to both sides and on social questions they seek to learn from each other but in all cases, they try to be positive and constructive. The opportunity to see the life of other Commonwealth countries and the discussions and the innumerable talks with each other often far into the night give the participants an understanding of the common interest and the differences existing between them. In this way friendships are forged and renewed and regularly refreshed at New Years and Christmas-tide. Thus when the delegates return to their own countries, they do so with old friendships renewed and new friendships made, and friendship made with overseas colleagues is always invaluable. They also return to the service of their own Parliaments with their experience and knowledge of parliamentary practice enriched by participation in the C.P.A. activities.

The Commonwealth Secretariat is the main Commonwealth instrument at the disposal of Governments in the Commonwealth directly responsible to the Heads of Governments and through them to the Prime Ministers. The tradition of inviting a representative from the Commonwealth Secretariat to the C.P.A. Conference is a connecting link between the two and enables the delegates to know much about the Commonwealth and its Secretariat and to some extent imperceptibly influence through them the decisions and policies of Heads of Government and Prime Ministers in the Commonwealth. As a matter of fact, the contribution of the C.P.A. was recognised by all the Heads of Governments present in the Ottawa Conference, 1973. A few of them regretted that they did not have parliaments to send participants in the C.P.A. Conference, but they all agreed in underlining the usefulness of these conferences and the opportunity C.P.A. provides legislators for contacts at regional and Pan-Commonwealth levels. Moreover, The Inter-Parliamentary Union Conference is the meeting ground for the Commonwealth countries and other countries of the world, where also exchange of views can take place. The deliberations in the C.P.A. Conference may, therefore, influence the course of events not only in the Commonwealth but also in the world at large and enable the member countries to contribute something tangible towards the welfare and happiness of mankind both within and beyond the Commonwealth.

The Commonwealth represents more than a third of the world's population, and the countries it represents occupy about a quarter of the world's surface and contribute a substantial share of the world's wealth. But the basic problem of the Commonwealth is that it contains a larger proportion of under-developed and developing areas than other parts of the world. The component countries are again broadly divided into two groups popularly referred to as the developed and the developing countries. The progress of each of them is affected to a greater or lesser degree by the prosperity of others and so, as was resolved by the Commonwealth Trade and Economic Conference in Montreal in 1958, they are inter-dependent and the rapid advancement of the less developed countries is a matter of immediate concern to their more prosperous partners for the Commonwealth to survive. For, too much poverty in any part of the World must be and has always in the past proved to be disastrous to the more prosperous countries. Late President Roosevelt's New Deal reminds us about it.

During the last two centuries, the terms of trade between agricultural and non-agricultural countries have been so managed as to work to the disadvantage of the former resulting in an invisible transference of wealth from the agricultural countries to the industrial countries, from under-developed countries to the developing countries, and later, by the same process, even to the developing countries. This resulted in the continued and growing poverty of agricultural countries and the rising prosperity of industrialised countries. This gap has to be bridged through international co-operation, both political and economic, in the larger interests of all the countries of the world. The developing and under-developed countries should receive a fair deal from the developed countries to alleviate their social and economic conditions. The common problem of the former countries is lack of capital and technical 'know-how' required for various fields of development. It is true, the Commonwealth has undertaken some carefully thought-out plans like the 'Colombo Plan' to bridge the gap between the component countries but even the Colombo Plan has some loopholes. People in under-developed countries are being invited to more developed countries to learn how to install and manage the various machines and equipments, how to use them and how to run them. But they need to learn how to make them and how to look after them by themselves, how to make their spare parts, etc. So technical secrecy or secrets have to be shared with them and given to them and all information, technical and financial, should be made available both at academic and technical levels. Each country must be in a position to make the fullest use of its own potentials and to get the full value for it once that has been done. For this, economic aid from the developed to the under-developed countries has to be extended in an honourable and entirely non-political manner and without any strings attached to it. This aid should again be more in the form of grants than in loans. The aid giving countries should also make the terms clearly known so that the recipients know from the very beginning just what they have 'to pay' in the long run.

It may not be out of place to mention here the case of Bangladesh in this connection. Though the youngest member of the Commonwealth, it is the second largest country in the Commonwealth in respect of population. It is a newly born welfare State which has emerged out of a bloody revolution in 1971 at the cost of over 3 million valuable human lives, 4.5 million dwelling houses and properties worth about £ 15 million. Her problems are massive and gigantic and have their own peculiarities and specialities. She

is mainly an agricultural country and more than 80 per cent of has population live on agriculture. But she has inherited a poor undiversified economy, characterised by an under-developed infrastructure, stagnant agriculture and a rapidly growing population. She has suffered from centuries of colonial exploitation and missed opportunities with debilitating effects on initiative and enterprise. Superimposed on all these, as the whole world knows, were the effects of a devastating Liberation War which shattered her industrial and physical infra-structure, dislocated her managerial and organisational apparatus, destroyed her transports and communications and disrupted her established trade relationships, as a cumulative effect of all of which her economy was completely shattered and devastated. She was also faced with the problem of rehabilitating thousands of disabled freedom fighters, about 25 thousand women ravished by the inhuman and atrocious army personnel of Pakistan during the liberation war and 10 million refugees who fled away during liberation war but have come back from India, Burma etc. after the liberation. In addition, she has the problem of feeding 75 millions of her own people, together with 63,000 Pakistanis in Bangladesh who opted for Pakistan, with a land system which was rigid, inequitous and retrograde and contributed to low agricultural productivity because of technological backwardness, on the one hand, and lack of occupational diversification, on the other. Lack of industrial development, a rigid social structure inherited from the colonial and zamindari period and supporting parasitic and unproductive ways of life, over-dependence on land and increasing population pressure, were stumbling blocks in the way of a Green Revolution for transforming the poor agrarian country into a prosperous modern nation. It is interesting to note that Pakistan seceded from the Commonwealth as other members of the Commonwealth supported and assisted the liberation war of Bangladesh in 1971. Bangladesh has, therefore, a special claim for aid and assistance in cash, kind and technological 'know-how' from all friendly Commonwealth countries for its reconstruction and development. Our grateful thanks are due to our friends within and without the Commonwealth for their hearty co-operation and assistance during our liberation war and in revitalising our devastated economy, in getting our due place in the United Nations and in solving our multifarious post-independence problems, which greatly helped Bangladesh recover from the ravages of a devastating war under the dynamic leadership of the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman. The Father of the Nation Bangabandhu Sheikh Mujibur Rahman with the determination of

ensuring "the greatest good of the greatest number" embarked on his Second Revolution in January, 1975 and introduced One Party system in the country and formed the National Party with the fullest support of the Parliament and the people. A stable Government has now been established in the country.

Peace and political stability in the world is the *sine qua non for* all kinds of economic development in any part of the world and so every effort should be made to establish the same. This would call for goodwill, co-operation, co-ordination, understanding and thoughtfulness not only among the members of the Commonwealth but also in the world at large. The C.P.A. could give direction and initiate something along these lines and play a very significant role in bringing about international peace, harmony and development. The deliberations of the C.P.A. in its recent Conferences in Kingston, London and Colombo on subjects like 'World Security', 'The World Energy Crisis', 'The Indian Ocean as a Zone of Peace', 'South-East Asia and the Problems of Peace and Neutrality in Other Regions', 'International Aid—Scope, Form and Direction', 'The Law of the Sea' and 'Pollution and Protection of the Environment', etc. clearly indicate that the C.P.A. has been trying to do its best in this direction and its efforts are not going in vain. But to make its deliberations more effective, the C.P.A. may, perhaps, broaden the horizons of its jurisdiction and activities by suitably amending its Constitution, if so required, and develop its 'Information Services' to the fullest extent and promote specialist studies of the works of Parliaments.

The C.P.A. appears to be still in the process of evolution but it cannot be gainsaid that it is the best forum for exchange of views. For, all the Commonwealth countries have grown up under the same political, economic and administrative systems and are wedded to the same or similar parliamentary and democratic principles and practice. There is, therefore, an appreciable degree of thinking in common which is conducive to agreement on a wide range of subjects. More frequent contacts between governments of all Commonwealth countries, extensive personal contacts between the nationals of various Commonwealth countries to discover how the people in their sister countries live and think, improvement of the economies of the less developed countries by the provision of improved technology and technical aid by the more developed countries are, therefore, some of the ways in which the Commonwealth people could get to understand each other and to agree on the mutual co-operation necessary for the survival of this institution.

June 6, 1975.

Relationship between the British Parliament and the European Parliament

ARTHUR BOTTOMLEY

In 1951, following the defeat of the Labour Government, Clement Attlee, then leader of Her Majesty's Opposition, sent Lord Robens and myself as leader and deputy leader of the Labour Party team, to the Consultative Assembly of the Council of Europe.

The previous leader, Hugh Dalton, had shown no enthusiasm for his fellow Europeans, and Mr. Attlee, as he then was, gave instructions that we should seek to improve relationships with our fellow Europeans and to play an active part in the work of the Assembly. For my part, I became the rapporteur of the Economic Committee and took an active part in formulating a policy for the developing countries in the world. This attitude, combined with the return to power by the Conservatives under the leadership of Winston Churchill, gave the other European partners in the Assembly high hopes that Britain would now become more and more involved in the work of the European institutions.

They were profoundly disappointed when they found the new Government no more enthusiastic about Britain's association with Europe than the previous administration had been. They were particularly upset because they felt that Winston Churchill, who was then Prime Minister, had not fulfilled the high hopes which they had entertained of this staunch European.

However, with the success of the Coal and Steel Community and the coming into being of the Common Market, Britain was forced to take a more realistic view of affairs, and in due course, under the leadership of Prime Minister Harold McMillan, sought to become a member.

Britain's attempt to join was frustrated by General de Gaulle. With the retirement of the General and Edward Heath becoming Prime Minister, things changed. Edward Heath was a convinced European who had conducted the negotiations for membership of the 'Community on behalf of the McMillan Government. The result was that Britain became a member of the Community.

This meant sending British Members of Parliament to the European Assembly. The British Labour Party decided not to participate and sent no Members of Parliament to take part in Parliamentary proceedings. The Conservative Government sent Members, as did the Liberals.

The enlargement of the European Community in January, 1973, to include the United Kingdom, Ireland and Denmark did not affect the basic structure and competence of the Community's four institutions—the European Parliament, the Council of Ministers, the Commission and the Court of Justice. With the enlargement of the Community the number of seats in the European Parliament was increased from 142 to 198. The total is made up of 36 members each from the United Kingdom, Germany, France and Italy, 14 each from Belgium and Holland, 10 each from Ireland and Denmark and 6 from Luxemburg. These Members of Parliament are appointed by the nine national Parliaments from among their own Members. The majority of Members of Parliament are Socialists and the Liberals and Conservatives, who are the next largest party combined, are nearly equal in numbers. The Communists, too, are strongly represented.

The European Treaties, which bind all member-states, are safeguarded by a Commission appointed by the Governments. The Commission is the executive arm of the Community.

There is a Council of nine Ministers, each representing one of the member Governments. The Council's main role is to decide what is to be done about the Commission's proposals.

The work of a European Member of Parliament is to monitor the work of the Commission and the Council. The European Parliament has to be consulted on most proposals from the Commission before the Council of Ministers takes a decision upon them. The M.Ps. can put written or oral questions to both the Commission and the Council.

There is now a close working relationship between the United Kingdom and the European Parliament. However, the main concern of the European Commission and its institutions is to improve the economies of the member countries. It is hoped and anticipated that Britain's economy will improve and that her increasing prosperity will result in a higher rate of investment in the Commonwealth. The real need of the Commonwealth, particularly of those less developed countries, is the supply of capital resources to enable them to build up the living standards of their peoples. The British strength in the Commonwealth to-day stems largely from our position and influence in Europe. No British Parliament or Government wants to weaken the ties with the Commonwealth. The Commonwealth shares similar standards of conduct and custom, and a desire to bring about peace in the world. This binds us closely together and the Commonwealth is the bridge between Europe, Asia, Africa and the Americas.

June 18, 1975.

5

Information on Parliament

IAN GREY

Parliaments can never be static institutions, slavishly following precedent and rooted in the past. They must be living organs which provide a stable forum for debate and discussion of the events of the day and for the careful scrutiny of government policies.

In our age of conflict and revolutionary change Parliaments are, in fact, constantly evolving, striving to deal with the mounting business which overcrowds available time and, more fundamentally, seeking to serve as the dynamic institution at the centre of each nation.

This is well understood by most Members who are active in reviewing and reforming parliamentary machinery in a never-ending endeavour to make it more efficient and to sharpen its relevance to the problems of the day. But in this struggle—and there must be struggle if Parliament is to survive—the importance of engaging public support and of drawing on the experience, often hard-won, of other countries, which are both sources of strength, is usually overlooked.

The crux of the problem is "information", a word that knells as an anti-climax but which has a vital significance in enlisting the people of every country behind its Parliament, involving them more directly in its work, and facilitating the constant review of the effectiveness of Parliament.

Informing the public: Among most peoples there is extraordinary ignorance about the functions and procedures of their Parliaments, which is an indictment of their media and educational systems. But it is equally an indictment of the Parliaments themselves. Few, if any, pay attention to informing the public beyond handing out a brochure or leaflet to those fortunate enough to be

in the capital and to gain a seat in the galleries while the House is sitting. It is assumed that Members, a major part of whose function is communications and public relations, will inform the public, and Members are usually active in their constituency whenever released from parliamentary duties. Inevitably, however, their interests are primarily political; they are anxious to talk about social and economic problems and, using the current euphemism, to nurse their constituencies in the hope that they will be returned in elections to come. Parliament and its workings are taken for granted and passed over in silence. The great majority of the people remain ignorant about its often strange but effective ways.

An illustration is readily to hand. Since 9th June, 1975 periods of the proceedings of the House of Commons at Westminster have been broadcast in short extracts as part of an experiment, lasting one month, in "taking Parliament to the People". This new venture was approved only after lengthy debates in which some Members strongly urged the case while others opposed with varying degrees of fervour.

Many of the proponents based their arguments on the facile belief that, if parliamentary proceedings are broadcast, the public will take an interest and even understand what is happening in the House. It is a belief born in some cases of the confident hope that such broadcasts will bring publicity and votes. The danger is that it will prove to be a disservice to Members and to Parliament itself.

The quality of the work, contribution, and the standing of the Member cannot be gauged by the publicity he or she receives in the press or indeed in the broadcasting of brief extracts of the proceedings of the House. There are many Members whose main contribution is not on the floor of the House itself but in committees and in other parliamentary fields. But while Members and political parties are important, the main danger is that Parliament itself may suffer from this kind of publicity.

In the great debate on broadcasting and in the final arrangements, little, if any, thought was given to explaining what was happening, the role of the Speaker, the nature of Question Time and so forth. Apparently, it was left to the broadcasting authorities themselves to provide some kind of explanatory comment and this was not always effective.

The first few radio programmes brought a flood of criticism of the House of Commons. The criticisms reflected first of all ignorance of its procedures and traditions which have been evolved not as arcane rules of a debating club but as valuable instruments serving such basic principles as protection of the rights of minorities and also contributing directly to parliamentary efficiency. Many people were also critical of the noise, amplified by the microphones, which gave the impression that the proceedings in the House can be undignified and even childish.

It may be that the formal courtesies, cherished not for reasons of tradition or love of quaintness but because they contribute to mutual respect among Members and to the dignity of debate, and the careful procedures of Parliament, make proceedings on the floor of the House unsuited to broadcasting or televising. Nor can the microphones or television cameras readily capture the spirit of debate involving so many imponderable factors which together create the special atmosphere of the House. It has to be acknowledged nevertheless, that the movement towards broadcasting parliamentary proceedings is under way and that it seems inevitable that in the not too distant future, television cameras will creep into the Chamber. This makes it all the more important to consider the need to inform the public about Parliament.

Other illustrations of this need are readily to be found. In the United Kingdom as in Australia, Canada and other Commonwealth countries in recent months the subject of the salaries and allowances of Members has been under discussion. Such reviews of salaries and allowances are inevitable in these days of hyper-inflation. Few Parliaments, however, have evolved schemes whereby Members' emoluments are automatically reviewed by an impartial outside body, so that Governments and, indeed, Members as a whole are not placed in the embarrassing position of awarding themselves rises, especially at times when the national interest requires severe controls on excessive wage demands. It is, moreover, both unfortunate and unnecessary that Members should have to argue and justify their increases and, apart from their case bearing all the marks of special pleading they are usually not their own best advocates in this respect.

The media in Britain has on the whole been sympathetic, but the public have been generally hostile and critical of such increases, and this public criticism has again revealed ignorance of the

nature and scale of the work and the long hours served by Members. Apart from the press which may or may not be a well-informed source, there is no means of providing information which might correct prejudices and promote Parliament and Members in a balanced and authoritative way.

Parliamentary Information Bureau: The above and many other illustrations which could be culled, from the daily proceedings of most Parliaments point to the need for a public relations office which would be accessible to the public and would provide impartial and authoritative information. Indeed, it is suggested that Parliament at least in the metropolitan countries should set up a bureau with a small but experienced and well-informed staff to encourage and inform people, not about political issues, which are already well-covered, but about Parliament.

Reference should be made in this context to the Hansard Society for Parliamentary Government which was established by Commander Stephen King-Hall in 1944 with this basic purpose in mind. The Society has done much to disseminate information about Parliament in the United Kingdom and in other countries.

The functions of the bureau envisaged in this article would, however, be wider in purpose than the objectives of the Hansard Society and might be described broadly under three headings.

First, it would maintain a small panel of lecturers available for lecturing in schools, universities and generally, but with the priority task of providing explanatory comment on parliamentary but not, of course, political aspects of proceedings as broadcast and/or televised, the panel could be recruited from among retired or former Members who are "resting" between elections and from among retired officials, such as the Clerk of the House, who have acquired over years of service an unrivalled knowledge of Parliament.

Second, the bureau would provide a daily service of information on parliamentary proceedings and specifically on the business of the House and the progress of any given Bill. It is extraordinarily difficult to obtain information readily on such routine matters. It may be a matter of great urgency for industrial and other organisations to have prompt information concerning, for example, sections of the Finance Bill which may have a major effect on financial policy and development programmes. In fact, to meet this need

private initiative in Britain has, it is understood, developed such a service which is available on a fee basis. Surely, however, it is the right of every citizen to know about the progress of legislation which will affect them and especially the many sectors of national life whose interests are directly involved. The bureau might publish a daily bulletin containing this information, but it would also have to provide a more prompt service by telephone.

Third, the bureau would be responsible for producing information publications, simply written and printed and sold at cost on the working of Parliament. These publications could serve in making Hansard and other parliamentary publications more intelligible and, of course, in explaining the procedures and their purposes. They would be available to the public and the press and all directly interested, and it might prove valuable to publish special papers for use in schools.

The bureau would thus maintain in information service while at the same time promoting Parliament and encouraging intelligent interest in its proceedings. It would, of course, be completely non-political in every aspect of its work and would, therefore, require experienced staff. It should not, however, be a large office, which in a spirit of self-justification, churned out masses of material, relevant and irrelevant. The staff would be small and dedicated.

The bureau might effectively be a department of the parliamentary library or even an independent department of Parliament. It is probably necessary to keep it separate from and independent of the Clerk and his department, for they are usually under pressure and in any case their main function is to serve Parliament and its Members rather than the public generally, and they are not usually geared to public information or promotional activities.

The need for such an information bureau is pressing, for Parliament as an institution is clearly under greater challenge in many countries at present than at any other time since the beginning of the century.

Exchange of Parliamentary Information: While there is need for parliamentary information bureaux as suggested above, there is equally need for greater facilities in the exchange of parliamentary information between countries.

In the constant process of reviewing and evolving its procedures, Parliaments naturally look to the experience of kindered institutions

and it is obviously desirable that such information should be readily available.

The Parliamentary Information and Reference Centre of the Commonwealth Parliamentary Association is an attempt to provide this service. By assembling authoritative and up-to-date materials from all Parliaments of the Commonwealth and from kindered legislatures outside the Commonwealth, it is seeking to act as a clearing bank and its services have been much in demand.

Tribute should be paid to the Inter-Parliamentary Union which has set up and maintained at its headquarters in Geneva and International Centre for Parliamentary Documentation which is also concerned primarily with serving the purpose of promoting exchange of parliamentary information and with which the Centre cooperates.

Approval for the setting up of the Centre was given by the General Council of the Association in Canberra in October 1970 and work on assembling materials began in January the following year. The Office of the General Council Secretariat, London, had always provided an information service for Members and Branches of the Association and in carrying out this function it had produced a number of information documents which were widely used. Inevitably, however, the information services and the range of monographs produced suffered from limitations of materials then available in the Secretariat and from a shortage of staff who could give time to keeping up-to-date files and to producing monographs.

The General Council recognized that the Association with its Secretariat based in London was in a unique position to set up such a central collection and that this purpose should be pursued with urgency in view of the fact that no central assembly point for such information existed anywhere in the Commonwealth.

The Centre was designed to provide a more prompt and authoritative service to Members, Branches and officials of Parliament. At the same time it had as its main task the assembling and maintaining of a comprehensive collection of books and specialist materials on Parliaments of the Commonwealth and on the legislatures of certain countries outside the Commonwealth, especially the Congress of the United States and the legislatures of Western Europe, which would yield materials of comparative value. The emphasis of the collection has been on Parliament in all its aspects

and not on politics. In limiting the scope of the Centre in this way it was hoped that it would be able to cover its subject in depth and avoid becoming unwieldy and beyond the capacity of the facilities of the Secretariat.

The response to acquisition letters requesting information and documentation under the main headings of the collection was impressive, reflecting the fact that Clerks and Parliamentary Librarians in particular regard the Centre as a cooperative project with the purpose of serving Parliaments and providing basic objective information on the parliamentary system in all its forms. The collection was further encouraged by presentations of books made by the Australian, Canadian and United Kingdom Branches of the Association.

In the four years of its existence, the collection has expanded so that it now contains over 2,500 files and numerous specialist books. It is, of course, far from comprehensive, although under certain headings, such as Commonwealth constitutions and Standing Orders, it is near-comprehensive. Rapid progress is being made, however, toward the objective of a full collection, embracing over 100 legislatures in the Commonwealth and those already mentioned outside.

The services of the Centre have been much in demand and it is of particular interest that certain subjects appear to be topical throughout the Commonwealth. An obvious illustration concerns the salaries and allowances of Parliamentarians on which the Centre holds up-to-date extensive information. So great was the demand for this information that a summary of the provisions applying in 76 Parliaments was published in a monograph in 1973 and this has proved an invaluable reference work in many parts of the Commonwealth.

Other subjects on which there has been an increasing interest have been the financial interests and integrity of Ministers and Members, the financing of political parties, electoral systems, Ombudsmania. Information monographs are planned on several of these subjects.

The importance of this service and the growing demand on the resources of the Centre make it clear that there is need for such a data bank of parliamentary information. It is equally clear, however, that such a Centre should be staffed and maintained on a broader scale than has proved possible within the limits of the budget of the Commonwealth Parliamentary Association.

The fact that it has been so successful to date has been largely due to the generous spirit of cooperation which exists between Commonwealth Parliamentarians and this is an asset to be treasured. It must be recognized nevertheless that more should be done.

In many Parliaments there is a demand for increased facilities and research services for Members and indeed it would seem that the target for many Members is assistance on the scale of that enjoyed by Members of the U.S. Congress. Support of this kind is clearly beyond the financial means of most Commonwealth countries. There is, however, a great deal that can be done by central collections and especially by Parliamentary Libraries which have developed their own research divisions. The role of the Parliamentary Information and Reference Centre is to serve Members directly and indirectly through parliamentary libraries and research divisions. Indeed, in this way the Centre seeks to play a unique role.

July 28, 1975.

6

Development of Australia's New and Parmanent Parliament House

G. G. D. SCHOLES

When Prime Minister Whitlam moved in the House of Representatives on 5 June this year for the appointment of a Joint Standing Committee to represent the Parliament in the planning, design and construction stages of Australia's new and permanent Parliament House, he brought that dream one further step towards reality.

Fifty years ago the decision was made that the Parliamentary building in Canberra should be only a "provisional" one. "Our successors" said the Minister of Works in 1923, "will be in a better position to judge of the then requirements. It is too big a job for us to tackle at the present time." And so, from the time of opening of the present provisional building in 1927. Senators, Members and officers of the Parliament have dreamed of the time when Canberra might have a building worthy of the nation.

Down through the years, Governments in Australia (as, indeed, in other countries) have seemed reluctant to spend money on the building needs of the Parliament. The great depression, global and other wars, the state of the economy and political considerations have all played a part in postponing the planning of Australia's new Parliament House.

Over the years the state of accommodation and facilities has moved from crisis point to crisis point to be relieved temporarily by the addition of a new wing here or there. Now the limit to further practical expansion has been reached and some Parliamentary staffs have had to be accommodated outside the building. As a result functional efficiency has suffered.

A factor which has undoubtedly caused delay in making a decision on the permanent building in Canberra has been the selection of a site. The planned city of the national capital has four sites each of which would constitute a magnificent setting. Town planners have favoured either the site by the lake or that selected by Canberra's designer, Walter Burley Griffin, on Camp Hill just behind the present building and, in fact the Government in 1969 made a decision in favour of that site. But most Senators and Members favoured the alternative of Capital Hill. Smouldering discontent on the Government's decision resulted in a motion on the matter being moved in the House in 1973, the introduction of a Bill in the Senate later in 1973 and the introduction of another Bill in the House of Representatives in September 1974 which finally passed both Houses to become the Parliament Act of 1974. This statute declares that the new and permanent Parliament House shall be constructed on Capital Hill. This hill, some 700 metres behind the present building, is a conspicuous eminence visible from practically every portion of the central city area. It is at the apex of what is termed the "Parliamentary Triangle". Two of the city's main avenues lead up to it, both physically and visually, as do four other important avenues. These avenues will always give clear views of the area unaffected by the later growth of buildings. From Capital Hill the views to the west and down the main avenues are magnificent. Griffin, in the early days, referring to Capital Hill, wrote— "The views command not only the entire city, but, through gaps, the Yarralumla Valley and the mountain chains of the Murrumbidgee watershed, the most spectacular features of the landscape." Such is the site on which we hope to see building activity in the course of the next year or two.

In regard to the House itself it is in some ways fortunate that a decision to construct it was not made at an earlier time. Who, as recently as 12 or 15 years ago, could have foreseen the startling change in the activity of the Australian Parliament? The upsurge in committee work, the greatly increased amount of legislation, the demands of Members for more assistance in their work as the complexity of their tasks increase, the interest of the visiting public, the increasing penetration of the media into the affairs of the legislature and so on have altered, and are continuing to alter to an increasing extent, the nature of the work of the Houses. All these activities call for more office space and room for conferences, committees, staff and the supporting facilities usually associated with an efficient Parliament. As a result the report of the former Joint Select Committee on the New and Permanent Parliament House, which reported on accommodation

requirements as recently as 1970, will need to be revised in the light of the recent changes and to provide for the increasing rate of change of the future.

As a member of the House I have had for many years an abiding interest in the proposed new House. Now, as Speaker, it is my earnest desire to ensure that progress towards this most important building work in Australia will be sure and speedy, that finally it will be an impressive and functional building, that it will reffect Australia's progress as a democratic nation and that it will engender in the Australian people a deep interest and intense pride.

June 23, 1975.

Legislative Deadlocks in the Australian Parliament

N. J. Parkes

Section 57 of the Australian Constitution contains provisions for resolving legislative disagreements between the Senate and the House of Representatives. In broad terms the section provides that where a proposed law has been passed by the House of Representatives and the Senate rejects or fails to pass it, or passes it with amendments to which the House will not agree, and if after an interval of 3 months the House, in the same or the next session, again passes the proposed law and the Senate again rejects or fails to pass it, or passes it with amendments to which the House will not agree, the Governor-General may dissolve both Houses simultaneously provided that the dissolution does not take place within 6 months before the date of expiry of the House of Representatives by effluxion of time. The section goes on to provide that if after such dissolution, the House again passes the proposed law and the Senate again rejects or fails to pass it, or passes it with amendments to which the House will not agree, the Governor-General may convene a joint sitting when the members present may deliberate and shall vote together on the proposed law which, if affirmed by an absolute majority of the total number of the members of the Senate and the House of Representatives, shall be taken to have been passed by both Houses and shall be presented for assent.

In 1974, for the first time since Federation, a Joint Sitting of the Senate and the House of Representatives took place. Although two previous double dissolutions had occurred in 1914 and 1951, each had resulted in the election of a Government with majorities in both Houses and there was no continuing disagreement between the Houses. However, last year, the Government while being returned in the House of Representatives at the election following the double

dissolution, failed to secure a majority in the Senate. As a consequence 6 Bills which had been the basis for the granting of the double dissolution were again rejected by the Senate following their introduction and passage through the House of Representatives when the new Parliament met. Shortly afterwards the Governor-General convened a Joint Sitting of the two Houses for the purpose of considering the 6 measures and all were affirmed by an absolute majority of the total number of the Senators and Members and subsequently received Royal Assent.

Since that time a further 15 Bills have been twice introduced in and passed by the House of Representatives and twice defeated by the Senate and have satisfied the 3 months interval requirement of section 57 of the Constitution. In addition, a number of other Bills are part way through the "twice rejection" process.

There is a good deal of speculation that the Government may again contemplate a double dissolution of both Houses in the hope of securing a majority in both the Senate and House of Representatives or, alternatively, of obtaining sufficient numbers to have the Bills affirmed at another Joint Sitting. What was, untill 1974, an unused provision of the Australian Constitution could possibly be invoked twice within a relatively short period, should the Government be prepared to face the electors for the third time in as many years.

Another interesting aspect might be mentioned. Prior to the first Joint Sitting, two Opposition Senators filed a Writ in the High Court challenging the legality of the Joint Sitting and seeking an interlocutory injunction to prevent its being held. One of the grounds of the challenge was that it was not in order for more than one Bill to be considered by a Joint Sitting. In addition the State of Queensland sought a declaration that the passage of the Petroleum and Minerals Authority Bill had not satisfied the requirements of section 57 of the Constitution on the grounds that an interval of 3 months had not occurred between its first rejection and its submission a second time.

Both actions were dismissed by the High Court. In respect of the first case it was made clear that more than one Bill could be considered by the Joint Sitting and in the second that the Court would not grant the injunction sought, as the validity of the Bill could be challenged should it be affirmed by the Joint Sitting.

The validity of more than one of the Bills was in fact challenged by several of the State Governments. In the only judgment so far

delivered, the High Court ruled by a majority decision that the Petroleum and Minerals Authority Bill was not one within the meaning and scope of section 57 of the Constitution upon which the Joint Sitting could properly deliberate and vote, and that it was not a valid law of the Commonwealth. Judgment in the other challenges is awaited with interest.

July 11, 1975.

8

The Commonwealth Parliamentary Community in the Australasian Region

JUSTIN O'BYRNE

It would be reasonable to say that the Commonwealth Parliamentary Community in the Australasian Region had its origins when the self-governing Colonies of Australia came together at the three Constitutional Conventions at the end of the last century to form the Commonwealth of Australia. These Conventions recognised not only the community of interests of the six Colonies but also the diversities and the conflicts. They set out to emphasise the former and to understand and minimise the latter. It followed almost axiomatically that the Australian Commonwealth and States should be among the founding members of the old Empire Parliamentary Association in 1911.

Since that time the parliamentary dialogue in this area has evolved with history and the changing nature of the Commonwealth. In those early days it was well realised that while the sense of community was preserved and fostered, not only by the great things held in common such as respect for the rule of law and the rights and freedom of individuals, and by the positive traditions of parliamentary democracy expressed, debated and reviewed at conferences, it was even better fostered by frequent meetings and personal exchanges at all levels of government, but particularly at the common level of the legislators themselves—the parliamentarians.

To this end the Australian Branches encouraged visits by delegations from other Commonwealth Parliaments and in the years between the wars, in the leisurely days of train travel, these visits could last as long as six weeks, giving the visitors a chance not only for discussion with their counterparts, but also the opportunity to meet the people and hopefully to understand them, their prejudices and their problems.

The Australian Branches, with their sister Branch across the Tasman in New Zealand, enthusiastically supported the Commonwealth Parliamentary Association when it was reborn in 1948 and happily endorsed the change of title, feeling it reflected the constitutional changes that were occurring about this time. This spirit of enthusiasm was reflected in the Tasmanian Branch's conception of a system of regular meetings of Branches in given areas when that Branch convened the first meeting of the State Branches to form the First Australian Area Conference in 1951. This valuable initiative of the Tasmanian Branch brought its reward in succeeding biennial conferences. The Commonwealth Branch joined for the fourth of the series in 1957, observers from the Northern Territory and the Territory of Papua and New Guinea attended the seventh in 1963 and the New Zealand Branch was represented as an observer in 1965.

As the Commonwealth Parliamentary Association grew with the adhesion of newly independent members of the Commonwealth in the late 1950s and early 1960s, its activities in Australia were given added impetus by the support and encouragement of the Prime Ministers of Australia and New Zealand in this area, and by the growing significance which the Commonwealth Prime Ministers, in conference, attached to CPA activities, which some saw as the greatest element in the workability and special characteristics of the modern Commonwealth. They saw the conferences as the fora in which the intolerance of imperfect knowledge could be tempered by free debate and understanding, which in turn engendered a philosophical approach to world problems.

With the example of Australian Area Conferences and the encouragement of the Prime Ministers, representation grew to 13 with the addition of observers from Hong Kong, Fiji and Singapore, at the Tenth Conference held in Sydney in 1969. At this Conference, after the adoption of new rules, New Zealand became a full member and the outlook of the Conferences became rather more Australasian and regional, particularly when New Zealand offered to host the Eleventh Conference in 1971. It was at this Conference that the rules were amended to reflect a regional environment and at the succeeding Conference in Melbourne in 1973, Papua, New Guinea, Fiji, Western Samoa, Nauru and the Gilbert and Ellice Islands, which had previously attended as observers, became full member Branches. The Cook Islands, Tonga and the British Solomon Islands followed suit at the last Conference in Brisbane this year. This last Conference was attended by 18 full members and by representatives of Branches in the neighbouring region of South

East Asia, by the Australasian Regional Councillors and by the Chairman of the Executive Committee of the General Council.

With the increase in the activities of the Commonwealth Parliamentary Association and its expansion in the 1960s, the demand for billets in the Westminster courses and seminars on Parliamentary Practice and Procedure increased, and with a view to relieving the load on the Westminster Parliament, the newly formed Executive Committee of the General Council explored the possibility of arranging similar Parliamentary seminars in other areas. This matter was examined at a meeting of the Presiding Officers of the Australian Parliaments held in Brisbane in 1969, which agreed in principle to the holding of Parliamentary courses in Australia and it set up a working committee to produce a prospectus. All Australian Branches finally agreed to the prospectus in 1971 and a pilot Australian Parliamentary Seminar, jointly hosted by the Commonwealth and State Branches, was held in 1972. The Seminar broadly followed the pattern of the Westminster Seminar, but also covered certain aspects of the Federal system and of traditions and procedure peculiar to the Australasian region. Invitations were issued to all seventeen Branches of the Association in the Australasian region and to representatives from both Federal and State Branches in the neighbouring region of South East Asia, and in all some 28 delegates attended. The Seminar was conducted in each of two State Parliaments and in the Commonwealth Parliament, and it included a tour of the States concerned and of the Australian Capital Territory. Delegates attending were asked to report on the usefulness of the Seminar and to recommend any desirable changes in the format and procedure. The response was most greatifying, and arising from recommendations of the regional Branches voiced at the Twelfth Australasian Regional Conference held in Melbourne in 1973, it was decided that these Seminars should be conducted on a continuing biennial basis, the Seminars alternating each year with Regional Conferences.

The Second Australasian Parliamentary Seminar was held in 1974 and New Zealand agreed to be a co-sponsor with the Australian Branches. Again, the Seminar was conducted in two States and in Canberra, and the topics discussed fell under the broad headings of Parliament and Government; Procedure and Practice; Political Party System; Electoral Systems; the Legislative and Critical Functions of the Parliament and the Roles of Officers and Officials, Ministers, Private Members and Committees. In all the Seminar was addressed by 69 Speakers and Panel Members, the delegates

asked about 550 formal questions and met about 330 of their fellow parliamentarians. Summary Reports of Proceedings were issued to all Branches in the region, to Branches in other regions and to universities, libraries and other interested authorities. The support for and response to these Seminars has been very heartening, and it can be anticipated that they will be a continuing feature of the Australasian parliamentary scene.

Australia and New Zealand at any rate, have not regarded the Commonwealth as an insulated cocoon, and both are also members of the Inter-Parliamentary Union. Australia joined in 1956 and has attended every conference since. It hosted the Spring Meeting in 1966 and will again be host to an Inter-Parliamentary Union Spring Meeting in 1977.

The opportunity for discussion and personal contact in these meetings appears to have generated a growing desire for personal exchange on both a private and collective basis, and there has been a growing traffic of parliamentarians between the various Branches in the Pacific and South East and South Asia. In the last 2-3 years Australia has received Parliamentary delegations from Britain India, Sri Lanka, New Zealand, Canada, Papua New Guinea and Bangladesh, within the Commonwealth field, and from Russia, Japan, Pakistan, Korea, Egypt, Israel, Germany and Indonesia, in the international field. The Australian Branches of the Commonwealth Parliamentary Association and the Australian National Group of the Inter-Parliamentary Union have been prime movers in arranging and organising all these visits. In the same period, Australian delegations have visited Britain, India, Sri Lanka, Pakistan, Iran, Russia, France, Germany, Poland, Austria, Turkey, Yugoslavia, Nepal, China, Burma, Thailand, Japan and the Philippines. In any one year some 30 or more Australian parliamentarians visit New Zealand and various other Branches in the Pacific area and an equal number visit Branches in the South East Asian and South Asian region.

The Regional Conferences and the Seminars seemed to emphasise a need for greater co-operation between the regional Branches, particularly in relation to situations in which a regional viewpoint was desirable. The Twelfth Australasian Regional Conference, recognising this need, asked the Commonwealth of Australia Branch if it would provide secretarial service for regional matters. The Commonwealth Branch agreed to undertake this task, and at the

end of 1974 set up a Regional Secretariat. The Secretariat is very much an infant at this stage, and its steps may be somewhat stumbling, but the general intention is that it should collate all matters of mutual interest and concern to Branches in the region; to maintain a close liaison with the General Council Secretariat, and with Branches in adjacent regions; to act as a repository and reference centre for documentation on matters of regional interest and to promulgate such information from time to time: this it does by way of a Regional Bulletin. The Secretariat has the facility to reproduce material in monograph form; it also has access to good library facilities and consequently it has a limited capacity to undertake research projects. This is a beginning.

By tradition, the Commonwealth Parliamentary systems are based upon the freedom of the individual and this, by corollary, implies complete national independence. But, in truth, absolute independence in this modern world is virtually impossible. We value its form and we do our best to achieve its substance, but we recognise that we are, in fact, inter-dependent and that we require an exchange of economic aid and trade, two-way technical assistance and investment. Our benefits lie in mutual co-operation and mutual respect: we must get to know each other better, be more tolerant in what to us are strange ideas, bury old prejudices and seek to achieve that understanding intimacy which recognises differences but learns how to live with them. This is the aim of the Commonwealth parliamentary dialogue in the Australasian region.

August 14, 1975.

9

The Australian Senate and Its Power to Withhold Supply

R. E. Bullock

In April 1974, for the first time in the history of the Australian Parliament, a general election was precipitated by the threat of the Senate to withhold supply.

The threat was couched in an amendment moved by the Leader of the Opposition in the Senate, Senator Withers on 10 April 1974 to add words to the motion that the Appropriation Bill (No. 4) 1973-74 be read a second time, *viz*:—

> "but not before the Government agrees to submit itself to the judgment of the people at the same time as the forthcoming Senate election, the Senate being of the opinion that—
>
> (1) Because of its mal-administration, the Government should not be granted funds until it agrees to submit itself to the people;
>
> (2) The Government has, as pointed out in the Senate's Address-in-Reply to Her Majesty's Opening Speech—
>
> (a) created an intolerably high level of inflation and has taken no effective steps to stop it;
>
> * * * *
>
> (3) The Government should resign because of its handling of the Gair Affair, in which it attempted to manipulate Senate elections for party advantage."

The Government thus threatened—the Australian Labour Party Government, led by Mr. Whitlam—had served only half of the normal three years term of office, being elected in December 1972 after

23 years in Opposition. It had only 26 members in the 60-Member Senate and therefore lacked the numbers to ensure passage of its proposed legislation. The official Opposition also had 26 in the Senate but, with support from members of a 5-man minor party or the three Independent Senators, it had already negatived many of the new Government's proposals.

The issue which triggered off the threat was that mentioned in paragraph (3) of the amendment. The three-year periodic election for half the number of Senators was due to be held in May 1974, and the non-Government elements of the Senate were concerned at the appointment by the Government to a diplomatic post of the Leader of the five-man minor party—an appointment which was viewed as an attempt by the Government to gain electoral advantage, by the creation of an additional vacancy, at the forthcoming election.

Faced with the Senate challenge, the Government sought and obtained from the Governor-General approval to a double dissolution, *i.e.* the taking out of the whole Senate as well as the House of Representatives, subject to Parliament making provision for supply. Senator Withers thereupon withdrew his amendment and the Appropriation Bill (No. 4) and other supply measures were passed without further delay.

The two factors of significance in regard to the Senate's action were (1) that it had the power to withhold supply and thereby force a Government to the electors, and (2) that it had, for the first time, threatened to use its power in that way.

The power of the Senate in regard to supply is of particular significance when one bears in mind the limitations imposed on so many other Upper Houses, such as the House of Lords, and the Indian Rajya Sabha, in regard to financial measures.

As Kaul and Shakdher point out in their learned work *Practice and Procedure of Parliament*, once a Money Bill has been passed by the Lok Sabha and transmitted to the Rajya Sabha, the Rajya Sabha is required to return the Bill within 14 days, and if it does not return it within that period, the Bill is deemed to have been passed by both Houses. If the Rajya Sabha does return the Bill within the prescribed period with recommendations and the Lok Sabha does not choose to accept those recommendations, the Bill is again deemed to have been passed by both Houses.

There are no such limitations upon the Australian Senate's powers in regard to Money Bills. Section 53 of the Constitution provides that appropriation Bills and Bills imposing taxation shall not originate in the Senate; that the Senate may not amend but may request amendments to certain appropriation Bills and Bills imposing taxation; and that the Senate may not amend any Bill so as to increase any charge or burden on the people—but there the restrictions end. In all other respects, the Senate has equal power with the House of Representatives in respect to all Bills, financial or otherwise, and that power includes the right of veto.

The reasons for such power have been spelt out many times in different works. Basically, the three less populated of the six States seeking Federation sought a strong Senate, in which all States were equally represented, as their guarantee that their interests would not be overridden by the larger States. The Senate, ever since Federation, has jealously guarded its power and its rights.

The responsibilities that go with such power have also been spelt out many times. Mr. J. R. Odgers, the present Clerk of the Senate, refers, in his 4th Edition of *Australian Senate Practice*, to the need to use such power "circumspectly":

> "Armed as it is by the Constitution with powers greater than any ordinary second chamber, it is in the judgment of the Senate of the day to decide whether or not to insist on any of its legislative amendments disagreed to by the House of Representatives, or in certain cases to veto a Bill as a whole.
>
> As such power should be used circumspectly and wisely, factors which the Senate may take into account in reaching such decisions include—
>
> (1) A continuing recognition of the fact that the House of Representatives is the governing House—that it represents in its entirety the most recent opinion of the people whereas, because of the system of rotation of Senators, one-half of the Senate reflects an earlier poll;
>
> (2) Whether the matter in dispute is a question of principle for which the Government may have a clear mandate; if so, the Senate may yield....
>
> (3) The principle that in a two House legislature one House shall be a check upon the power of the other; and

(4) The traditional opposition of Upper Houses to extreme measures for which a Government has not a mandate.

There can be no compromise, however, with the right of the Senate to exercise its powers of veto, or insistence on amendments or requests for amendments, on matters affecting its constitutional powers and privileges, internal affairs, or the interests of the States."

A strong exposition of the right to withhold assent was put to the Senate on 12 May, 1967 by the then Leader of the Australian Labour Party in the Senate, Senator Murphy, Q.C., now a Justice of the High Court of Australia, when expressing his party's opposition to a Governmental proposal to increase Post and Telegraph Rates:

"The Opposition opposes this Bill. There is no tradition, as has been suggested, that the Senate will not use its constitutional powers, whenever it considers it necessary or desirable to do so, in the public interest. There are no limitations on the Senate in the use of its constitutional powers except the limits self-imposed by discretion and reason. There is no tradition in the Australian Labour Party that we will not oppose in the Senate any tax or money Bill, or what might be described as a financial measure. Our tradition is to fight, whenever and wherever we can, to carry out the principles and policies on which we stand. We are not circumscribed by any notions which arose elsewhere in connection with other institutions. It has been said that this is a money Bill. It is not a money Bill. If it were a tax or money Bill we would still oppose it!"

On that occasion, the combined Opposition in the Senate not only negatived the second reading of the Bill, but, in order to forestall and frustrate any move that may be made by the Government to increase the rates by way of regulation while the Parliament was in "recess", it carried an amendment to the Government's motion for the next meeting of the Senate, to enable an absolute majority of the Senate to reconvene the Senate if necessary; and it did subsequently reconvene the Senate and disallow Regulations which were in fact gazetted.

Lack of governmental control of the Senate, and action by combined non-Government Senators in amending, delaying or negativing Government proposals are therefore neither new nor unusual on the Australian scene. It is a situation that has pertained for the last twenty years; with the exception of a 3-year period between 1958 and 1961, successive Governments over that period have lacked the numbers to ensure passage of their legislation. It is a situation, also, that is itself the result of the proportional representation system of election of Senators that has operated since 1949, and the Australian voters fairly evenly divided preference for one or other of the two major party groups.

During 1973, the first year of office of the new Labour Government, the Senate rejected 9 Government Bills, four of them for a second time and deferred the consideration of seven other, referring three of those seven to Senate Standing Committees for examination and report. To Government claims that it was being frustrated in the implementation of its programme for which it had an election mandate, the Opposition replied that it had a right and a responsibility to use its Senate numbers to check and amend hasty and ill-conceived legislation, and, when necessary, reject legislation which it considered bad in principle and detrimental to the constitutional principle of parliamentary democracy. In all, 221 legislative measures were agreed to by both Houses and became law in 1973, as compared with 139 during 1972, the last year of the previous Government.

As has already been indicated, the Labour Government met the Senate challenge on supply by seeking and obtaining a double dissolution, provision for which is embodied in section 57 of the Constitution. A Government may seek such a double dissolution only when the Senate has for a second time (and subject to certain time conditions), rejected, failed to pass, or passed with amendments to which the House of Representatives will not agree, a proposed law passed by the House of Representatives. In his proclamation of 11 April 1974, dissolving the two Houses simultaneously, the Governor-General stated that the conditions upon which he was empowered to dissolve both Houses had been fulfilled in respect of six proposed laws which he listed. It was only the third time in the Parliament's history that there had been a double dissolution, the two previous occasions being in 1914 and 1951.

Reference to the double dissolution, the return of the Labour Government, and the Joint Sitting that followed in August 1974, has

been made in a separate article contributed by the Clerk of the House of Representatives.*

Much controversy has ensued on the correctness of the Senate's action in threatening supply, and many important constitutional and political implications have flowed from it. One result stands out. It is that the Government has built up a further supply of "double dissolution" bills, and Senators are conscious of the fact that if the Government is again forced prematurely to the polls, it may again take the whole of the Senate with it.

August 12 1975.

*See P. 626, supra—Editor

Parliamentary Institution in Barbados

THEODORE BRANCKER

It is a great privilege to be afforded an opportunity to record a word or two about the growth and working of Parliamentary Institution in this Island of Barbados which attained its full status of Nationhood on November 30, 1966, and elected to remain within the Commonwealth.

The Barbados Constitution is a written one as enacted by the Barbados Independence Order, 1966 and is only amendable by the vote of a two-thirds majority in each Parliamentary Chamber.

At the present time, the Parliament of Barbados consists of an entirely elected chamber known as the House of Assembly and comprising twenty four members, one of whom is elected by fellow members as Mr. Speaker, another as Mr. Deputy Speaker, and, a third as Mr. Chairman of Committees, at the commencement of each parliamentary session. The maximum duration of each session of Parliament is five years, but at his option, the Prime Minister may request the Governor-General to dissolve Parliament for the purpose of holding a General Election within that period. The Prime Minister is the member of the House of Assembly who has the largest following in that Chamber, and accordingly is invited by the Governor-General to form a government. The leader of the second largest party or group in that Chamber is named and paid as Leader of the Official Opposition.

In the Upper Chamber known as the Senate, all twenty one Senators are nominated, (the majority, namely,) twelve by the Prime Minister, two by the Leader of the Official Opposition and seven who are nominated by His Excellency the Governor-General,

himself, normally from persons eminent in their Professional vocation. In this Chamber members also, at the beginning of the session, elect their own presiding officer (called Mr. President) and their Deputy President from amongst themselves.

In the vast majority of instances, legislation begins in the House of Assembly and with the exception of money resolutions, goes up to the Senate for approval or concurrence.

After legislation receives the approval by passage through both houses, it is forwarded to His Excellency, the Governor-General for his assent.

It is to be noted that Her Majesty Queen Elizabeth II of England is the Queen of Barbados, and in such capacity earlier this year, she performed in the Metropolitan parish of this island in public ceremony the knighting of the world's greatest cricketer of all times, Sir Garfield St. Aubyn Sobers.

Voting for the House of Assembly is by universal suffrage and all eighteen year olds irrespective of sex are eligible to vote, which is by secret ballot, without voting machines. Each candidate for election is required to deposit a modest sum which is only forfeitable (to Government) if such candidate secures less than a certain proportion of the votes actually cast in the particular constituency.

Up-to-date, all elections have invariably been conducted in a lawful and orderly manner despite party passion and divergencies of views amongst partisans. Human passions have never yet gone beyond legitimate bounds on occasions of elections in this sunny isle with its notable tradition of three and a half centuries of parliamentary Government.

It may be observed here that each of our two Parliament Chambers is governed by its own Standing Orders.

August 19, 1975.

11

Relationship between the Legislature and the Executive

M. P. K. Nwako

Parliament of the Republic of Botswana is uni-cameral; the National Assembly comprises 32 elected and 4 specially elected members elected for a maximum period of 5 years. There is also the Attorney General who sits *ex-officio* without the right to vote.

The cabinet is appointed by the President from among Members of the National Assembly. The Constitution of Botswana provides that the Cabinet shall be responsible to the National Assembly for all things done by or under the authority of the President, Vice-President or any Minister in the execution of his office. In other words Botswana has a Parliamentary Executive. In considering the relationship between the Legislature and the Executive it would be convenient perhaps to look at the principle known as "Separation of Powers" which was first formulated by the eighteenth century French jurist Montesquieu from his study of the British Constitution of that time. In his view it was usual for any government to be divided into three functions, namely:—

(i) The Legislative or law-making function.

(ii) The Executive or administrative function.

(iii) The Judicial or adjudicating function.

Wade and Phillips, in their book *Constitutional Law*, point out that the expression "Separation of Powers" may mean three different things:—

(a) that the same persons should not form part of more than one of the three organs or departments of government, *e.g.* Cabinet Ministers should not sit in Parliament;

(b) that there should be no interference in the exercise of the functions or control of one organ of government by another organ, *e.g.* Cabinet Ministers should not have power to change the decisions of Judges;

(c) that one organ of government should not exercise the functions of another organ, *e.g.* Cabinet Ministers should not be able to exercise legislative powers since this is the task of Parliament.

Taking all three meanings together we may say that the expression means that there must be no overlapping either of persons or of functions among the three organs of Government. However, complete separation of powers does not exist in any country nor does it exist in Botswana since it is not practicable and would bring government to a halt.

When we look at the Botswana Constitution we find that there is overlapping both of function and of personnel between Parliament, which is the legislative organ, and the Cabinet which is the Executive organ. In the first place, under our set-up Cabinet Ministers must be Members of Parliament, to which they are responsible. Secondly, Parliament has the power to dismiss the Cabinet (Executive) by a vote of no confidence. That means that Parliament may by resolution reject a measure that the Government considers so vital to its policy that it has made it a matter of confidence. However, this is more theoretical than practical in Botswana. Thirdly, Parliament often delegates to Cabinet Ministers the power to make certain rules and regulations in the process of putting Acts of Parliament into effect.

This only leaves the Judicial organ unaffected. The Courts in Botswana are free of any control, or interference in the exercise of their judicial functions by the Executive or Parliament.

Another feature of the Parliamentary control of the Executive is that as a representative of the ordinary citizen, a Member of Parliament may challenge the policy put forward by a Minister. As it is known, after a Member has been chosen, he is the representative or the attorney of the people of his country and as such is at full freedom to act as he thinks best for the people in general. He may receive, he may ask, he may even follow the advice of his particular constituents. This he may do during the course of a debate on a particular Bill, when he may object to its broad principles on the

second reading or may put forward amendments at Committee Stage. A Member may also bring to the notice of Government some measures of concern to him or to his constituents through the institution of Parliamentary questions. Members regard questions as a means of eliciting information about the Government's intentions, as well as the most effective way of airing, and possibly securing some redress of grievances brought to the notice of members by their constituents.

The relationship between the Legislature and the Executive is, therefore, that the Executive must inform Parliament of its actions and must implement the decisions made by Parliament. This process is a very cordial one in Botswana and both Cabinet and Members work in an atmosphere of harmony and compromise.

August 8, 1975.

The Botswana National Assembly

I. P. Gontso

There are many different systems of government operating throughout the world. At the time of Independence, Botswana chose to follow a system of parliamentary democracy. This means that Members of Parliament (MPs) or representatives of the people are elected by the adult population of Botswana at the time of a General Election. Those MPs may belong to a number of different political parties; and once elected the Members represent the people in the National Assembly, which, together with the President, form the Parliament of Botswana.

General Elections: We talk of MPs being the representatives of the people and sitting in the National Assembly, but it is necessary to look at how they are chosen to be the representatives of the people. Botswana is divided into areas called constituencies. The people in each constituency elect one person to represent them in the National Assembly. The person elected from a constituency may be a candidate supported by any of the political parties within the country.

This process of choosing Members of Parliament is called a General Election, and must take place once every five years. However, the President can dissolve Parliament at any time and elections must be held within 60 days of its dissolution.

The political party with the largest number of elected representatives forms the Government.

The Presidency: The election for the office of the President is linked with the election of members of the National Assembly. Presidential candidates must receive at least 1,000 nominations. If

there is more than one Presidential candidate, each candidate for office in the National Assembly must declare which Presidential candidate he supports. The candidate for the Presidency who commands the votes of more than half the elected members of the Assembly will be the President. A Vice-President is appointed by the President and acts as deputy in the absence of the President.

Membership: There are 32, constituencies in Botswana since the General Election in 1974 and there are 32 constituency members. This does not include the President, who is no longer an elected MP, but as *ex-officio* member of the National Assembly, has the right to vote.

In addition to the 32 elected members, up to 4 more members can be elected by the MPs themselves, and these are called specially elected members. The Attorney-General is also a member of the National Assembly but he does not have the right to vote. He is there to advise Members on legal matters. The President has the right to speak and vote but usually he does not take part in the debates but rather addresses the Members when the Assembly opens or closes or when he has important matters to bring to their attention.

Frequency of Meetings:—The National Assembly must meet at least once a year. However, in practice it usually meets 4 or 5 times a year, each session lasting 2 to 3 weeks. Perhaps the most important session is that held in March of each year when Parliament debates the government's budget proposals for the next financial year. All government spending has to be approved by the National Assembly.

The House of Chiefs: There is another Chamber known as the House of Chiefs which consists of 8 *ex-officio* Members, representing the 8 major tribes, 4 elected Members and 3 specially elected Members.

The House of Chiefs also considers any Bill referred to it by the main body of the National Assembly, and in this way is an integral part of the mechanism of government. Such Bills which may be referred to it include those which alter the provisions of the Constitution, or are likely to affect the role or powers of the chiefs, African customary law, or the administration, organization and powers of the tribal courts. The House of Chiefs has the constitutional right to discuss any matter within the executive or legislative authority

of Botswana which it considers desirable and in the interests of the tribes and tribal organization. The House of Chiefs can present its opinions and wishes on such matters to the National Assembly and President. In return, any minister can consult the House of Chiefs on any matter and attend related meetings of the House, but does not have the right to vote.

Making of a new Law: When a new Parliament is elected, the President appoints some of the Members to be Ministers. Together with the President, the Attorney-General and Assistant Ministers, they form the Cabinet, and it is in the Cabinet that the process of law-making begins. After a Bill has been drafted, it must be published at least thirty-days before the National Assembly is due to consider it.

The Bill is now ready for its passage through Parliament which begins by the Minister presenting the Bill for the first-time—known as the First Reading. This is purely formal, only the Long and Short Titles of the Bill being read. Normally no debate takes place although the House (Parliament's own name for itself, when meeting) has to approve the First Reading by means of a vote. If the vote is favourable the Bill then passes to what is known as the Second Reading at which the Minister will describe the purpose of the Bill and urge the House to agree that it be read a second time. It is at this stage that the general debate takes place on the purpose and principles of the proposed law and at the end of the debate a vote is again taken on the question that the Bill be read a Second Time. If the vote is favourable, the Bill then passes to a Committee of the Whole House and the Speaker leaves his chair to become Chairman of the House in Committee. If, however, the Assembly votes against reading the Bill a Second Time, no further proceedings may be taken on it.

During the Committee stage the detailed clauses of the Bill are the subject of the debates and it is at this stage that amendments may be made. When all the clauses of the Bill have been agreed to, the Minister reports the Bill back to the Assembly with or without amendments, as the case may be, and a day is appointed for the Third Reading. This is the final stage and the last opportunity for debate. If the vote is favourable the Bill becomes an Act of Parliament and is sent to the President for his assent and signature. After publication in the Gazette, it becomes law. If the President withholds his assent, the Bill is returned to the National Assembly.

If, within 6 months of the Bill being returned, the National Assembly decides that the Bill should again be presented for Presidential assent, the assent must be given within 21 days, unless the President dissolves Parliament within those 21 days.

A Bill can also be introduced in Parliament by Private (*i.e.* individual) Members of the Assembly and any such Bill would be dealt with under the same procedure.

It can be seen from the above that the main work of Parliament is a process of debate and decision by the representatives of the people. There are other ways also in which the same process operates. Members may propose Motions requesting or urging government to take certain actions or criticising government for things it has done or has not done and all such Motions are subject to the same process of debate. Even Questions Time (the first thirty minutes of each Parliamentary day) when Members may ask Ministers questions can, if the Member is astute in asking Supplementary Questions, appear rather like a debate and it is certain that an unsatisfactory answer to a question may well lead to a Motion being tabled for a later date.

August 5, 1975.

The Office of Speaker in the Canadian House of Commons

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I. BACKGROUND SKETCH OF THE OFFICE OF SPEAKER

The Office of Speaker in the Canadian House of Commons, as is well known, recognizes as its parent the Speakership of the British House of Commons, an institution whose usefulness is as much recognized by daily practice as it is sanctified by historical development.

At this time, when a new Speaker has just been elected to the Chair at Parliament Hill in Ottawa, it would be appropriate to look briefly at the development of the Office of Speaker, and draw attention to its functions and duties in Canada today.

Although Speakers in the Canadian House of Commons have not established the principle of continuity on the British model, they have in general lived up to the necessity of maintaining a position of impartiality. Like the Speaker at Westminster, the Speaker on Parliament Hill presides over debates, ruling on points of order, entertaining questions of privilege, guiding the Question Period, recognizing Members who wish to speak, and interpreting the Standing Orders, as well as accepting ministerial responsibility for the institution and its buildings and staff.

The documentary signposts guiding the path of the Speaker through the thickets of parliamentary debate are to be found in Canada's basic constitutional document, the British North America Act; Standing Orders; the Debates and Journals of the Canadian House and the British House; certain Acts of the Canadian Parliament; the writings of the recognized parliamentary authorities such as May, Bourinot and Beauchesne; and the rulings of previous Spea-

kers. Where formal rules and precedents are not appropriate in certain situations, recourse is had to the practice of the House, on failing that, to the practice of the House of Commons at Westminster.

Development of the Speakership in Canada has been marked by adaptation to circumstance, rather than response to crisis. For Exmaple, the existence of Ganada's two official languages is reflected in the custom of alternating Anglophone Speakers with Francophona Speakers at each Parliament, but the custom has been honoured several times in the breach rather than the observance and can thus hardly be regarded as binding. In addition, the fact that the last occupant of the Chair was re-elected to additional terms of office has shown that recognition of outstanding suitability for the office can override adherence to custom. It is worth noting in this connection that the Deputy Speaker of the House is chosen from the linguistic group which is not the Speaker's.

The election of a Speaker is rarely contested, and indeed, this has happened only twice in Canadian parliamentary history, in 1878 and 1936. Care is always taken to select a candidate acceptable to all parties, and he is not necessarily a member of the majority party in the House, even though the Chair has sometimes been regarded as a stepping stone in a political career.

Only on one occasion has the impartiality of a Speaker been brought into question. This occurred during the notorious Pipeline Debate in the Commons in 1956, at a time when the Speaker's rulings were subject to appeal from the Floor. In the intense partisanship of the Pipeline Debate, the Speaker's rulings became themselves an issue in the heat of debate. No fewer than twenty-five rulings were challenged from the Floor in eighteen days of debate, culminating in a motion of censure against the Speaker—the only occasion this has occurred in our House of Commons. In 1965 this disruptive power to challenge the Speaker was removed provisionally and in 1968 it was abolished permanently. After weathering this major challenge to the dignity of the Office, the Speakership is now firmly regarded as one demanding the utmost respect of the House, as befits its position as the representative of the popularly-elected Assembly. In the Canadian Table of Precedence which came into effect in December, 1968, the Speaker of the House of Commons is fifth in the order of precedence, following the Governor-General, the Prime Minister, the Chief Justice and the Speaker of the Senate.

The dignity and authority of the office, and of the House itself are symbolized in the Mace. When the Speaker goes anywhere in his official capacity he is preceded by the Sergeant-at-Arms bearing the Mace on his shoulder. Each daily sitting of the House begins with the Speaker's Parade, a dignified procession which takes place between the Speaker's office and the Chamber, and is a popular sight for tourists and visitors to Parliament Hill. The Sergeant-at-Arms with the Mace walks in front of the Speaker, who is followed by the Clerks at the Table, the senior permanent officers of the House. The Speaker and the Clerks wear court dress under a black gown, and while in procession they wear tricorn hats.

The election of a new Speaker is one of the more colourful of parliamentary traditions and is the first matter to be taken up by each new parliament. After being summoned to the Senate Chamber by the Gentlemen Usher of the Black Rod, the Members are enjoined by the Speaker of the Senate to return to the Commons Chamber and elect a Speaker. The candidate for the Speakership is nominated by the Prime Minister and is seconded by another Minister or by the Leader of the Official Opposition: customarily, the election is not contested. Because the House is as yet without its spokesman, the Clerk presides over the election and points to the Members who rise to speak. After his election, the new Speaker is led to his Chair by his proposer and seconder, making a mild show of reluctance to take his place—a reminder of the historic times when the Speakership was an unpopular office to occupy, as well as a token of becoming modesty on the part of the occupant.

While in office, as indicated, the Speaker remains impartial, presiding over but not participating in debate. He does not vote, except in the case of a deadlock in the House, when he must use his vote in such a way as to keep debate going, rather than settling the issue under debate. The Speaker's rulings cannot be challenged, except by a substantive motion which if carried would be, in effect, a vote of no-confidence and force his resignation.

Mr. Lucien Lamoureux, who was Speaker from 1966 to 1974, took the Chair as a member of the governing Liberal party. In the elections of 1968 and 1972, however, he was returned by the voters of his constituency of Stormont-Dundas as an Independent. On the first occasion his candidacy was supported by the governing party and the Official Opposition, who did not run candidates in the election. In 1972 he was opposed by three candidates, opposition parties hav-

ing indicated their belief that the voters in the Speaker's constituency should at least have a choice of candidates.

Behind the electoral issue lay the more enduring problem besetting the Office of Speaker: how can the Speaker reconcile the principles of continuity and independence of the Chair and still represent his constituents as an MP? In running as an Independent, Mr. Lamoureux attempted to reconcile the issue in the only way open to him under the present system. Because the question of continuity in office has been answered only in tentative fashion, while that of independence has been in effect resolved, the problem remains open.

II. The Speakership in the Thirtieth Parliament

When the present Speaker was elected on the opening of the Thirtieth Parliament on September 30, 1974, he was faced by two immediate problems not of his own making. In the first place, he was succeeding Mr. Lucien Lamoureux, who was not only regarded as the best Speaker the House of Commons had ever had, but was also the only Speaker of whom most "veteran" MPs had any experience, having occupied the Chair since 1966. In presiding over what might be referred to as a Lamoureux House, the new Speaker was dealing with a legislative body accustomed to the very highest standards of Speakership.

In the second place the incumbent found himself in a rather delicate position at the outset because of a misunderstanding concerning the customary practice of inter-party consultation prior to his nomination. Despite this, the Speaker-elect received a gratifyingly warm welcome from all parties in the House. His nomination was seconded by the President of the Privy Council. In his speech of acceptance, the new Speaker assured Members of his devotion to the House and to the office which he had just accepted.

> "To be given the honour to preside over these important meetings, and obviously the session cannot begin unless somebody takes on the role of Speaker, is an honour greater than any that has been conferred upon me at any time, and greater than anything my imagination could have conceived might happen to me in the future.
>
> With the honour, of course, goes an obligation to do the job to the best of my ability, and, it goes without saying, to give it my best efforts at all times. At this moment I want to assure hon. members on both sides of the House, lest there be

> any doubt about it that I place the fulfilment of this obligation ahead of every other consideration. Whether it be a question of party politics, personal considerations, friendships, or otherwise this obligation must at all times come first. I will fulfil the role as best I can. I will not always make everybody happy. However, if I can carry out this role to the best of my ability without losing the respect and the goodwill that you have extended to me at the start, because there could be no beginning without that, then I will finish the role a happier man than I began it."

The First Session of Canada's Thirtieth Parliament has not been, In general, a period of trial and political cliff-hanging, in contrast to the previous minority parliament. Apart from a controversial ruling forbidding Parliamentary Secretaries to ask questions during Question Period, the session has been relatively quiet, and efforts to improve parliamentary performance have proceeded apace. The balance of questions asked during the Oral Question Period by Opposition front benches and backbenches has been tilted more in favour of the latter, and the number of supplementary questions has been brought under firmer control, enabling a greater number of main questions to be asked.

In connection with Question Period, the Chair has tended to apportion time on the basis of the number of MPs from each party in attendance at Question Period, rather than their numerical strength in the House. Concerning the frequent use of emergency adjournment motions as a parliamentary tactic, the Chair has taken a hard line in dealing with them, acknowledging that their frequent use is disruptive to the conduct of the House's business.

Concerning the evolution of procedure in the House, the Chair is in accord with the Commons procedure and organization committee's view that "experimentation is the best route to procedural reform." In a series of temporary reforms adopted at the end of March 1975, Question Period was placed as first business of the day, not to be superseded by points of order, or ministerial statements or other parliamentary business; ministers were made liable to questions after making policy statements in the House; and the Opposition was permitted to bring forward specific departmental or agency estimates for debate in Committee of the Whole House during Opposition days, a measure which should serve to focus debate more sharply on such occasions if the Opposition seizes the chance.

The reforms related to the Question Period have been particularly salutary because they incorporate a number of self-policing measures. Routine proceedings now follow the Question Period which commences not later than 2.15 p.m. and is automatically cut of at 3.00 p.m. No points of order or questions of privilege are entertained until the Question Period is over in order to ensure that it will be uninterrupted. Motions moved without notice in cases of urgent and pressing necessity are still heard before the commencement of the Question Period unless moved by a Minister. However, one effect of the new procedure has been to restrict the use of these motions because the Question Period can begin before 2.15 p.m. if they do not intervene. Since they require the unanimous consent of the House they are seldom accepted when moved by private members and are mainly used for the purpose of drawing attention to an issue and placing a brief statement on the record. From the point of view of the Chair the lessened frequency of such motions is welcome as the determination of what constitutes a matter of urgent and pressing necessity is bound to be controversial.

To be chosen by his colleagues to preside over them is one of the greatest honours which can be conferred on an elected representative of the people. The Speaker's role is a challenging one, whether he presides over a Parliament of minorities or over a House in which the Government commands a majority. No two Parliaments are ever alike, and unexpected situations calling for the intervention or moderation of the Speaker can occur at any time. The Thirtieth Parliament of Canada has so far shown no signs of being any more predictable than its predecessor.

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14

The Role of the Canadian Senate

RENAUDE LAPOINTE

The Parliament of Canada consists of the Queen, represented by the Governor-General, the Senate, or Upper House, and the House of Commons. All three share in making laws. The main legislative power is vested in the Commons whose 264 members[1] are chosen in elections held at least every five years. The cabinet is responsible to the House of Commons and defeat there on a substantive matter means defeat of the government and, generally, the calling of an election. Only the elected Commons may initiate money bills hence, in practice, the House of Commons is the chief repository of political power.

The Senate now has 104 seats. The Prime Minister has the prerogative of appointing Senators; they are summoned to the Senate by the Governor-General acting on the first minister's advice. Under the constitution the Senate and Commons have equal power except that the Senate may not propose, or increase the amount of, any measure dealing with taxes or spending.

All bills must pass the Senate before becoming law and the Senate may reject, or amend any measure, as long as it observes the proviso about money bills. In practice the Senate rarely refuses to pass a bill; but it does sometimes alter and return to the Commons measures it feels may provoke strong opposition in the country. The two chambers may compromise on such legislation or it may be allowed to die. Generally the absolute veto power of the Senate has become a delaying action or suspensive veto.

The British North America Act of 1867,[2] the written part of the Canadian Constitution, requires that Senators be at least 30 years

[1] As a result of recent legislation the number of Commons seats to be filled at the next general election has been increased to 282.

[2] British North America Acts 30 & 31 Victoria, c. 3, s. 23.

of age, be natural or naturalized subjects of the Queen and have $4,000 worth of real estate free of mortgage and $4,000 worth of other debt-free property. They must also live in the province for which they are appointed. In Quebec this requirement is narrower in that the Senator must reside or hold his property in the electoral district he represents.

The BNA Act declares that "the Place of a Senator shall become vacant" if he resigns, fails to attend for two consecutive sessions, swears allegiance to a foreign power, is adjudged bankrupt or insolvent, is guilty of treason, felony or any infamous crime or no longer fulfils the residence or property conditions.[3] Originally Senators held their seat for life; since 1965 they must retire at 75.

Composition and Functions of the Senate: Delegates to the Quebec Conference of 1864 which led to the foundation of the Canadian Confederation spent six of their 14 days of discussion trying to agree about the make-up of the second chamber. In order to counteract the strength of Ontario in the House of Commons, where representation was by population, they resolved that the Maritime provinces and Quebec should each have the same number of Senators as Ontario. The BNA Act of 1867 thus provided for 24 Senators from each of three divisions of the Canada of the day: Ontario, 24; Quebec, 24; the Maritimes, 24; a total of 72 Senators.

Later amendments allotted 24 seats to the four western provinces and six to Newfoundland. A recent change has raised the number of Senate seats to 104 by adding one seat each for the Yukon and Northwest Territories. It is also provided that an additional four or eight Senators may be appointed equally from the four divisions, giving a maximum of 112 Senators. This "deadlock provision" has never been used.

In addition to assuring equal regional representation in the Senate, the founding act incorporated a special safeguard for the smaller provinces. It guarantees that a province, whatever its population, shall have as many members in the Commons as it has Senators. Thus Prince Edward Island has four members in the Commons although on the basis of population it would qualify for only one.

At the time of writing[4] there are 13 vacancies in the Senate, 70 Senators are Liberals, 17 Progressive Conservatives, two Independents, one a Social Credit member and one an Independent

[3] *Ibid*, s. 31.

[4] *July*, 1975

Liberal. There are six women Senators. A Senator's sessional allowance is now $24,000 and there is a tax-free expense allowance of $5,300.

The Fathers of Confederation, founders of modern Canada, saw three main purposes in the Senate. It was to speak for regions/provinces, to represent property and conservative interests and to give sober, second thought to legislation.

Of the intention of Canada's founders Professor F. A. Kunz has written:

> "It was generally accepted that the Senate should be a check upon the House of Commons. 'The weak point in democratic institutions,' (Georges Etienne) Cartier said, 'is the leaving of all power in the hands of the popular element... In order that institutions may be stable and work harmoniously there must be a power of resistance to oppose the democratic element.' (Joseph) Cauchon also warned,....: 'We ought to place in the constitution a counterpoise to prevent any party legislation, and to moderate the precipitancy of any government which might be disposed to move too fast and go too far—I mean a legislative body able to protect the people against itself and against the encroachment of power.' Similarly, the Father of the Fathers, John A. Macdonald, held 'there would be no use of an Upper House if it did not exercise...the right of opposing or amending or postponing the legislation of the Lower House.....It must be an independent House...., for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation...'."[5]

Party Influence: Party allegiance and past services to a political party appear to have had considerable influence on appointment of Senators. Kunz calculated that during the period 1925—1963:

> "...apart from approximately half a dozen men all the 303 persons who have had a seat in the Senate.....were supporters of the party and the Prime Minister who appointed them."[6]

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[5] Kunz, F.A. *The Modern Senate of Canada (1925—1963)*. Toronto, University of Toronto Press, 1965, p. 11.

[6] *Ibid.*, p. 84.

R. MacGregor Dawson has commented:

> "Senatorships have been invariably regarded as the choicest plums in the patronage basket....rewards for faithful party service.... On certain occasions appointments for party reasons may well be considered imperative. Generally speaking, a party which once attained office in the Dominion government stays there for many years; and thus when its rival at last steps into power, the new government is confronted with a Senate which is almost entirely filled with its opponents. At such a time a Prime Minister has no real alternative; for he is virtually forced to fill all Senate vacancies with his own supporters in order to redress the balance. Unfortunately, by the time this state of equilibrium is reached, appointment for party services has apparently become such a habit that it cannot be shaken off; and the scene is then rapidly set for a new government which, when it is in turn confronted with a hostile Senate, must begin the congenial task of redressing the balance anew. And in this merry-go-round the 'third parties', however significant a minority they may be in the country, can never expect to have a single representative in the Senate."[7]

Senators often continue to be active in party affairs and attend general party caucuses with Commoners, thereby receiving information on government or opposition policy. But partisan strife and jockeying for advantage are not, generally, ingredients of Senate debates or the main basis of Senators' stands.

The Senate's role encourages it to revise legislation so as to improve it technically or, as we shall see later, its committees conduct searching examinations of important questions. Both these functions preclude political grandstanding which would inevitably be fruitless in a second chamber. The government can neither fall nor be rescued in the Senate, even though it may be embarrassed by senatorial delaying action.

Until the 1900s the Senate had a more positive political influence than it does today. Of the 13 members of the first Canadian cabinet five were Senators; two governments were led by Senators during the 19th century and members of the Senate had held every portfolio except that of Finance. Now, in today's much larger cabinets, it is the custom for one member to be a Senator, the Leader of the

[7] R. Mac Gregor Dawson, *The Government of Canada*. Toronto, University of Toronto Press, 1970, pp. 283-284.

Government in the Senate. His opposite number in the Upper House is the Leader of the Opposition in the Senate.

There are at least two advantages in the Senate's quasi-detachment from party strife. Senators are, as one eminent member put it recently, in a sense the "untouchables". Being appointed until the age of 75 and insulated from the electorate, they are in a strong position to protect its interests.[8] Secondly, their work, notably that of investigatory committees, may be conducted with more despatch than is possible in the House of Commons. Their own personal advantage at the next election is not at risk.

Legislation and Committee Work: The Senate, given the skill, experience and competence of its members, is admirably equipped not only to apply sober second thought to measures sent from the Commons but to give expert first thought to legislation originating in its own chamber. A recent analysis of the membership shows that many Senators are former federal MPs or members of provincial legislatures, leaders of provincial parties or candidates at federal or provincial elections. The law, manufacturing, trade, agriculture, finance and banking, medicine and journalism are the main professions represented in the second chamber.

Its members have improved legislation for decades by honing, correcting or clarifying the language of bills transmitted by an over-burdened Commons. This is a lesser role now that all government bills are reviewed by draftsmen in the Department of Justice. Kunz reports:

> "Governments have invariably found the Senate a well-suited place for first consideration of voluminous, complex and highly technical pieces of legislation, such as consolidating measures, requiring great legislative experience as well as legal and financial talent and leisurely procedure. The services rendered by the Senate in such instances have been more than simple time-saving for the House of Commons; the Senate has turned out reliable and enduring pieces of legislation, which are amongst the best framed and most competently constructed Acts on the Statute Book of Canada."[9]

Between 1925 and 1945 only 31 government bills had originated in the Senate; during the subsequent 18 years the comparable figure was 220.

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[8] "The Untouchables", *Ottawa Journal*, 29 May, 1975.

[9] Kunz, *op. cit.*, p. 198.

Senators also ease the legislative burden of the Commons by introducing almost all the private bills[10] presented in Parliament. They are well fitted for this task by their considerable financial and business expertise, most private bills being for the incorporation of new companies or the alteration of the existing incorporation acts.

It is, however, through its standing and special investigating committees that the Senate has achieved most in recent years for the public weal. The "untouchables" of the Upper House have impressed the nation by forceful and uncompromising enquiries into poverty, broadcasting and newspapers, science, foreign policy, operation of some parts of the bureaucratic machine and, jointly with the House of Commons, in studies of constitutional questions and delegated legislation.

The Senate has the same investigative powers as the House of Commons and is not reluctant to set in motion a special inquiry proposed by one of its members after considerable personal research prompted by genuine concern about social or economic problems.

A respected political columnist referred to the upsurge in senatorial committee activity thus:

> "Outside the Chamber, the Senate Committee rooms are becoming the places where much of the action is, jostling the Commons for a share of the headlines and pushing boldly into areas where the MPs have not yet dared to tread."[11]

This senatorial investigation of public matters of high importance, not foreseen by those who fashioned the Confederation, may have given pause to some tempted to agree with persistent demands, generally from the New Democratic (socialist) party in the House of Commons, that the Senate be abolished. The mood of the country now seems to reflect an interest in reform, rather thar removal, of the Upper House.

Abolition or Reform: The Canadian Press discussing the role of the Senator at a time when the Upper House had excited comment by altering a Commons bill on protection of privacy[12] had this to say about criticisms of the Senate:

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[10] Private bills "alter the law relating to particular locality or to confer rights on, or relieve from liability, some particular person or body of persons". Beauchesne *Rules & Forms* of the House of Commons of Canada, p. 280.

[11] Westell A., *Ottawa Journal*, 10 July, 1969.

[12] After the Senate had removed a clause in the bill, the House of Commons reinstated it and the Senate yielded.

> "There are two widely held views about the Senate and both proceed from the premise that it is not, as constituted at present, an effective body. The first is that it should be reformed by an appropriate constitutional change. The second is that it should be abolished and that we should move to a unicameral system. This would also require constitutional amendment"[13]

The most indefatigable abolitionist is Mr. Stanley Knowles, veteran NDP member who has sponsored several private member's bills to abolish the Senate. The crux of his argument is that it is undemocratic for a non-elected chamber to be able to thwart the wishes of the Commons. He expressed it thus in 1966:

> "We have this body, the House of Commons, elected by the people of Canada. Not only are we elected by them, but we are responsible back to them.... On the basis of that authority—on the basis of our having been elected to act—we have the right to make the laws for the people of this country, to speak for them, and to provide, by our support or otherwise of the executive, for the government of this country. Yet we have as part of our constitution a provision for up to 102 men and women, not elected but appointed by the Prime Minister, who have practically all the authority or powers we have and, indeed, have the power to veto the decisions made in this house."
>
> I think this whole idea of a body of non-elected elder statesmen....having the right to throw out what we have done in this house is politically and morally wrong....I know some members will ask why I keep referring to the use of the veto since the Senate does not use it very often. The number of times in history that the Senate has rejected something from this house can be counted on the fingers of one hand, but the power to do so is there and this is a power in excess of the power of the House of Lords in Great Britain, and it is a power in excess of the power of either house against the other in a set-up like that at Washington. The power is there and the Senate can use it year in and year out to veto a piece of legislation that we might pass."[14]

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[13] "Privacy Bill Quarrel Really dispute over Senate's Role", *Ottawa Journal*, 15 January 1974.

[14] Canada.House of Commons Debates. 1 April, 1966, pp. 3758—3760.

Mr. Knowles acknowledges that a bill to remove the Senate could only pass if the Senate agreed thereto. He is confident that were the Commons to approve such a measure, time, the leavening of public opinion and the holding of an election on the issue would combine to bring about the change he and others support.

John R. Matheson, when Parliamentary Secretary to Prime Minister Pearson, spoke against "destroying a constituent part of Parliament". He said:

> "It is a fact that government action brings more and more aspects of life and affairs within its orbit. Perhaps one can even say that the citizen is progressively stripped of effective influence on certain directions of government. Perhaps it is the Senate in certain particulars which becomes the great safeguard of the liberties of the public"[15]

Senator Eugene Forsey, once a Senate abolitionist and recognized as a perceptive constitutional scholar, says that "abolition of the Senate is not in the cards at all....it's just not practical politics". Canada is composed of too many units and regional interests to permit a one-chamber system to operate, he contends: the Canadian public would reject abolition if the matter were put to a national referendum.

Senator Henry Hicks, a former premier of New Brunswick, in the same debate referred to the Senate as "a workshop, not a theatre" and able to consider the real merits of legislation rather than its ability to attract votes at election time."[16]

There have been suggestions for reform of the Senate ever since 1874 when a member of the House of Commons moved that:

> "The present mode of constituting the Senate is inconsistent with the Federal principle, makes the Senate independent of the people and of the Crown, and is in other respects defective. Our Constitution ought to be amended so as to confer upon each Province the power of selecting its own Senators, and of defining their mode of election."[17]

The reform proposals put forward most often may be grouped under one of the following headings:

(1) That Senators be elected.

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[15] *Ibid.*, 17 May, 1966, p. 2558.

[16] *Globe & Mail*, 13 April, 1973.

[17] Sir George Ross. *The Senate of Canada*. Toronto, Copp Clark, 1914,

(2) That the process of appointing Senators be altered, allowing the provinces to play a part directly in choosing some Senators.

(3) That Senators serve for a fixed term.

(4) That the veto power be limited or that the Senate's powers be otherwise modified.

Former Senator John Nichol, who resigned from the Upper House at the age of 49 to have more time for business and other interests, has well expressed the main objection to having an elected Senate. He says this proposal "is not one that makes the least bit of sense" and that it is wrong to equate the Senate of Canada with that of the United States. There the presidency, the House of Representatives, the Senate and the Supreme Court all have specified power over the legislative process and over each other. The U.S. President owes his power to the people not to either chamber of Congress or the court. "The law as it is finally written is the product of the slow grinding of these opposing mills of power", he writes.

The chain of power in Canada, he comments, goes from the voter to the House of Commons and through it to the prime minister. The former Senator continues:

> "The Senate of Canada is not part of this chain of power. It was never intended to be and it cannot be.
>
> If the senators of Canada were elected, they would quite rightly feel that they had a derivative power from the people, at least equal to that of the members of the House of Commons. This would inject a conflicting force into the system and seriously weaken the power of the prime minister and his cabinet.
>
> There are 57 different varieties of proposals for Senate reform, including abolition, for which reasonable arguments can be made. But an elected Senate is not one of them".[18]

Two notable and authoritative discussions of Senate reform, one prepared by Prime Minister Trudeau for the Second Meeting of the Constitutional Conference in February, 1969, and the other in the final report of the Special Joint Committee of the Senate and House of Commons on the Constitution of Canada in 1972, dismissed the suggestion that the Senate be elected.

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[18] *Vancouver Sun*, 24 January, 1974.

On other aspects of reform the Prime Minister proposed that to express formally the interests of the provinces in the Upper House "the Senate could be partly selected by the federal government and partly selected by provincial governments". Senators might serve for a fixed term—perhaps six years.

The Government felt that the revised Senate should deal with the same range of matters as it now does but that "in accordance with specific procedures to be set out in the Constitution" it would be provided that "in the general legislative process the Senate's rejection of a bill will be overcome by further action of the House of Commons".[19]

The Joint Committee proposed that the present full veto power of the Senate over legislation be reduced to a suspensive veto holding good for six months. All Senators should continue to be appointed by the Federal Government but, as vacancies occur, half the Senators from each Province or Territory be appointed as they are now, the others from nominees suggested by the appropriate Provincial or Territorial Government.

Ontario and Quebec would still be represented by 24 seats each in the Senate; the four western provinces would each have 12, New Brunswick and Nova Scotia 10 each, Newfoundland 6 Prince Edward Island 4 and the Yukon anl Northwest Territories 2 each—a total of 130.

The Committee believed that "a curbing of its veto power would, paradoxically, strengthen the Senate without weakening the House of Commons." There might be more confrontation but because the Commons would ultimately get its way "perpetuation of deadlock" would be avoided.[20] According to the Committee:

> "If the Senate is to fulfil properly its role, the criterion for membership must not be reward for past service, but rather the expectation of future service to the nation, based on a recognition of ability and past service in various fields of endeavour, including the political sphere."[21]

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[19] The Right Honourable P.E. Trudeau, Prime Minister of Canada. *The Constitution and the People of Canada*. February 10—12, 1969, pp. 30, 32.

[20] Canada. Special Joint Committee of the Senate and the House of Commons on the Constitution of Canada. *Final Report*. 4th Session, 28th Parliament, 1972. p. 34.

[21] *Ibid.*, p. 35.

Editorial opinion has generally favoured a dilution of the Senate's veto power, a reinforcing of its "highly useful advisory and investigative" role and some provincial participation in the appointing of Senators. Whatever course it follows the process of reform is likely to be gradual and cautious as befits alterations to a constituent part of Parliament.

July 8, 1975

15

A New Initiative in Canadian Senate Procedure

ROBERT FORTIER

September 14, 1971, was in many respects a notable day in the history of Canadian Senate procedure. On that day, the following motion was adopted by the Senate:

> "That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and consider the Summary of 1971 Tax Reform Legislation, tabled this day, and any bills based on the Budget Resolutions in advance of the said bills coming before the Senate, and any other matters relating thereto; and
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> That the Committee have power to engage the services of such counsel, staff and technical advisers as may be necessary for the purpose of the said examination."

Normally the Senate does not consider bills originating in the House of Commons until they have passed the elected House. This is in accordance with the United Kingdom practice. The adoption of the motion quoted above was, nevertheless, not unprecedented, though the precedents were scattered and will be discussed later. The real importance of the motion lies in the facts (1) that the efforts of the committee in question were highly successful in the sense that many, if not most, of its recommendations were finally embodied in the legislation under consideration, and (2) that a similar procedure has been followed by the Senate in each subsequent session since 1971. It appears, therefore, that a new Senate practice was then inaugurated.

The circumstance attending the adoption of the motion under review may be simply stated. The Canadian Government had issued

a White Paper on Tax Reform envisaging a massive restatement of the Income Tax Law. This White Paper was widely distributed and discussed throughout Canada and proved to be quite controversial. It was also referred for study and report to a committee of the House of Commons and to the Standing Senate Committee on Banking, Trade and Commerce. Public hearings were held by both committees and reports submitted to the respective Houses. Subsequently, the Canadian Government issued the Summary of 1971 Tax Reform Legislation referred to in the motion, and also introduced in the House of Commons a bill to reform the Income Tax Law. It was also indicated by the Government that the tax reform bill was to come into force on January 1, 1972.

The time was short and the bill long and complicated. Obviously if the Senate were to have awaited its passage by the House of Commons, it would have been unable to give it due consideration. In the circumstances, the motion of September 14, 1971, was adopted, and the Senate Banking Committee immediately went to work. Nor was its examination coursory. On the contrary, it hired a full staff of outside experts, heard witnesses, and presented a report suggesting numerous amendments, many of which were incorporated in the reform bill as passed. There were also a dozen or so amendments proposed by the Senate that were not included in the Tax Reform bill. However, the then Minister of Finance undertook to give these close consideration prior to the next succeeding budget, and most of them were in fact included in that budget.

So successful was the experiment that in each of the ensuing sessions it has been repeated with correspondingly good results. The instances may be listed as follows. On May, 16, 1972, the income tax bills contemplated in the Budget Resolutions were referred to the same Senate Committee 'in advance of the said bills coming before the Senate'. On May 16, 1973, a Canadian Government document entitled "Foreign Direct Investment in Canada" and "the subject-matter of any bill arising therefrom" were referred to the same Senate committee in advance of such bill coming before the Senate. Again the results were gratifying and the input of the Senate was considerable. On June 14, 1973, income tax legislation originating in the Commons was again referred in advance to the Senate Banking committee. On April 2, 1974, a far-reaching Competition Bill was referred in advance to the same Senate committee. On October 16, 1974, the same reference was made once again. Finally, in May, 1975, during the present session, the subject-matter of a Government bill relating to bankruptcy and insolvency was referred in advance

to the same committee and, at the time of writing,[1] the Committee's study was well underway.

It has been mentioned that there are some scattered precedents for the action taken by the Senate on May 14, 1971. Ever since the creation of Canada in 1867 there has been criticism of the Senate on the basis that it did not give adequate consideration to legislation coming before it from the House of Commons. The Canadian Senate is in the same position as the House of Lords in England was before the passage of the Parliament Act of 1911; that is to say, the Senate may in legal theory take all the time it wants in considering bills coming from the House of Commons and may indeed reject them.

But legal theory must often give way to practical considerations. A Commons bill of an involved character relating, for example, to pensions, might reach the Senate a few days before an adjournment, say for Christmas or for the summer. Any delay by the Senate in its consideration of such a bill might well result in the delay of payment to the intended beneficiaries. These situations were often referred to as the "Christmas closure" or the "summer closure". The position of the Senate was barely tolerable; if it delayed payment it would be thought heartless, and if it did not give adequate consideration to the legislation, it might be though mindless.

The Canadian Senate, of course, has been aware of this kind of embarrassing situation over the years, and a number of procedural experiments have been made, sporadically, to resolve this perennial problem.

On November 1, 1945, at the end of World War II, the following motion was adopted by the Canadian Senate:

> "That the Standing Committee on Finance be authorized to examine expenditures proposed by the estimates laid before Parliament, and by Resolutions relating to war and other proposed financial measures of which notice has been given to Parliament, in advance of the Bills based on the said estimates and resolutions reaching the Senate."

and on December 12 of the same year, the following motion was adopted:

> "Ordered, that the Standing Committee on Finance be authorized to examine and consider certain Bills based on the

[1] July, 1975.

Budget Resolutions in advance of the said bills reaching the Senate."

It will be observed that the motion adopted on November 1, 1945, was not a direct precedent for the action taken in the Senate in 1971. It did, however, institute a precedent that has been followed by the Senate in almost every session of the Senate since 1945, in that the Estimates were then considered in advance of the Supply Bills based thereon reaching the Senate. The Senate has never amended a Supply Bill or rejected one but, since 1945, no Senator could be heard to complain that he had not had an advance opportunity of studying the Estimates on which the Supply Bills are based.

The motion adopted on December 12, 1945, was a direct precedent for the action taken by the Senate in 1971. Another such precedent occurred on June 25, 1951, when the subject-matter of two bills was referred to the Senate's Banking Committee "in advance of their reaching the Senate".

The following observations may usefully be made in relation to the foregoing recitation of events and precedents.

(i) Bills imposing taxes or appropriating public monies must, under the Canadian Constitution, originate in the House of Commons. If deadlines, whether *de facto or de jure,* are attached thereto, the only way in which the Senate could give full consideration to the subject-matter of such bills would be through the practice inaugurated in 1971.

(ii) There are important limitations on the amendments that may be proposed in the Senate in respect of such bills; for example, the Senate has never claimed the right to increase the amounts stated therein, but merely the right to reduce them.

(iii) The limitations mentioned in "2" above do not apply to amendments proposed in a report of a Senate Committee on the subject-matter of a bill being considered in advance of its coming to the Senate. Such reports are not adopted by the Senate, although the chairman normally explains the proposed amendments. The Senate is thus not bound by them; it has merely done its homework. However, the reports are made public and the amendments suggested

therein are often accepted by the Canadian Government and by the House of Commons before the bills themselves actually reach the Senate.

(iv) The investigations in the Senate in respect of such bills have been full-dress studies with the assistance of experts from outside the Government.

(v) There is admittedly some duplication of effort involved in the process, in that two sets of investigations may be going on simultaneously in the two Houses with a similar list of witnesses.

This article has been prepared in the belief that the Canadian experience in this area may be of more than passing or academic interest to other parliaments and governments.

July 8, 1975.

The Public Accounts Committee

CURTIS V. STRACHAN

The Constitution of Grenada provides for each House of Parliament to make rules for the orderly conduct of its own proceedings.

In the Standing Orders of the House of Representatives, the following provision is made:

> "There shall be a Committee to be known as the Public Accounts Committee which shall consist of three members, none of whom shall be a member of Cabinet, to be elected by the House of Representatives as soon as may be after the beginning of each Session on a motion by the Minister of Finance."

Every year, a budget for the finances of Grenada is presented to the House of Representatives by the Minister of Finance. The House, after consideration, finally approves of the Estimates of Revenue and Expenditure for the succeeding year, wherein are recorded details of the money which is expected to come into Government's care through the various sources and the granting thereof for the purposes and to the extent as agreed.

The Committee is the instrument by which the House of Representatives enforces accountability for public moneys, stores, and Government property. The Public Accounts Committee has no executive powers and can only make recommendations. It is not concerned with policy except to ensure that any policy involving expenditure has been brought to the notice of the House.

The duties of the Director of Audit in these matters are specific. He is in no way concerned with, or interested in, policy. He never criticises any sum voted by the House of Representatives for a given service, nor does he suggest that a policy approved by the

House of Representatives is a waste of public funds. His examination of Departments' Accounts is directed in the main to questions of management with which economy will be intimately connected, in order that if he is not satisfied with the propriety of any transaction, or considers that a "policy" has not been administered with due regard to economy, he may report the facts on the way the money is spent if he considers it necessary.

His reports are presented to the House of Representatives and under the Standing Orders of the House, these reports are referred to the Public Accounts Committee.

It is impracticable for the House of Representatives as a body to examine public accounts. It is, therefore, necessary to appoint a Committee selected from its members with the right to call witnesses, and thus secure a more efficient examination that would be possible under the ordinary methods of parliamentary procedure.

In order to carry out this function satisfactorily the Accountant General's Financial Report is laid before the House and the House then refers this report to the Public Accounts Committee which is the suitable machinery for the examination of the Audited Accounts of all public expenditure.

The Public Accounts Committee is set up on the lines and for the purposes set out hereunder, to provide criticism and control of the details of public expenditure and revenue:

(a) the Committee consists of three members, any two of whom form a quorum;

(b) the Committee is appointed at each session on motion by the Minister of Finance;

(c) the Chairman by established custom, is chosen from the Opposition;

(d) the Committee's enquiries are based on the annual Appropriation and other Acts, and on the Director of Audit's Report thereon;

(e) the Director of Audit attends the meetings of the Committee as Adviser;

(f) treasury (Ministry of Finance) representatives attend on the invitation of the Chairman.

Accounting Officers are held personally responsible for the accuracy of their accounts; they may be questioned by the Committee on the accounts and on any question of the efficiency or

economy of the Department's administration. Never are they asked their opinion on policy; the Chairman will not tolerate any such questions.

The prime purpose of the Committee's enquiries is to ascertain that expenditure out of voted moneys has not exceeded the sums granted or has not been incurred for purposes other than those for which the moneys were granted.

The Director of Audit's report on Revenue Accounts and Stores Accounts are considered by the Public Accounts Committee in conjuntion with the examination of the Appropriation Acts of the relative Departments.

The Committee calls in to assist them in the examination as witnesses, representatives of the Treasury, the Accounting Officers responsible for the Accounts under examination, or any other persons whom the Committee considers able to assist them in their examination.

The Committee embodies the results of its deliberations in reports in which it may criticise the financial administration of individual Departments and recommend alterations of systems where necessary to avoid repetition of occurrences which have called for censure.

These reports are presented to the House of Representatives, and, though by convention they are not debated, they may be debated in the House on any fixed date thereof.

The Treasury issues any necessary instructions to Departments in the form of circular directives which are called Treasury Minutes. These Treasury Minutes are communicated to the Committee and the Committee is thus able to satisfy itself as to the adequacy of the measures taken to give effect to its recommendations.

The reports on the Appropriaton Acts afford the most convenient means of bringing to the notice of the House of Representatives any transactions by the accounting Departments, directly or indirectly affecting public finance, stores, or other Government property, of which the Director of Audit considers the House should be informed.

Second Chambers and the Executive

B. D. JATTI

The late Lord Bryce once said that no lesson of constitutional history has been more deeply imbibed than that which teaches the uses of a second chamber. In the history of many states unicameral constitutionalism is a comparatively rare, and generally temporary phenomenon. Bicameralism is characteristic of most important modern states. Even in a revolutionary state, like the U.S.S.R., there are two chambers. The Supreme Soviet is composed of the Soviet of the Union and the Soviet of Nationalities. So strong is the urge towards bicameralism that the Norwegian *Storting* which is elected as one body divides itself into two sections—*Lagting* consisting of one-fourth of the members selected by the whole and *Odelsting* composed of the remaining three-fourths of the *Storting*.

It is true that New Zealand, Denmark and Finland—all progressive democratic states—find a single-chamber legislature sufficient for their purpose. But they seem to be only the exceptions which prove the rule. It would not be impertinent to note that the Republic of Turkey, when established in 1923 by Kemal Ataturk had a one-chamber assembly, but decided under the new constitution of 1961 to create a bicameral legislature. The Grand National Assembly is now composed of the National Assembly and the Senate. In France, again, the constitutions of the First and Second Republics, at the end of the eighteenth and the middle of the nineteenth centuries, were based on the unicameral principle. But the constitutions of the Third, Fourth and Fifth Republics have all been based on the bicameral system. Experiments in the unicameral method have sometimes been tried during periods of revolutionary zeal, but proved short-lived only to be ended in the succeeding period or even while the revolutionary regime persisted, by the establishment of the

second chamber, as was the case in England, for example, under Cromwell.

Traditionally, the second chamber is viewed in terms of checks and balances and sober second thoughts—in terms of safeguard against the tendency of power to get abused in the unicameral assembly which has nobody but itself to consult, is subject to severe discipline of the party system and to no effective checks, save that of the will of the people expressed at a general election; in terms of brakes upon the popular chamber, whose actions, because of its proneness to be swayed by strong emotions and excitement, might be hastily conceived. Because of the normally slower-changing composition of second chambers, the second chamber constitutes a counterpoise of salutary conservatism to the radical fervour of the popular chamber. The dialogue between the two, besides improving the legislation itself, helps educate public opinion by calling the attention of the public to the diverse viewpoints on the subject-matter of the legislation. Sufficient opportunity is provided for articulation of all possible objections to a Bill, for reconsideration of its terms to be better understood by the government and the popular house. Legislation in bicameralism is thus likely to be a product of fuller thought.

Electoral realities being what they are, it is not possible, even with the best will in the world, to always ensure in the popular house representation of the varied aspects of national life, its calibre, its wisdom and its enterprise. A truly representative national legislature must represent not only the totality of the nation but the totality of the national life as well. A second chamber so constituted as to include within its membership talents and experiences not adequately represented in the popular house, by providing a sort of complementarity, could enrich and strengthen the parliamentary institution to make it a more effective reflector of the society and the societal will for the overall good of the democratic system.

In any satisfactory parliamentary scheme of things at the present day, a well-constituted second chamber has, indeed, a valuable role to play as a co-partner of the popular house. Correspondingly with the multifarious and complex business of government, the burden on the legislature is growing ever more heavy and taxing. The task of parliamentary institutions is tending ever to increase in scope and in complexity. That of modern legislation, as much because of its volume as of its complexity, is growing no less arduous. The second chamber could share these growing burdens. Through some kind of

rational division of legislative and other responsibilities between the two houses the time and energies of the legislature could be more effectively deployed for the discharge of its paramount task of correcting the lapses of administration. By suitable working arrangements between the two the incidence of the parliamentary scrutiny could be augmented. The work of legislation, for example, could be rationalised. Wherever possible and to the extent constitutionally feasible, legislation could start in the second chamber so that it would go sufficiently processed to the popular house which could thus deal with it with efficiency and despatch. Bills of technical nature and of non-contentions content could certainly be initiated in the second chamber. As a debating forum also the second chamber could provide practical relief to the popular house. The second chamber could freely and fully discuss important national questions such as foreign policy and defence and matters that have a long-term bearnig on the well-being of the nation thus allowing the popular house more time to be busy with the immediate problems of government and pressing concerns of the day.

What should be the position of the second chamber in the democratic power structure? Should it be given equal powers with the first in relation to the executive? The dominant belief in the Commonwealth countries is that particularly when it comes to finance and accountability the second chamber should not be allowed to claim equal authority with the first for equiparation of the two houses in these spheres would only be adding to the complications and frustrations of government. A cabinet divided in its responsibility to the two could hardly be conducive to vitality and stability of administration. Effective and stable executive can be responsible to one house only—and that house must be the popularly elected house. More fundamentally, it inheres in the cabinet system of Government that the focus of responsibility of the executive shall remain in the popular house. Because, under this system, though the Ministers may be drawn from one house or the other, the Ministry represents the majority in the popular house and so should remain in office so long as it retains the confidence of that house.

But, because the executive is not subject to the control of the second chamber it does not mean that the executive is not subject to its influence. Because the second chamber under the cabinet system of government does not enjoy the pre-eminence that the directly-elected house does—and very rightly—it cannot be said that the second chamber is in any way inferior to the first. We need not settle an order of priority or superiority between the two. To talk

in terms of "first chamber" and "second chamber" or "lower house" and "upper house" is, in fact, erroneous, unrealistic. In the two-chambered legislative structure, the two limbs of the same body perform their allotted roles. Just because the popular house makes or unmakes government it cannot be said that the other, whose power is not so imposing, is not discharging an equally useful and important function. Because one on account of its higher representative character performs a more conspicuously vital role in the body politic, it does not mean that the 'second' is secondary.

August 4, 1975.

Position of the Rajya Sabha in the Indian Constitution

B. N. BANERJEE

The Parliament of the Indian Union, like most Parliaments in democratic countries, consists of two Houses—the Rajya Sabha and the Lok Sabha. These two Houses together with the President of the Indian Union constitute 'Parliament of India'.

Since the basic concept and the institutions of parliamentary democracy were imported into this country as a result of the British rule in India, it is sometimes thought that the Indian Parliament is nothing but a replica of the Parliament of the United Kingdom and that in composition, power and functions, the Rajya Sabha stands on an equal footing with that of the House of Lords in England. This is an entirely misconceived notion and an examination of the composition, functions and duties of the Rajya Sabha will lead to the conclusion that it bears very little resemblance with the House of Lords either in composition or function or importance. As a matter of fact, the Rajya Sabha is one of the few active Upper Houses in the world. It is not as powerful as the Senate in the United States of America but it is certainly not as ineffective a Second House as the House of Lords.

Under the Constitution, the strength of the Rajya Sabha is fixed at the maximum of 250 members. The total number of members in the Rajya Sabha, as constituted at present, is 244. Of these, 12 are nominated by the President for their 'special knowledge or practical experience in such matters as literature, science, art and social service'. The remaining seats are allocated to the various States, roughly in proportion to their populations. The representatives of the States are indirectly elected. They are elected by the elected members of the Legislative Assemblies of the States. Each

State Assembly chooses its representatives in accordance with the system of proportional representation by means of single transferable vote. In territories where there are no Assemblies, the members are chosen by Electoral Colleges. Unlike the Lok Sabha, the Rajya Sabha is not dissolved as a body, but one-third of its members retire every two years and their place is taken by new members. In United States also the Upper House, *i.e.*, Senate is a permanent body. Members of the Senate are elected for a term of six years and one-third of the Senators retire at the end of every two years. The composition of the Rajya Sabha however, differs from that of the U.S. Senate, which gives equality of representation to all States irrespective of their size and population while in India the number of Members from each State in the Rajya Sabha depends on its population. Thus Uttar Pradesh which is the largest State in the country has 34 Members in the Rajya Sabha, whereas a small State like Nagaland has only one Member. The Rajya Sabha also differs from the British House of Lords in as much as it has no hereditary members. The Vice-President of India who is elected by an electoral college consisting of Members of both Houses of Parliament is the *ex-officio* Chairman of the Rajya Sabha. When the Vice-President acts as the President of India or otherwise performs the duties of the President, the duties of the Chairman of the Rajya Sabha are performed by the Deputy-Chairman, who is elected by the Members of the Rajya Sabha from amongst themselves. The latter presides over the sittings of the Rajya Sabha whenever the Chairman is not able to do so.

The object behind the creation of an Upper House is to enable it to hold dignified debates on important issues and to delay or amend legislation which might be the outcome of passions of the moment. Apart from being a check on hasty legislation and a forum for representation of the units of the Union as such, the Upper House gives opportunities to persons who have special knowledge or experience in various fields of national activity, to contribute to legislative deliberations and ensure maturity of consideration and thought to various aspects of legislation and other business. The Rajya Sabha has squarely fulfilled these objectives.

The Rajya Sabha may be compared in theory to the Senate of the United States of America or to the House of Lords in the United Kingdom. In power and position, however, it is unlike both. In practice it is not as powerful as the U.S. Senate, nor is it as ineffectual as the British House of Lords. For example, while the Rajya Sabha has little power over Money Bills, its legislative power in

regard to other matters is equal to that of the Lower House. Bills on matters, other than on finance, can originate in the Rajya Sabha and in case of differences on such Bills between the two Houses, a joint meeting is held to decide the issue. Thus, the Rajya Sabha cannot be overruled or ignored by the Lok Sabha.

Now, let us consider in greater details the powers and functions assigned to the Rajya Sabha under the Indian Constitution. Except in certain financial matters which are to be the sole concern of the Lok Sabha, Rajya Sabha enjoys co-equal status in all respects. With regard to the Money Bill, it cannot be introduced in the Rajya Sabha. It has to be introduced only in Lok Sabha and after it is passed by that House, it has to be transmitted to the Rajya Sabha for its recommendation. The Lok Sabha has the power of either accepting or rejecting the recommendations, if any, made by the Rajya Sabha. A Financial Bill also cannot be introduced in the Rajya Sabha but there is no other limitation on the power of the Rajya Sabha with regard to such a Bill and the Rajya Sabha has full powers to reject or amend a Financial Bill as it has in respect of any Bill other than a Money Bill. From this it will not, however, be correct to assume that the Rajya Sabha has nothing to do with all matters relating to finance. The Annual Budget of the Government of India has to be laid before the Rajya Sabha as well and Members have right to discuss the same like Lok Sabha. Though the Rajya Sabha does not vote Demand for Grants of various Ministries—a privilege exclusively reserved for the Lok Sabha—no money can be drawn from the Consolidated Fund of India unless the Appropriation Bill is passed by the Rajya Sabha also. Similarly, the annual Finance Bill also passes through the Rajya Sabha. There has been an occasion when important and substantial amendments recommended by the Rajya Sabha in a money Bill, namely, Income Tax (Amendment) Bill, 1961 were incorporated before the Bill was finally adopted by Parliament.

Though the Rajya Sabha does not vote Demands for Grants, a new practice has since been started whereby the House now discusses the working of some selected Ministries every year. In the legislative field except in regard to financial legislation, the Rajya Sabha enjoys real and substantial power, both as an originating chamber and as a revising chamber. In order to become an Act, a Bill has to be passed by both Houses of Parliament. How effectively Rajya Sabha has discharged its liability in this regard will be clear from the fact that since 1952 upto the end of the Ninty-second

Session of the Rajya Sabha as many as 317 Government Bills were introduced in the Rajya Sabha pertaining to immense social, educational and judicial importance. Even as a revising Chamber, Rajya Sabha's record is quite impressive and it has made important contributions to revise the legislative measures passed by the Lok Sabha.

The point which was thoroughly discussed by the framers of the Constitution was whether in case of final disagreement between the two Houses, the Lok Sabha should have the power to over-ride the Rajya Sabha by following a certain specified procedure. But in view of the special position assigned to the Rajya Sabha in the federal set-up, it was decided that the Lok Sabha should not have such power, except in regard to one particular matter, namely Money Bills. Thus the Constitution provides that in case of Bills other than Money Bills, final disagreement between the two Houses should be resolved through a joint sitting of the two Houses. There has been so far only one such joint sitting which was held in May, 1961, to consider the Dowry Prohibition Bill on which the two Houses had disagreed finally and it is interesting to note that in that joint sitting, one of the important amendments on which the Rajya Sabha had insisted from the beginning and which the Lok Sabha had refused to accept was adopted without a division.

Under the Constitution, the Rajya Sabha possesses equal authority and powers with regard to the amendment of the Constitution—there being no provision for a joint sitting with regard to such a Bill if a deadlock were to arise between the Lok Sabha and the Rajya Sabha. In other words a Bill to amend the Constitution has to be passed by both the Houses of Parliament separately and in case one House fails to do so, the Bill will fall through. In 1970 such a contingency arose when the Constitution (Twenty-fourth Amendment) Bill was defeated in the Rajya Sabha, though it was passed by the Lok Sabha.

In addition, there are two special powers of the Rajya Sabha under the Constitution. Article 249 provides that the Rajya Sabha may pass a resolution, by a majority of not less than two-thirds of the Members present and voting, to the effect that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified. If such a resolution is adopted, Parliament will be authorised to make laws on that subject for the whole or any part of the territory of India. Such a resolution will remain in force for such period, not exceeding one year, as may be specified therein, but this

period can be extended by one year at a time by passing further resolution.

Another exclusive power of the Rajya Sabha is contained in article 912 of the Constitution whereunder if the Rajya Sabha passes a resolution by a majority of not less than two-thirds of the members present and voting declaring that it is necessary or expedient in the national interest to create one or more all-India services common to the Union and the States, Parliament will have the power to create by law such services. It may not be out of place to mention here that the Rajya Sabha passed such resolutions on two occasions, *viz.* in 1961, for the creation of (i) Indian Service of Engineers (Irrigation, Power, Buildings and Roads); (ii) the Indian Forest Service and (iii) the Indian Medical and Health Service and in 1965 for the creation of the Indian Agricultural Service and the Indian Educational Service. Yet another special power of the Rajya Sabha relates to the Proclamation of Emergency. The proviso below sub-clause (c) of clause (2) of article 352 of the Constitution *inter alia* provides that if a Proclamation of Emergency is issued when the House of the People remains dissolved and a resolution approving the proclamation is passed by the Council of States, the proclamation would be legally effective upto a maximum period of 30 days from the date on which the House of the People sits after reconstitution. This provision therefore appears to suggest that there might be an occasion when the Council of States could be called into a session at a time when the House of the People stands dissolved. Similar conclusion can also be deduced from a reading of the proviso below clause (3) of article 356 of the Constitution which relates to Proclamation to be issued by the President in case of failure of constitutional machinery in a State.

No House of Parliament, under parliamentary democracy can remain isolated from popular feelings and aspirations and the record of the Rajya Sabha shows that it has always reflected a remarkable sensitiveness to public opinion. In 1969 when there was very strong feeling in the country for the abolition of privy purses and privileges of the former rulers of the Indian States and the Government had not taken any effective step to that end the Rajya Sabha on the initiative of a private member unanimously adopted a historic resolution calling upon the Government of India to initiate legal steps for abolishing the privy purses and other privileges of the former princes.

The Constitution also does not make any distinction between the two Houses of Parliament in the matter of selection of Ministers and some of the Ministers are usually taken from the Rajya Sabha. The present Prime Minister, Shrimati Indira Gandhi was a Member of the Rajya Sabha first as Minister of Information and Broadcasting from June, 1964 to January, 1966 and thereafter as Prime Minister upto February, 1967. Other Ministers like Sardar Swaran Singh, late Shri V. K. Krishna Menon and Shri M. C. Chagla were Members of the Rajya Sabha for some time or the other. Even at present out of a total number of fifteen cabinet ministers, four ministers are members of the Rajya Sabha. In addition, there are 8 Ministers of State and 3 Deputy-Ministers who are from the Rajya Sabha.

In addition there are some important spheres of State activities where the Constitution has placed both Houses of Parliament on a footing of equality. A list of some of the more important matters are given below:

(1) An equal right with the Lok Sabha in the election and impeachment of the President (articles 54 and 61);

(2) An equal right with the Lok Sabha in the election of the Vice-President (article 66);

(3) An equal right with the Lok Sabha to make law defining Parliamentary privilege and also to punish for contempt (article 105);

(4) An equal right with the Lok Sabha to approve the Proclamation of Emergency (issued under article 352) and Proclamations regarding failure of the Constitutional machinery in States (issued under article 356) and even a sole right in certain circumstances; and

(5) An equal right with the Lok Sabha to receive reports and papers from various statutory authorities, namely:—

(a) Annual Financial Statement [article 112(1)];

(b) Audit Reports from the Comptroller and Auditor-General of India [article 151(1)];

(c) Reports of the Union Public Service Commission [article 323(1)];

(d) Reports of the Special Officer for the Scheduled Castes and Scheduled Tribes [article 338(2)];

(e) Report of the Commission to investigate the conditions of the Backward Classes [article 340(3)]; and

(f) Report of the Special Officer for Linguistic Minorities [article 350B(2)].

Thus it will be seen that except with regard to Money Bill and the power to pass a motion of no-confidence in the Council of Ministers, the Rajya Sabha is an equal partner with the Lok Sabha in the affairs of the Union—a position which is inconceivable with regard to the House of Lords in England.

August 4, 1975.

19

Distinctive Features of Parliamentary Procedure in India

S. L. SHAKDHER

It is a popular fallacy that the procedures and practices of the Indian Parliament are a replica of those obtaining at Westminster. The fact is that while originally the Mother of Parliaments may no doubt have provided the inspiration and the model for the Legislature in India, as for other Legislatures in the Commonwealth, in certain basic features and many matters of detail, we have made significant departures and, over the years, have gone on our own in the development of our procedures. This is only as it should be. For, Parliament is a living, dynamic institution. It has constantly to refurbish itself, ever adapting itself appositely to the needs of the changing times and the imperatives of its setting.

The Parliament of free India started with a body of rules the main corpus of which was an adaptation from the rules and standing orders of the old Central Legislative Assembly, which themselves were bound up with the history of the evolution of the Legislature and of the Constitutional changes in the country for over a century. After Independence, one of the first tasks that had to be undertaken was to augment and strengthen the procedures so as to enable Parliament to fulfil its obligations as the sovereign Legislature of an independent nation. This was done drawing on the experience not of any one particular country but of Legislatures all over the world, and by not merely borrowing any foreign practices or procedures but by adapting them or fashioning our own, as suited our immediate requirements from time to time. It would, therefore, not be inappropriate to speak of such a thing as a distinctly Indian parliamentary practice and procedure.

To begin with the most obvious, the fact of our having a written Constitution defining and delimiting the functions and powers of

various organs of the State, the federal features and the Republican nature of the Constitution, and the socionomic needs of a backward economy and developing society, as some of the basic features of our polity—as contradistinguished from that of Great Britain—themselves impose certain constraints and imperatives on Indian Parliamentary procedure and practice.

The ceremonial and regalia which accompany the proceedings of the British Parliament, like the prayers, the Speaker's procession, the use of the mace and other rituals, were never adopted in India. Even the ceremonial robe and wig which the presiding officers of the Central Assembly in the pre-Independence days wore were discarded by Speaker Mavalankar when he came to occupy the Chair.

The Question Hour as it has developed in the Indian Parliament also presents some features distinctly its own. Question time in Lok Sabha, as perhaps elsewhere, is the most lively part of a parliamentary day. The rules provide for questions for oral answer, for written answer, and for short notice questions (*i.e.* questions for oral answer given at short notice). Questions which are purely of a regional or local interest or are not of sufficient general importance, or call for lengthy answers or statistical information are entered in the list for written answers. The Speaker enjoys unfettered discretion in transferring questions from the oral list to the written. Twenty starred questions for oral answer and two hundred unstarred questions for written answer are entered in each day's list. If out of the twenty listed for oral answer, all are not covered—as often happens—the answers for the rest are treated as having been laid on the Table along with the answers to unstarred questions. Each question asked on the floor gives rise to a volley of supplementaries, with the whole proceedings sometimes tending to take on the character of a mini-debate. Normally, the Chair cannot compel the Minister to give an answer or to answer questions in a particular manner. But in Lok Sabha by a Direction by the Speaker it has now been laid down that the answers given shall as far as possible be adequate and complete. Further, there is a novel provision in the Lok Sabha Rules for raising a half-an-hour discussion on a matter of sufficient public importance which may have been the subject matter of a recent question, oral or written, and an answer to which may need further elucidation.

Coming to the more precise field of legislative business, it is noteworthy that Committee of the Whole House as a stage in the

consideration of a Bill is unknown to the legislative process in India. Nor do we have anything like Standing Committees on Bills with a permanent core of membership, to one or the other of which bills are committed under the U.K. procedure. Instead we have *ad hoc* Select Committees of the House or Joint Committees of both Houses of Parliament appointed specifically in respect of individual bills. The membership of these committees not only represents broadly the different sections of the House but also includes every time some members with special knowledge of the subject matter of the Bill referred for consideration. These Committees are conferred the power to take evidence with the result that they give the legislation referred to them detailed scrutiny, taking evidence where necessary from experts and representatives of special interests affected by the measure before them.

The procedure for transaction of financial business in India is relatively simpler. From the very beginning there has been nothing here like a Committee of Ways and Means or a Committee of Supply as was the case in the United Kingdom till recently. The Budget in India is presented in two parts—the General Budget and the Railway Budget. After the Budget (*i.e.* the annual financial statement of the estimated receipts and expenditure of the Government for the ensuing year and the taxation proposals of the Government) has been presented, a general discussion on the Budget lasting several days takes place. This is followed by the consideration and voting of the individual Demands for Grants relating to the various Ministries, at which stage Members may move Cut Motions to express disapproval of particular policy, or to air particular grievances against the Administration. After the Demands for Grants have been voted by the House, Appropriation Bills incorporating the amounts voted as well as the charged expenditure are brought up and considered and passed by Parliament. Thereafter the Finance Bill is taken up for consideration, at which stage the Minister of Finance is in a position to announce any concessions or make adjustments in the taxation proposals taking into account the views expressed by Members on the floor as well as the opinion of affected interests already sufficiently articulated by them outside the House.

Requirements of the Government for additional sums of money are met by supplementary demands for grants brought up before the House and considered and passed in the same way as the original demands. Any excess of expenditure over and above the sums voted by Parliament have to go before the Committee on Public

Accounts, upon whose recommendation only they can be regularised by the House voting the necessary sums to cover the excess expenditure incurred.

Major departures from the British practice apart, the Indian parliamentary procedure has thrown up a number of new concepts. Parliament in India can legitimately claim credit for pioneering work at least in two important directions: (a) Conduct of Business according to a precise time-table, and (b) the follow-up of the assurances or undertakings given on the floor of the House.

The allotment of time to the different items of business that are to come up before the House on the recommendations of a Business Advisory Committee has imported a predictability in the Parliamentary time-table. The Committee allocates the time to the various bills and other business which Government bring before the House from time to time. The decisions of this Committee, which is broadly representative of all sections of the House, are generally unanimous. In the absence of unanimity, the minimum acceptable to everybody is agreed upon. Before the advent of the Committee the Speaker was called upon to determine in each case when a debate should end. Under the new procedure it is the House which decides the length of a debate, which not only spares the Speaker from much blame but also helps the Government in a great measure to plan in advance the disposal of its business.

Like the Business Advisory Committee, the Committee on Government Assurances in Lok Sabha is also an essentially Indian innovation. This Committee keeps a watch on whether the assurances and undertakings given by the Ministers have been carried out, in reasonable time and in the manner in which the House had desired them to be carried out.

More recently, we have established in Lok Sabha another new Committee—the Committee on Papers Laid on the Table of the House—to examine all papers laid on the Table other than those which fall within the purview of the Committee on Subordinate Legislation or any other Parliamentary Committee to see *inter alia* whether there has been any delay in laying the Papers and whether satisfactory explanation has been given in cases of delay.

'Calling Attention Notice' is another notable Indian procedural innovation. It enables a Member to draw the attention of the Government to sudden developments of urgent public importance and to elicit their stand thereon. A Calling Attention Notice can be admitted by the Speaker in his discretion irrespective of the wishes

of the Government. The Government have to come out with a statement straightaway or ask for time and make it. This procedural device, without the implied censure on the Treasury Benches associated with an adjournment motion, has been very popular with Members from both sides of the House. Now that the Members know that they can get a ready answer to an urgent matter, they need resort to an adjournment motion only when something has gone so radically wrong that it calls for some degree of censure of the Government.

Further, under the Rules, a matter of urgent public importance can be discussed for a short time, not exceeding two-and-a-half hours in duration, provided the Speaker admits the notice on grounds of urgency and public importance, and the Government agree to find time. If admitted, the subject is put down for discussion, and Members place before the House their points of view and Government give a reply. The respective points of view having been stated the air is cleared and no definite decision is recorded. There is, in consequence, no question of any censure of the Government.

There is provision also in the Rules for a Member who wishes to bring to the notice of the House any matter which is not a point of order to do so after giving due notice and with the consent of the Speaker. Using this provision Members are usually allowed on the last day of the Session to raise various miscellaneous matters they had no opportunity to bring to the notice of the House through other means.

All these procedural devices have been deliberately introduced as part of the aim that the private member shall not feel handicapped for lack of procedural means to bring up urgent public issues before the national legislature.

On the Committee side again, the Indian Parliament can claim to have broken some new ground. The amplitude of the scope of functions of the Estimates Committee in India is a case in point. The functions of the Indian Committee are:

(a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;

(b) to suggest alternative policies in order to bring about efficiency and economy in administration;

(c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and

(d) to suggest the form in which the estimates shall be presented to Parliament.

And the term 'policy' as defined by a Direction by the Speaker, relates only to policy laid down by Parliament either by means of statutes or by specific resolutions passed by it from time to time. The Direction further provides that "It shall be open to the Committee to examine any matter which may have been settled as a matter of policy by the Government in the discharge of its executive functions."

Under this Direction, although the Committee could not go against the policy approved by Parliament, where it is established on evidence that a particular policy is not leading to the expected or desired results or is leading to waste, "it is the duty of the Committee to bring to the notice of the House that a change in policy is called for." The fundamental objectives of the Committee are economy, efficiency in administration and ensuring that money is well laid out; but, if on close examination, it is revealed that large sums are going to waste because a certain policy is followed, the Committee may point out the defects and give reasons for a change in the policy for the consideration of the House.

In the result, the Committee's scrutiny has extended to a detailed examination of the whole structure and functioning of the Department it has taken for study and the Committee has provided constructive leadership to Government in matters running the entire gamut of governmental activities. It is doubtful whether there is anywhere else a single Committee with such wide ranging scope of scrutiny.

The Committee on Petitions may not be an institution exclusive to India but the scope of functions of this Committee in Lok Sabha is something unique. The Committee receives petitions not only on Government Bills but also on matters of general public interest not falling within the cognizance of any court of law, tribunal, quasi-judicial body or a Commission and for which no remedy is available under the law. The Committee reports to the House on the specific complaints made in the petitions after taking such evidence as it deems fit and also suggests remedial measures either on the specific cases under review or in a general way to prevent such cases in future. In the course of its work the Committee calls for formal comments from the ministries concerned, where necessary, before making its recommendations. The Committee has been acknowledged on all hands to be doing very useful work. The Government have, from time to time, taken many steps on matters

of public importance on petitions submitted to Parliament by individuals, which they would perhaps have not taken but for the Committee's intervention.

Reference should be made to a special feature in the working methods of the Parliamentary Committees of Lok Sabha. The financial Committees particularly, and other scrutiny Committees like the Petitions Committee, do not rest content with making their reports to the House, but follow it up and present further what are called "Action Taken" reports to the House. More recently, a practice is developing of following up the implementatioin of recommendations even after the stage of the "Action Taken" reports. The knowledge that the Committee would pursue with the Government the implementation of their recommendations has in no small measure contributed to the effectiveness of these Committees.

The practice and procedure of the Indian Parliament has thus been evolving all the time as much as a result of the compulsions of the developing situations as through a conscious, continuous search for more adequate methods of work for the better fulfilment of its growing tasks. Ours has been a pragmatic approach. While our procedures have all along been anchored in the universal fundamentals of parliamentary procedure, we have not shied away from making adjustments and innovations, as necessary, as we proceeded along. And, the process continues.

I may conclude with the observations made by the Honourable Speaker Dr. G. S. Dhillon at the Emergent Conference of Presiding Officers held at New Delhi on the 23rd August, 1975. He *inter alia* said:

> "The parliamentary institution, like all human institutions, is ever in the making. While the values it symbolizes and its foundational principles may be of continuing validity, its working methods and procedures have constantly to be adapted appositely with the changing times and the immediate needs of the hour. Any one who is a little familiar with the procedures in our Legislatures knows how far we have travelled from the Westminster and even our own procedures of the pre-independence days. And it is a tribute to the adaptability and innovative capacity of our Legislatures that they have always measured themselves up to the needs of the situation...."

August 25, 1975.

Sixty-Eight Years of Kenya's Legislature

L. J. Ngugi

Kenya's National Assembly has had a colourful life during which the Legislature has evolved from a body dominated by the colonial Governor, his officials and the local settler community to an Assembly of Kenya citizens. Political observers have described it as "the freest and the most lively of the remaining Parliaments in Africa".

The first session of Kenya's Legislative Council (as it was originally known) held its first session on Friday, 16th August, 1907. The Council, as constituted under the Independence Order in Council (1906), met in a corrugated iron sheet building in Whitehouse Road (now Haile Selassie Avenue), Nairobi. It consisted of six Officials (including the Governor) and three Unofficials, all of whom were European.

On that day, parliamentary business was transacted expeditiously (there were no points of order!). After His Excellency the Governor (Sir James Hayes-Sadler) had administered the oath of allegiance to the other Members and delivered his opening speech, the Clerk of the Legislative Council read out the Standing Orders (rules of procedure) which were adopted unanimously. Thereupon the Council adjourned until the following day when the Crown Advocate "moved" the First Readings of fourteen Bills. It is interesting to note that the first Bill was for the "Abolition of the Legal Status of Slavery throughout the East Africa Protectorate". This Council was dissolved on 1st April, 1920.

Subsequent Councils of three to four years each sat spasmodically until 13th July, 1956 when the tenth Council was dissolved. The eleventh Council assembled on 15th October, 1956 and was in its fourth session when terminated on 23rd December, 1960. The 12th

and last Council was summoned on 11th May, 1961 and dissolved on 21st March, 1963.

Kenya attained internal self-Government on 1st June, 1963. On 11th June the same year the first sitting of the National Assembly (later better known as the "First Parliament" in independent Kenya) as established under the Independence Order in Council (1963) was held. There were now, for the first time in the country's history, two Houses—the Senate and the House of Representatives. The Constitution of Kenya (Amendment) (No. 4) Act amalgamated the two Houses with effect from 5th January, 1967. The first sitting of the Assembly as reconstituted by the Act was held on 15th February, 1967, while the *First Parliament* was dissolved on 7th November, 1969. A general election ensued and the *Second Parliament* assembled on 6th February, 1970. This Parliament was terminated on 9th August, 1974 and the Third Parliament held its first session on 6th November the same year.

Our modern Parliament consists of His Excellency the President and the National Assembly. The Assembly comprises 158 Elected Members, 12 Nominated Members and 2 *Ex Officio* Members. Parliament, unless sooner dissolved, continues for five years from the date when the National Assembly first meets after any dissolution and then stands dissolved. The President may at any time dissolve or prorogue Parliament; it may also be dissolved if the House passes a Motion of no-confidence in the Government. When the country is at war, Parliament may extend its own life on a year-to-year basis by not more than five years.

The life of Parliament is divided into sessions of about 100 days each normally, though not necessarily, of a year's duration and usually terminated by a prorogation, although the final session may be terminated by a dissolution. There must be a session at least once every year. The present practice is that the House meets in February or March and continues the session until early December. In the course of the session, the House may adjourn itself to such date as it pleases. The sittings of the House are held on Tuesdays, Wednesdays, Thursdays and Fridays. Friday is a Private Members' Day.

The principal functions of the National Assembly include, in progressive order, deliberation, legislation, financial control and termination.

The deliberative function is exercised by means of Motions leading to debates and questions which do not lead to debates. Motions

are put down by the Government or by Private Members. When Motions are passed they become expressions of the will of the House. Questions are put to Ministers on matters for which they are officially responsible. They are asked for the purpose of eliciting information and pressing for action.

The process of legislation is carried out in debating Bills. Bills contain proposals for legislation brought up by Government or by Private Members. They are debated and either passed (with or without amendment), in which case they become Acts forming part of the law of the land, or rejected. Delegated or subsidiary legislation made under powers conferred by Acts of Parliament is also considered.

In its financial function, Parliament considers the proposed use of public funds as set out in the Estimates submitted by the Government and the proposals for imposition of taxes to raise the money required for the expenditure. The principal financial debates take place in the Committee of Ways and Means and the Committee of Supply. Both of them are Committees of the whole House.

If the House passes a Motion which is supported by the votes of a majority of all the Members, excluding the *Ex officio* Members, and of which not less than seven days' notice has been given expressing its lack of confidence in the Government, and the President does not within three days of the passing of the resolution either resign from his office or dissolve Parliament, Parliament stands dissolved on the fourth day after the day the resolution was passed. The practice is that a Government under threat of censure does not conduct other Parliamentary business until it has survived the threat to its existence.

Finally, it redounds to the honour of His Excellency the President, the Hon. Mzee Jomo Kenyatta, whose belief in parliamentary democracy has resisted the temptation to reduce the National Assembly to a ceremonial institution. The tendency in most developing countries is for the towering Head of State or Government to turn Parliament into one more pagan territory in which he, as an idol, is worshipped. When Parliament renounces its role as a forum of debate, criticism and scrutiny, it virtually abdicates its ultimate reason for existence.

June 30, 1975.

21

The Parliament of Lesotho

J. T. KOLANE

Introduction: The Kingdom of Lesotho, which is approximately the size of Belgium and has a population of 1.1 million, is an enclave within the Republic of South Africa. In other words, it is a land-locked state completely surrounded by that country.

Lesotho's situation as a land-locked country is fraught with serious problems that need not be mentioned in this article which is concerned mainly with parliamentary matters. The Government of Lesotho is fully aware of these problems and is tackling them with determination and confidence. I have not the slightest doubt that the Government knows where it is going, how to get there and will be able to tell when it has arrived.

The Kingdom of Lesotho, which is an independent state within the Commonwealth, is a constitutional monarchy with a hereditary King as Head of State, in whose absence, Her Majesty the Queen assumes royal duties as Regent. The King is a direct descendant of King Moshoeshoe I, the Father and Founder of the Basotho Nation, who is well-known for his wisdom and diplomatic bent, and whose farsightedness enabled him to knit together into one homogeneous nation, the tribesmen in utter disarray who fled from Tshaka's Reign of Terror. As a result of King Moshoeshoe I's prophetic wisdom the Basotho Nation today proudly boasts of one culture, one language and one tradition, something unique in Africa with its diversity of tongues and feuding tribesmen. The Basotho Nation owes allegiance to this one King behind whom it is solidly united.

The Kingdom of Lesotho, which was formerly Basuto land (Land of the Basotho) has always been known as Lesotho by her inhabitants, and it is therefore not correct that the name was changed at

Independence on 6th October, 1966. The language spoken in Lesotho is Sesotho and the people are the Basotho.

As indicated above, Lesotho is a member of the Commonwealth and she is also a member of the United Nations and the Organisation of African Unity. In her own interests Lesotho also belongs to the several specialised agencies of the United Nations, such as the FAO, WHO, etc.

The Government: At the apex of the governmental pyramid is a Prime Minister who has the following Ministers in charge of different ministries and departments:—

(a) Deputy Prime Minister and Minister of Works and Communications,

(b) Minister to the Prime Minister who is in charge of Information, Broadcasting, Community Development, etc.,

(c) Minister of Finance,

(d) Minister of Foreign Affairs,

(e) Minister of Justice,

(f) Minister of Agriculture, Co-operatives and Marketing,

(g) Minister of Commerce and Industry,

(h) Minister of the Interior (Home Affairs),

(i) Minister of Education and Culture, and

(j) Minister of Health and Social Welfare.

Parliament: Lesotho's present Parliament, unlike its predecessor which was dissolved in 1969, is entirely nominated and not elected. I shall state briefly later on why this is so. The National Assembly consists of 93 members who have been nominated as follows in terms of Lesotho Order No. 13 of 1973:—

"5. ....

(a) the twenty-two Principal Chiefs and Ward Chiefs whose offices as such are set out in the schedule to the offices of Chiefs Order, 1970;

(b) sixty persons nominated by the King acting on the advice of the Prime Minister provided that before tendering advice to the King in that behalf, the Prime Minister shall have consulted such persons as are in his opinion representative of the various shades of political opinion in Lesotho;

(c) eleven persons nominated by the King acting on the advice of the Prime Minister, provided that before tendering advice to the King in that behalf, the Prime Minister shall have given consideration to the desirability of nominating persons who have rendered distinguished service to Lesotho and who have knowledge of matters affecting the various interests of the inhabitants of Lesotho."

The present parliament is unicameral, whereas its predecessor was bicameral, with a Senate (consisting of 22 principal and Ward Chiefs and eleven senators) and a National Assembly consisting of 60 elected members.

It was not intended to deviate too much from the past, and that is why the present parliament consists of the 22 Principal and Ward Chiefs, 60 nominated members and eleven other persons, all three classes having been present in Lesotho's previous parliament.

Qualification for Membership of Parliament: Any citizen of Lesotho may be nominated to be a member of the National Assembly if he is able to speak and unless incapacitated by blindness or other physical cause, is also able to read and write either the English or the Sesotho language well enough to take an active part in the proceedings of the Assembly.

Disqualification for Membership of Parliament: The following cannot be member of the National Assembly:—

(a) any person who is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to any foreign power or state; or

(b) is under sentence of death imposed on him by any court in Lesotho; or

(c) is, under any law in force in Lesotho, adjudged or other wise declared to be of unsound mind; or

(d) is an unrehabilitated insolvent, having been adjudged or otherwise declared insolvent under any law in force in Lesotho; or

(e) subject to such exceptions and limitations as may be prescribed by the Assembly, has any such interest in any such government contract as may be so prescribed; or

(f) is a member of any military or police force.

The Lesotho Order No. 13 of 1973 also makes provision for the election of a Speaker and a Deputy Speaker. Both are elected by the National Assembly either from among the persons who are members of the National Assembly or from among other persons. They are responsible for the speedy and orderly despatch of the business of the House as arranged by the Business Committee. The House sits from 10.30 a.m. each morning and the day's proceedings are preceded by the Speaker's Procession with the Serjeant-at-Arms carrying the Mace.

Clerk of the National Assembly: The above order also makes provision for the appointment of a Clerk of the National Assembly who has, of course, a large supporting staff who are subordinate to him. The Clerk of the National Assembly as well as all the members of his staff are public servants and are, as such, subject to all the laws and regulations governing the Public Service.

Functions of the National Assembly: The National Assembly makes laws for the peace, order and good Government of Lesotho, and it may amend or repeal any law so made including Lesotho Order No. 13 of 1973 or any other law in force in Lesotho. The power of the National Assembly to make laws is exercisable by bills passed by the Assembly and assented to by His Majesty the King of Lesotho in exactly the same way as happens in any other constitutional monarchy, *e.g.*, the United Kingdom, where Her Majesty the Queen gives Royal Assent to bills passed by both Houses of Parliament. This process in Lesotho is, however, much quicker and simpler as Parliament consists of the National Assembly only and there is no other House where bills may be unnecessarily delayed. The National Assembly also votes money for the use of Government, and this is achieved by means of the customary Appropriation Acts of Parliament.

Standing Orders: Like in most Commonwealth Parliaments our basic procedure is that of the House of Commons in London as evidenced by our Standing Order No. 85 which is as follows:

"85 *Procedure in case of doubt.*

In a matter not provided for in these Standing Orders and in any other case of doubt the usage and practice of Commons House of Parliament of Great Britain and Northern Ireland shall be followed as far as applicable to

> the House and as far as it is not inconsistent with these Standing Orders or with the practice of the House, but no restriction which the House of Commons has introduced by Standing Orders shall extend to the House or its members until the House has provided by Standing Order for a similar restriction."

I should mention here that our Standing Orders are very simple and easy to interpret, but if there is any doubt we invariably consult the latest edition of Erskine May which has become, no doubt, the Commonwealth's Parliamentary Bible. The Standing Orders of the House of Commons are also very useful although somewhat complicated, as Britain is a highly industrialised country with a hefty volume of legislation each year. The Clerk of the Overseas Office at the House of Commons in London, Mr. K. A. Bradshaw, with whom I am in regular contact, has been most helpful to me with very useful advice that has been gladly given at all times.

Financial Procedure: Our financial procedure is also uncomplicated and financial business is set in train by Standing Order No. 67 which is as follows:

> "67. *Annual Financial Statement and Budget.*
>
> (1) At any time not earlier than six clear days after the estimates of expenditure have been laid before the House, the Minister of Finance may move a motion that this House gives general approval to the financial proposals contained in the estimates of revenue and expenditure for the year and that the estimates of expenditure be referred to the Committee of Supply.
>
> (2) The motion shall not require seconding and when the question has been proposed on it the debate shall stand adjourned for not less than three clear days.
>
> (3) When the debate is resumed it shall be confined to the general principles of financial and economic policy set forth by the mover of the motion."

I have found it extremely difficult to make members to confine their speeches to the general principles of financial and economic policy as required above, and what happens in practice is that the debate ranges over a very wide field. But we do have a standing order that prohibits irrelevance and the tedious repetition of one's arguments or the arguments of others.

We have no Ways and Means procedure, and as soon as the debate of the Minister of Finance's motion has been concluded, the Business Committee allots a maximum number of days for consideration of the annual estimates in Committee of Supply, which usually takes about two weeks to complete, as there are not too many heads of the estimates for consideration.

During the last budget meeting, the following heads were considered by the Committee of Supply:—

Head 1:	Agriculture	Head 10:	Police
Head 2:	Health	Head 11:	Foreign Affairs
Head 3:	Education	Head 12:	Works
Head 4:	Finance	Head 13:	Communications
Head 5:	Commerce and Industry	Head 14:	Office of the Auditor General
Head 6:	Justice		
Head 7:	Interior	Head 15:	His Majesty
Head 8:	Prime Minister	Head 16:	National Assembly
Head 9:	Minister to the Prime Minister	Head 17:	Public Service Commission.

The following items come under Statutory Expenditure and are not considered by the Committee of Supply:

(a) The King's Civil List.
(b) Remuneration of the Regent.
(c) Salary of the Chairman of the Public Service Commission.
(d) Salaries of Members of the Public Service Commission.
(e) Auditor General's salary.
(f) Chief Justice's salary.
(g) Attorney General's salary.
(h) Puisne Judge's salary.
(i) Speaker's salary.

Sessional Select Committees: We have the following sessional select committees:

(a) The Business Committee
(b) The House Committee
(c) The Standing Orders Committee
(d) The Public Accounts Committee
(e) The Staff Committee.
(f) The Committee of Privileges.

In my opinion the busiest of these sessional select committees is the Business Committee which meets regularly to arrange the daily business of the House. Its Chairman is the Leader of the House who is also the Deputy Prime Minister. The Public Accounts Committee goes through a heavy volume of work when it meets but it does not meet regularly. Its Chairman is the Leader of the Opposition who enjoys more or less the same privileges as his counterparts in other parts of the Commonwealth.

Why Lesotho's Present Parliament is entirely nominated: I promised above to explain why the present Parliament of Lesotho is entirely nominated and not elected. What follows is a brief explanation of the present set-up.

The Kingdom of Lesotho held its second General Election in January, 1970, parliament having been dissolved in 1969. The present ruling Basotho National Party was then the Government of Lesotho.

Everything seemed to be going smoothly when polling started, but later on reports of intimidation, assaults, murders and several election malpractices were received from many parts of Lesotho, and it became abundantly clear that the election had not been properly conducted. In other words, that General Election became so farcical and blood-stained that the present Prime Minister suspended the Constitution and continued in power in order to save Lesotho from a holocaust too ghastly to contemplate.

Lesotho was thereafter governed by Means of Orders of the Council of Ministers and this form of government continued until 27th April, 1973, when the present National Assembly was established by His Majesty King Moshoeshoe-II in order to start the normalization process in Lesotho.

I do not propose to discuss the merits or demerits of the Prime Minister's action, but I should mention that the 1970 General Election was subsequently nullified by the unanimous agreement of all the political parties in Lesotho on 30th April, 1970, and I quote from that important declaration:

> "After a lengthy discussion and examination of the reasons, and after each side had expressed its views on the last elections. We the undersigned Leaders of Lesotho's Main Political Parties have agreed that the Lesotho Elections of 27th January, 1970 be disregarded.
>
> | | | | |
> |---|---|---|---|
> | LEABUA JONATHAN | B.N.P. | (Sgd.) | Leabua Jonathan |
> | NTSU MOKHEHLE | B.C.P. | „ | Ntsu Mokhehle |
> | TS'EPO MOHALEROE | M.F.P. | „ | Ts'epo Mohaleroe |
> | CHARLES MOFELI | U.D.P. | „ | Charles Mofeli |

New Constitution: On the 20th November, 1974 the Interim National Assembly gave its unanimous concurrence to the Rt. Hon. the Prime Minister's motion (National Commission) calling on the House to request the Government of the Kingdom of Lesotho to pray His Majesty the King to appoint on the advice of the Prime Minister.

> "a National Commission which shall, without prejudice to the generality of the powers of appointment, include representatives of different shades of political opinion, persons with professional or special knowledge and experience and the Chieftainship, and the terms of reference of such Commission be:
>
> (a) to review the working of the 1966 Independence Constitution in the light of experience gained;
>
> (b) in the light of that review and after considering such oral or written evidence as may be tendered by interested persons and organisations, to formulate proposals for a new system of government and administration for Lesotho, bearing in mind the need to base this firmly upon our cultural and national traditions as well as our contemporary needs for national unity and development;
>
> (c) to transmit these proposals to His Majesty the King to be laid on the Table of the National Assembly for debate."

From the text of the motion and resolution it is clear that the old Westminster-style constitution had not been tailored to fit well the customs, traditions and the needs and aspirations of the Basotho. There is no doubt that the new constitution will make adequate provision, among other things, for General Elections that will go without a hitch as happens in Britain, for example, and in the United States of America.

Conclusion: I hope this article has thrown some useful light on the Kingdom of Lesotho and who the Basotho are in today's world, which is characterised by so much turmoil, gigantic problems and unrest. In spite of today's traumatic events I think Lesotho is on the right road, as we believe fervently in the Commonwealth and in parliamentary democracy.

July 10, 1975.

Functions of the Office of Clerk of the Lesotho National Assembly

B.A. TLELASE

The Office of the Clerk comprises the Clerk, the Deputy Clerk and Clerk of Public Bills, Table Clerk, a Copy Typist and Accountant.

The fundamental existence of the office of the Clerk of the National Assembly is to provide administrative and executive machinery necessary to expedite the Legislative process and allow a smooth and as rapid as possible a passage of bills and laws through the House.

In addition to the Office of the Clerk or what we may, broadly speaking, term the "Table Office" are some ancillary offices or sections over which the Clerk has general administrative control. These are the Accounts Office, the Hansard Section and the Serjeant-at-Arms Office.

The Table Office produces the minutes of proceedings of the House and Committees of the Whole House and submits these minutes to hon. Members before the commencement of the next sitting. In the minutes of proceedings are also recorded the names of hon. Members attending, all decisions taken and details of divisions held. The Clerk's Office is also responsible for the custody of the votes, records, bills and other documents laid before the House.

This office is responsible for providing every select committee with a Clerk or a recorder, should the latter be also necessary and also for ensuring the production of an official Report (Hansard) of all speeches made in the House.

During proceedings of the House the Clerk sits, together with the Deputy Clerk at the Table in the well of the House, from where he keeps general watch on the proceedings of the House and assists members by advising them on questions of procedure, drafting of questions and motions (including) amendment. He also assists Mr. Speaker in matters of procedure within and without the House consulting with him on questions of order which arise in the course of the heated moments of debate or when there is opportunity for a more leisurely and studied consideration of such matters.

The Clerk or Deputy Clerk reads the orders of the day, the short and the long titles of bills immediately after presentation in the House. The Clerk together with the Speaker endorses the bills passed by the House before they are forwarded, through the Government Law Office, to His Majesty the King for assent.

In addition to duties and responsibilities directly related to the Table, *i.e.* the legislative and other proceedings of the House, the Clerk's Office with the Clerk as the general directing head, has to attend to the internal administrative requirements affecting the permanent staff as well as to matters of common concern to the Civil Service. This includes accounting for the monies voted for the recurrent expenditure of Parliament in connection with which the Clerk bears the onerous responsibility of being the Chief Accounting Officer.

The Clerk also presides over the House on the election of a Speaker whenever there is a vacancy in that office, whether as a result of dissolution of Parliament or otherwise; he also undertakes, with the assistance of the Deputy Clerk, the duty of administering the oath or affirmation of allegiance to ordinary members of a new Parliament and to a new Speaker. It is the Clerk also who reads the instrument issued by His or Her Majesty that summons the House to the First Meeting of a new Parliament.

It is to the Office of the Clerk that members send their draft questions and motions, where they are then re-drafted in orderly form, translated as necessary from Lesotho into English or *vice versa.* (It is perhaps interesting to note that this is one of the few remaining Parliaments within the Commonwealth where bilingualism in parliamentary proceedings and debates is still being preserved). After the re-drafting of questions, motions etc., the office issues notice papers in both languages. The Order Paper, prepared

by the same office, is treated similarly—issued in the two official languages. The same procedure is maintained in the production of Hansard.

In carrying out the foregoing functions and duties the Office of Clerk has a small but compact staff on which it has to rely. The composition of this staff is basically tailored on that of staff of the Clerk at Westminster, though differing from it in many ways as dictated by the local situation. However, with an eye always towards increasing its efficiency, its composition in number, academic qualifications and otherwise is still undergoing a steady if not a rapid process of evolution.

August 7, 1975.

The Growth and Development of Parliamentary Institutions in Malaysia

TAN SRI DATUK NIK AHMED KAMIL

Malaysia as a political entity is a federation of thirteen States, namely, the nine Malay States (Johore, Kedah, Kelantan, Selangor, Negri Sembilan, Pahang, Perak, Perlis and Trengganu), the former settlements of Malacca and Penang, and Sabah and Sarawak in East Malaysia. Singapore was originally included in Malaysia which came into being on 16th September, 1963, but decided to separate to become a fully independent republic within the Commonwealth on 9th August, 1965.

Malaysia is a constitutional monarchy, its supreme head of state being the Yang Dipertuan Agong, a Sultan elected every five years by the other Sultans. It has a bicameral Parliament consisting of a Senate of 58 members and a House of Representatives comprising 154 elected members. Elections to the Lower House are held every five years on the basis of universal adult suffrage, each constituency returning one member. The Cabinet headed by the Prime Minister consists only of members of the legislature and is collectively responsible to Parliament.

In the Malay States the Rulers retain their pre-independence position except that they must act on the advice of the Executive Council, a body equivalent to the Cabinet at federal level. The other States are each headed by a Governor or Yang Dipertuan Negara appointed by the Supreme Head of State for four years. They must also act on the advice of the State Cabinet. Each State has a unicameral legislature, elections to which are held every five years.

The judiciary (except for Muslim courts) is wholly federal and judges of the High and Federal Courts, whose counterparts before

independence held office at pleasure, are independent and may not be removed from office before the compulsory retiring age of 65 except on the recommendation of a tribunal consisting of at least five judges and ex-judges and have power, which they did not have before independence, of interpreting the constitution. They also have power to declare laws invalid and to pronounce on the legality or otherwise of executive acts.

Malay States: The beginning of constitution-making in Malaysia took shape in 1877 when the Sultan of Perak which came under British protection earlier established a State Council with both executive and legislative powers. The Council was, however, advisory and the Sultan retained full powers. The other three States of Selangor, Pahang and Negri Sembilan also came under British influence from 1874 onwards. In 1895 the four States of Perak, Selangor, Pahang and Negri Sem Bilan decided to form themselves into a Federated Malay States, the first federation to come into being in Peninsular Malaysia.

In 1909 the Siamese Government transferred by treaty to Great Britain the rights of protection, suzerainty, administration and control they possessed over the States of Kelantan, Kedah, Perlis and Trengganu. A British Adviser was appointed to each of these four States. The State of Johore agreed to accept a British Adviser in 1914. These five States remained outside the federation until after the Second World War.

The Federated Malay States of 1895 was a loose federation. It was not until 1909 that a Federal Council was formed with a central legislature based on parliamentary lines. The Council was a nominated assembly made up of the four Rulers, the Resident General, the four British Residents and four unofficial members with the High Commissioner presiding. The 1909 Agreement did not list federal, state and concurrent subjects as does the present constitution, but simply said that laws passed by State Councils continued to have full force in the state except in so far as they might be repugnant to the provisions of any laws passed by the Federal Council. All questions connected with the Muslim religion, political pensions, native chiefs and any other question which in the opinion of the High Commissioner affected the rights and prerogatives of any of the Rulers, or which for other reasons he considered should be properly dealt with by the State Councils, should be exclusively reserved to the State Councils.

From time to time there were changes in the size and the nature of membership of the Federal Council, but the Council remained a fully nominated body until the outbreak of the Second World War in 1941. The other Malay States never joined the federation. Each state remained on its own though, of course, there was some coordination between themselves and also between them and the federation, because expatriate personnel of the administration was interchangeable and all the states shared a common overlord namely the Governor of the Straits Settlements who was also the High Commissioner for the Malay States.

The Straits Settlements and the Borneo States: By 1824 the East India Company through various agreements possessed three settlements in Malaya namely Penang Malacca and Singapore collectively known as the Straits Settlements. The administration of the Settlements underwent many changes and finally its administration was transferred from the India Office to the Colonial Office in 1867. Labuan became a British Colony in 1846 by cession from Brunei and by 1866 became part of the Straits Settlements. In 1888 both Sarawak and North Borneo (now Sabah) became British-protected States and they remained so until the Japanese invasion in 1941.

World War II: The Japanese occupation of Malaya in 1942 caused the suspension of all constitutional development. The position in the region at the time of the invasion in December, 1941 was as follows: There were the two protected states—North Borneo and Sarawak in Borneo as well as Brunei. In Malaya there were the nine protected Malay States, and finally there was the colony of the Straits Settlements consisting of Singapore, Malacca and Penang as well as Labuan in the North of Borneo.

Malayan Union 1956: After World War II when the Japanese had surrendered, after a brief period of British Military Administration, the government of the region was drastically changed.

During the period of the British Military Administration each of the Sultans was made to sign, late in 1945, an agreement with Sir Harold MacMichael on behalf of the British Crown. Under these agreements each of the Sultans granted to the British Crown full power and jurisdiction within his state and territory. In exercise of the jurisdiction vested under these agreements the British Government imposed on Malaya the shortlived Malayan Union constitution. Under this constitution the colony of Penang and Malacca were joined to the Malay States to form the Malayan Union.

The Malayan Union constitution was never fully implemented because of Malay opposition. The reasons for the opposition can be seen from the fact that under the Malayan Union scheme there were to be no state government; in each State the senior official was to be a British colonial officer, the Resident Commissioner, there were to be Mentri Besars (Chief Ministers) or State Secretaries, there were to be no state legislatures and the Sultans were to preside over an Advisory Council with power only to make laws relating to matters of Muslims religion. The executive power in the Union would have been exercised by the Governor assisted by an Executive Council. The legislative power in the Union would have been vested in the Governor with the advice and consent of a Legislative Council. In the States, the Resident Commissioners were to be assisted by a State Council having powers of local administration as might be prescribed by law of the Union. Any law passed by the State Council would have required the assent of the Governor. No wonder therefore when the Malays saw the implication of the Union scheme there was intense opposition which ultimately led to the scrapping of the Malayan Union scheme.

Federation of Malaya 1948: Because of the unpopularity of the Union, separate new agreements were negotiated between Britain and the Rulers providing for the Government of the Malay States in accordance with a written constitution establishing a legislature (called Council of State) and a State Executive Council. By the Federation of Malaya Agreement, 1948, a new constitution was established with effect from 1st February 1948, establishing a federation consisting of the Malay States and Malacca and Penang with a strong central government. By the Federation of Malaya Order in Council, 1948, Malacca and Penang was conferred a written constitution. And so for the first time in the history of Malaya a federation of the whole territory (except Singapore) came into existence.

Under the Agreement a Federal Legislative Council with a membership of 75 was established. The Council was wholly nominated but it represented the whole country. It had amongst its members representatives of special interests including the main industries, labour and minority groups. It was the first time that a Legislative Council in Malaya had a two-thirds unofficial majority—another milestone in political progress.

The Federation of Malaya Agreement also provided for an Executive Council presided over by the High Commissioner. This

brought about the "Member System" which was the forerunner of the present Cabinet system, where members were entrusted with several portfolios under their charge. At this stage the country had a unicameral Parliament.

In 1953, the High Commissioner ceased to preside over the Legislative Council. In his place a Speaker was appointed.

The preamble to the 1948 Agreement had expressed the desire of the British Government and the Rulers that progress should be made towards eventual self-government. Accordingly, elections for 52 seats of the 75-member Federal Legislative Council were held in July, 1955 based on the principle of universal adult franchise for all federal citizens and each constituency returning one member.

After the elections further consideration was given to the next step towards self-government. A constitutional conference was held in London in early 1956 which was attended by a delegation from the Federation and the High Commissioner and his advisers. The Conference proposed the appointment of an independent commission to draft a constitution for a fully self-governing and independent Federation of Malaya. The proposal was accepted by Her Majesty the Queen and the Rulers. Accordingly, a commission headed by Lord Reid assisted by several eminent jurists from Commonwealth countries was appointed.

Independence on 31st August, 1957: The Commission duly submitted its report in February, 1957. On the basis of their recommendations the new Federal constitution, together with the constitutions of Malacca and Penang was promulgated on Merdeka Day, 31st August, 1957, and thus the Federation of Malaya became an independent sovereign country. The constitution provided for a new federation of States called the Federation of Malaya consisting of the Malay States and the settlements of Malacca and Penang as from 31st August, 1957 (Merdeka Day).

With the achievement of Independence the nation had for the first time a Yang Dipertuan Agong (Supreme Head of State) who is a constitutional monarch chosen every five years from among the Malay Rulers by the Conference of Rulers. A Prime Minister was appointed for the first time. The Federal Legislative Council, however, remained a unicameral parliament until it was dissolved in 1959 before the Federal general elections. After the general elections a bicameral parliament was established consisting of the Yang Dipertuan Agong and the two Dewans—the fully elected Dewan

Rakyat of 104 members (House of Representatives) and the Dewan Negara (Senate) of 38 members nominated or indirectly elected.

With the establishment of Malaysia on September 16, 1963 a new phase in the constitutional development began.

The Federation of Malaysia then consisted of Malaya, Singapore, Sarawak and Sabah. Singapore, however, was appeared in August, 1965. An amendment to that effect was made in the Constitution.

The Malaysian Parliament remains the same as that of the Malayan Parliament except that its membership is larger.

Dewan Negara (Senate): The Dewan Negara now comprises 58 members—32 are nominated by the Yang Dipertuan Agong from among citizens who, in his opinion "have rendered distinguished public service or have achieved distinction in the professions, commerce, industry, agriculture, cultural activities or social services or are representatives of racial minorities or are capable of representing the interests of aborigines". The remaining 26 are elected by the legislative assemblies of the 13 States of Malaysia; each state returning two Senators. Both the President and the Deputy President are elected by members of the Dewan Negara from among themselves. Membership to the Senate is limited to citizens aged 30 and above. The life of the Senate is not affected by the dissolution of Parliament. Each Senator holds office for six years.

The Constitution empowers Parliament to make law to:

(a) increase to three the number of members to be elected for each state:

(b) provide that the members to be elected for each state shall be elected by the direct vote of the electors of that state;

(c) decrease the number of appointed members or abolish appointed members.

Parliament has not so far exercised this power.

Dewan Rakyat (House of Representatives): The Dewan Rakyat is fully elective. Since September 16, 1963, when Sarawak and Sabah joined Malaysia the members of the Dewan Rakyat was increased to 144—104 elected by the people from 104 federal constituencies in West Malaysia and the remaining 40 are indirectly elected by the Legislatures of Sarawak (24 members) and Sabah (16 members). Since the Federal General Election in 1969, the 40 indirectly elected members have been replaced by directly elected members.

In 1973, the Constitution was amended to provide for 10 additional seats for the House of Representatives for West Malaysia only. These additional seats became effective at the last General Elections in August, 1974. The Speaker and the Deputy Speaker are elected by the Dewan Rakyat. But there is a special provision in the Constitution for the Speaker to be elected from outside the membership of the Dewan Rakyat. The person so elected is regarded as a member of the Dewan in addition to the 154 elected members. Membership to the Dewan Rakyat is limited to citizens above the age of 21 and who must not be members of the Senate. The life of the Lower House is five years. However, the Yang Dipertuan Agong has the discretion to dissolve Parliament before then on the advice of the Prime Minister.

Being the legislative authority of the Federation of Malaysia, Parliament makes law applicable to the Federation. The laws are effected by the enactment of bills. A bill may originate in either House of Parliament. But a "money bill' concerning revenue and expenditure of public money must first be introduced and debated in the Dewan Rakyat. The bill is further examined by the Senate. Once the bill has passed both Houses, it is presented to the Yang Dipertuan Agong for the Royal Assent. It is then termed as an "Act of Parliament". Thus it becomes law.

A bill that originates in the Senate cannot receive the Royal Assent until it has been agreed to by the House of Representatives. The Senate is empowered to delay the approval of money bills for one month once they have been passed by the Lower House and a period of one year for other bills. Its power to impose a measure of delay in exceptional cases is to enable the country to have second thoughts on matters of major importance or controversy.

For a bill to pass either House, a simple majority of votes is required. But a bill amending the Constitution must receive at least two-thirds of the total membership of both Houses.

Besides legislation and administration, Parliament also controls the finance of the Government. Raising taxes and rates and expending of all monies from Government revenue may be made under the authority of Parliament.

Serving as a forum for public criticism and opinion through debates, Parliament keeps Government policies and actions in conformity with the wishes and aspirations of the people.

July, 18, 1975.

The Office of Speaker in the Mauritius Parliament

RADHAMOHUN GUJADHUR

The nature and scope of the office of Speaker in the Mauritius Parliament must needs be examined, in our Mauritian context, from its historical background.

Before 1958, it was the Governor who presided over the meetings of the Legislative Council. In that year, the office of Speaker was created. He was not, however, an elected Member but was appointed by the Governor. The first Speaker, Sir Robert Stanley, an ex-Colonial Governor, accordingly took up his duties in 1959. The Legislative Council then consisted of the Speaker, three *ex-officio* members, *namely*, the Colonial Secretary, the Attorney-General and the Financial Secretary, 40 elected members and not more than 12 other members appointed by the Governor.

The next constitutional change occurred in 1964 when the Mauritius (Constitution) Order, 1964 came into force. Thus the first Legislative Assembly came into being, consisting of the Speaker, the Colonial Secretary *ex-officio*, 40 elected members and such nominated members not exceeding 15 in number as might be appointed by the Governor. The Speaker, appointed by the Governor, was Mr. Harilal Vaghjee (as he then was).

In January, 1967, however, Mauritius was endowed with a new constitution under the Mauritius (Constitution) Order, 1966. The Legislative Assembly was henceforth to be composed of the Speaker and 70 elected members. The Constitution specifically provided, by way of a transitional provision, that the former Speaker (Mr. Harilal R. Vaghjee) should remain in office and that he should be deemed to be a member of the Assembly for the purpose of the

Constitution: provision was, however, made that the next Speaker would be elected from amongst the members of the Legislative Assembly.

When, shortly after this, Mauritius became independent and the present Constitution became operative, with effect from the 12th March, 1968, by virtue of the Mauritius Independence Order, 1968, the same provisions were re-enacted including the transitional clause relating to the present Speaker.

Thus it is worth noting that the position of the present Speaker (now Sir Harilal R. Vaghjee), is, from a purely historical point of view, different from that of his successor, whoever he may be. The present Speaker does not owe allegiance to any party. The next Speaker will have entered parliament after being elected by the people, whether on a party list or as an independent. That does not mean, of course, that his functions will be at all different from those of the present Speaker, since he will have to be guided by the same principles. Incidentally, it is worthy of note that the Deputy Speaker is a member of Parliament, elected on a party list. But whenever he assumes the duties of the Speaker, in the absence of the latter, he has, so to speak, to put aside his allegiance to his party and constituents and put on his other hat.

The duties of, and the principles which guide, the Speaker in the exercise of these duties are, in the main, the same as those of the Speaker of the House of Commons, and of the various democratic states which have, this century, folowed the British pattern. In other words it is his sole province to see that the debates are conducted in an orderly way, that the standing orders are strictly adhered to and that decisions are duly arrived at, after the process of debate.

The Speaker must, by the nature of his office, be an expert on the procedure of the Assembly since he has to decide, *inter alia*, on important questions of order and of breaches of parliamentary privilege. Although a servant of the House, in him alone rests complete authority over the House. To earn the respect of parliamentarians, he must always act with great tact and, when feelings run high, as they are bound to do sometimes, he must somehow manage, with courtesy and humour, to restore order. He must also protect members and minorities and at the same time ensure that the majority in the House does effectively rule. It is important to observe here that the Speaker does not derive his authority from Government, his powers being quite separate.

The Speaker, of course, relies to a very large extent on the Clerk and his officers to perform his duties and shoulder his responsibilities. It may, incidentally, be remarked that, very recently, the Clerk to the Assembly and his Assistant were given the status of a permanent and deputy head of ministry respectively. This decision shows the Government's intention to maintain the independence of Parliament by giving to its officers an independent status. It ensures that the Clerks of the Hosue, being first and foremost the servants of the House need not look outside the House, or to Government, for promotion.

On the whole, the office of Speaker in Mauritius has, since its inception, fulfilled the role assigned to it under the unwritten rules, which govern the exercise of the office in Great Britain. The status and authority of the Speaker are not questioned. For Mauritius, at any rate, it is a happy state of affairs.

July 24, 1975.

A Short History of the Mauritius Legislative Assembly

GUY T. D'ESPAIGNET

1975 is the 150 anniversary of the Legislative of Mauritius. Indeed, the first Council of Government met for the first time on the 17th of August, 1825. It had legislative and executive powers. The Governor and Commander-in-Chief presided and the other Members were: the Chief Justice and Commissary of Justice, the Chief Secretary to Government, the Officer next in command to the Commander of the Forces and the Collector of Customs.

Six years later, on the 20th July, 1831, the composition of the Council was changed. The Governor and Commander-in-Chief continued to preside but he was assisted by seven Official and seven non-Official Members. The seven Official Members were the President of the Court of Appeal, the Senior Officer-in-Command of the Forces next after the Governor, the Colonial Secretary, the Collector of Customs, the Advocate General, the Procureur General and the Protector of Slaves. The seven non-Official Members were appointed by Commissions under the Public Seal by the Governor from amongst the chief landed proprietors and principal merchants of the Colony. The Official Members had precedence over the non-Official Members. Decisions were taken by a majority of votes, the President having an original as well as a casting vote.

Fifty years elapsed before a more democratic Council was established. The new Council consisted of the Governor, eight *ex-officio* Members, nine Nominated Members and ten—for the first time—elected Members. The *ex-officio* Members were as usual high ranking Government Officers. The nominated Members were appointed either by the Queen, by Instructions or Warrant under the Royal Sign Manual and Signet, or by the Governor. One-third at least of

the Nominated Members had to be persons not holding any office in the public service of the Colony.

For the purpose of the election of Members, the Island was divided into nine electoral districts, Port Louis, the capital, returning two Members and each of the other districts one Member. The franchise was limited to males of twenty-one years or over, and at the time of registration the elector had to be a British subject by birth or naturalisation, to have no legal incapacity, to be in possession of civic rights and to have resided in the Colony for at least three years. Further, he had to be either the owner of a property valued at Rs. 25 monthly, or a tenant paying a monthly rent of at least Rs. 25, or a businessman paying a yearly licence of Rs. 200 at least.

Persons convicted of perjury or sentenced to death or penal servitude or imprisonment with hard labour or for a term exceeding twelve months and persons who received any relief from public or parochial funds were disqualified.

The maximum life of the Council was five years. The Governor had the power to prorogue or dissolve the Council at any time.

On the 18th of April, 1933, the Constitution was further amended. The constituent groups forming the Council remained the same. However, the number of nominated Members not holding any office in the public service of the Colony was doubled.

On the 19th of December, 1947, the first Legislative Council was born. Government was smoothly and slowly passing into the hands of the people. The Governor still presided but now there were only three *ex-officio* Members: the Colonial Secretary, the Procureur and Advocate-General and the Financial Secretary. The remaining force of the Council was twelve Members nominated by the Governor and nineteen elected Members. The Island was divided into five electoral districts. The franchise became universal but the elector had to undergo a literacy test. He had to be a British subject of at least twenty-one years of age, to have resided in the Colony for the two preceding years, to have no legal incapacity and to be in possession of civic rights. He further had to be either a resident or an occupier of business premises in the district in which he wanted to be registered as an elector. The Executive Council consisted of the Governor, and, *ex-officio*, the Colonial Secretary, the Procureur and Advocate-General and the Financial Secretary and four elected or nominated Members of the Legislative Council. It is worth-while

to note that, under the 1933 Constitution, the number of registered electors was about 12,000. Under the 1947 Constitution the number rose to 71,723 and by the end of 1957 the number had climbed to 91,000.

The 30th of July, 1958, saw the promulgation of the Mauritius (Constitution) Order in Council, 1958. This Order gave a new Constitution to Mauritius. Forty Constituents were demarcated and proclaimed. The registration of electors for the Legislative Council was undertaken for the first time on the basis of universal adult suffrage. The number of registered electors shot up to 208,684.

On the 31st of December, 1958, the Second Legislative Council was dissolved and the Mauritius (Constitution) Order in Council, 1958 was brought into operation with the exception of Part II which related to the Executive Council. The way was then clear for a general election of the Legislative Council to take place early in 1959 on the basis provided in the Order in council. The Legislative Council now consisted of the Speaker, three *ex-officio* Members, *viz.*, the Colonial Secretary, the Attorney-General and the Financial Secretary, forty elected Members and not more than twelve Members appointed by the Governor. The Speaker was not an elected Member and was appointed by the Governor. The Executive Council consisted of the Governor, the three *ex-officio* Members of the Legislative Council and nine Members appointed by the Governor from amongst the elected and nominated Members. All Members were styled Ministers.

In June and July, 1961, a Constitutional Review Conference was held in London. The talks laid down two stages of advance. The first, including the title of Chief Minister for the Leader of the Majority party in the Legislature, provision for the Governor to consult the Chief Minister on such matters as the appointment or removal of Ministers, the allocation of portfolios and the summoning, prorogation and dissolution of the Council, was to be brought into operation as soon as the necessary arrangements could be made. It took effect on 1st January, 1962. The second stage presented a broad basis of the Constitution for adoption after the next general election and in the light of that election, if, following an affirmative vote by the Legislative Council, it was recommended to the Secretary of State by the Chief Minister. On the assumption that the second stage was implemented after the next general election, it was expected that during the period between the next two general elections, i.e., the

second stage, Mauritius should be able to move towards full internal self-Government, if it seemed generally desirable.

A general election was held in October, 1963, and on the 19th of November, 1963, the Legislative Council approved a motion of the Chief Minister that the Second Stage should be implemented as soon as the necessary arrangements could be made. This was done on the 12th of March, 1964, when the Mauritius (Constitution) Order, 1964 came into force.

The first Legislative Assembly was constituted consisting of the Speaker, the Chief Secretary *ex-officio,* forty elected Members and such nominated Members not exceeding fifteen in number as the Governor might appoint. The Chief Minister became Premier.

The Executive Council was now styled the Council of Ministers, with the following membership: the Premier; the Chief Secretary; and not less than ten and not more than thirteen Members to be appointed by the Governor from amongst the elected or nominated Members.

The Premier was the Member of the Legislative Assembly who appeared to the Governor likely to command the support of the majority of Members of the Assembly. He was removable from office by the Governor if the Legislative Assembly passed a resolution of no-confidence in him and he did not within three days of the passing of such resolution either resign his office or advise the Governor to dissolve the Legislative Assembly. The appointed Members of the Council of Ministers were either elected or nominated Members of the Legislative Assembly and were appointed by the Governor, after consultation with the Premier, by Instrument under the Public Seal.

For the first time, it was provided that the Premier would preside at the meetings of the Council in the absence of the Governor. Further, the Governor was empowered to appoint Parliamentary Secretaries from amongst the elected or nominated Members. The protection of the fundamental rights and freedoms of the individual was enshrined in the Constitution.

On the 16th of January, 1967, Mauritius was endowed with a new Constitution under the Mauritius Constitution Order, 1966. This came into force on the 12th of August, 1967. The Island was divided into twenty constituencies and the Island of Rodrigues, a Dependency of Mauritius, formed one separate constituency. Elections were held in early August and, on the 7th August, 1967, each of

the twenty constituencies returned three Members to the Assembly and Rodrigues returned two Members. Further, in order to ensure a fair and adequate representation of each community, eight additional seats were provided to be allocated on the basis of parties and communities by the Electoral Supervisory Commission to persons who had stood as candidates for election as Members at the general elections, but who had not been returned as Members to represent constituencies.

The Legislative Assembly was, therefore, composed of seventy Members, in addition to the Speaker. The Constitution specifically provided that that person should remain in office and that he should be deemed to be a Member of the Assembly for the purposes of the Constitution. The next succeeding Speaker would, in accordance with Section 32 of the Constitution, be elected from amongst the Members of the Legislative Assembly. The Chief Secretary ceased to be a Member of the Assembly, which was now a wholly elected body, with the exception of the Speaker. The Council of Ministers consisted of the Premier and fourteen other Ministers, appointed by the Governor, acting in accordance with the advice of the Premier. The Premier was the Member of the Assembly who appeared to the Governor best able to command the support of the majority of the Members of the Assembly.

The Governor assigned responsibilities to Ministers. He was, however, responsible for defence, external affairs, public order and public safety, and the Police Force. Further, the Governor was empowered to appoint Parliamentary Secretaries from amongst the Members of the Assembly to assist Ministers in the performance of their duties. These were limited to five.

The office of the Leader of the Opposition was created for the first time. He was appointed by the Governor, in his discretion, and was the Member of the Assembly who was the Leader in the Assembly of that Opposition party whose numerical strength in the Assembly was greater than the strength of any other Opposition party. If no such party existed, the Leader of the Opposition would be that Member of the Assembly whose appointment, in the judgment of the Governor, would be most acceptable to the leaders, in the Assembly, of the Opposition parties.

On the 6th of March, 1968, the Mauritius Independence Order, 1968, was published. This Order came into force on the day of its publication and provided that the Constitution would come into

effect on the 12th of March, 1968. On that day Mauritius became a sovereign democratic State within the Commonwealth of Nations. The Order provided for the continued operation of existing laws, the maintenance of existing offices, the continued division of Mauritius into twenty electoral districts, the legality of the already constituted Legislative Assembly and the continuation of proceedings commenced or pending before the Courts.

Parliament is authorised to alter any of the provisions of the Constitution by an Act of Parliament. This, however, requires the support at the final voting in the Assembly of the votes of not less than three-quarters in certain cases and two-thirds in others, of the Members of the Assembly.

The Constitution has, in fact, been amended on two occasions by Acts Nos. 39 of 1969 and 40 of 1973. The main amendments brought about by these Acts prolonged the life of Parliament which would normally have come to an end on the 21st August, 1972 to 30th July, 1976, raised the maximum number of Ministers and Parliamentary Secretaries from fourteen and five respectively to twenty and ten respectively and provided for the filling of vacancies of seats of Members by the Electoral Supervisory Commission in accordance with Schedule 1 to the Constitution.

The Constitution is supreme law. Any other law inconsistent with the Constitution will, to the extent of the inconsistency, be considered to be void.

The procedure of the Legislative Assembly is regulated by Standing Orders made by the Assembly. These are based very much on the Westminster pattern.

July 15, 1975.

The Provision of an Advisory Service for the Select Committees of Parliament

S. A. WHITEHEAD

For over a hundred years the Parliament of New Zealand has made use of select committees to examine in detail legislation and other aspects of public policy. Subsequent to the referral of a matter to a select committee submissions are heard from interested parties. Through this process legislation can be enacted with a full appreciation of its probable impact.

With the increasing involvement of the Government in the affairs of the people, a characteristic of other westernised countries, the volume and complexity of legislation, and accordingly the work of select committees, has greatly increased. There is also a rapidly growing interest in presenting submissions particularly on issues with broad implications for the community. Written submissions in some cases have numbered between one and two hundred and may be supported by oral evidence presented in person.

These developments gave rise to the question of what means were required to assist the committees in the analysis of evidence presented by witnesses and in the preparation of reports. The problem was met by the appointment to the Legislative Department of a small group of qualified officers with analytical and report writing experience gained mainly from previous government service. The objective was to obtain the services of competent people able to give undivided attention to the work of a particular committee, without being subject to an over-riding loyalty to a government department which might be represented as a party giving evidence before that committee.

Two permanent appointments, that of a senior and a junior advisory officer, have been made, the appointees having university

qualifications in economics and law. Other short term appointments have also been made for specific purposes.

The range of inquiries on which the advisory officers have been engaged is considerable, including issues of social reform, the technical analysis of new bills and the study of present law. In the first category two notable examples are the inquiry into compensation for personal injury which resulted in the Accident Compensation Act, widely recognised as an important social advance; and the investigation of discrimination against women in New Zealand which culminated in a report containing over fifty recommendations designed to achieve equal rights for women. In the latter case the report provides a major contribution in the movement towards the elimination of discrimination on the grounds of sex, and the part the advisory officer played in drawing up the report was warmly commended by members of the committee.

The analysis of new legislation by select committees has recently included the New Zealand Superannuation Bill for which a record number of submissions was received, and the Commerce Bill. In both cases the examination of evidence resulted in substantial reshaping of the legislation. On occasions existing legislation is referred to a select committee with a view to its being reformed. This year the Electoral Act was the subject of such a study by a committee set up for the purpose, an advisory officer assisting with the preparation of the report which led to the introduction of amending legislation.

In all cases the work of the advisory officers has been vital to the effectiveness of the committees' enquiries. Their function has not been to replace departmental expertise, but rather to assist the committees in overcoming the considerable task of assimilating material presented to them and preparing draft reports for their consideration. A particularly useful aspect of their work has been the summarising of submissions in a form which can be assessed readily by committee members.

In another area the advisory service has fulfilled a slightly different function. Advisory officers are attached to the Public Expenditure Committee for the purpose of preparing reports on special matters concerning the functioning of government departments which are selected as subjects for recess studies by the Committee. Submissions are not sought for these studies, and the source of evidence are primarily the departments themselves and on-the-spot investigations by the Committee.

The new advisory service has been markedly successful, receiving high commendation from the select committees who have availed themselves of the assistance thus provided.

It is anticipated that this section of the Legislative Department will be expanded to meet the demands being made upon it. It is also expected that the demands will continue to increase. A change to the Standing Orders, made in 1972, enables the House to refer a bill to a select committee after the first reading, as an alternative to setting it down for second reading on a future day. A further change was agreed to in 1974 to facilitate the introduction of bills and their reference to committees. The debate on the introduction is now limited to 2 hours, divided equally between the two parties and used at their discretion. The Minister is expected to indicate in his introductory speech if he intends to refer the bill to a committee, and the debate on the introduction can include debate on that question also. That question is then put, without amendment or further debate, after the bill is introduced.

There is an increasing readiness to open select Committee hearings to the news media. They are now admitted in almost every case. These changes in the procedure demonstrate the growing significant of the part played by select committees in the legislative processes in New Zealand. The new advisory service, in providing an impartial source of expertise for the benefit of the committees, has added a valuable function to the services provided by the Legislative Department.

August 6, 1975.

Women in New Zealand—The Right to Vote

C. P. LITTLEJOHN

Any discussion of the extension of the sufferage to women in New Zealand would be incomplete without some attention being given to the social context in which it came about. On May 3, 1841, New Zealand was declared a British Colony and, to the extent that it was applicable, the law of England became that of New Zealand.

After a few abortive attempts, representative government got underway in 1854 by reason of the provisions on a United Kingdom Constitution Act passed two years previously and in 1856, responsible government was achieved. With certain exceptions relating to "Imperial Interests" New Zealand was in charge of its own affairs.

The New Zealand population at the time was desparate. Prior to 1840 European settlement had been sporadic and it was not until the period 1840—1860 that settlers began to arrive on an organized and regular basis. Quite apart from trying to keep the Europeans under control, the Government faced serious problems with the Maoris, the indigenous inhabitants, mainly over land questions. Henry Sewell, one-time Premier, speaking of the situation in 1856 summed up as follows:

> "What are we to say to a Government with 50,000 subjects over whom it exercises and can exercise not the slightest practical control? We talk of their civilization and respect for British law and so forth. It is a delusion and sham. We profess to govern them, and are only able to do so first just so long and so far as they choose to let us."

One would not think that this was the real situation if reading were to be confined to the records of Parliament during this period. Who, then, were the settlers?

> "New Zealand was not a cross section of Britain, but....had, in the nineteenth century a small middle class, a numerous but often wandering wage earning class and, increasingly towards the end of the century, a family farming class where men and women, boys and girls worked together."[1]

Because of geographical and social-economic factors, New Zealanders tended to develop their own way of doing things rather than rely on English traditions which were palpably unsuitable. As well, the Church of England was not in the established position that it enjoyed in the mother country, and those New Zealanders who were its adherents tended to be from the "Evangelical" part of that Church. This question of religion, in context of women's rights, is relevant. Many of those who pressed for women's suffrage were bred in the fundamentalist or non-conformist strata of the Christian Church.

It was to this type of person the "Christian Socialist" that Britain owed much of its humanitarian legislation in the nineteenth century, *e.g.*, the working conditions for women and children. That addition, albeit adapted to fit different circumstances, was carried to New Zealand. Additionally, the influence of the trade union movement and the temperance groups must also be taken into account. Sutch remarks:

> "During the nineteenth century, the lot of women as workers and women as wives had been improved because of the pressure of public opinion and the leadership shown by both men and women, mainly in the trade union and women's movements."[2]

Much of the credit can be claimed by women's organizations and the "free-thinking" attitude of many of New Zealand's leaders during this period.

Viewed against the foregoing it may be surprising to find that the qualifications for the franchise were inequitable. The 1852 Constitution Act enfranchised property holders. Rural voting was neither

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[1] *Sutch, "women with a couse"* (2nd ed.)107.

[2] *Ibid* 109.

prohibited nor limited. In 1879 the franchise for males, on a residential basis was introduced and:

> "In 1889 plural voting was abolished, but new registrations under the freehold qualification were permitted until 1896..."[3]

Although what follows is an account of the "Parliamentary" history it should not be forgotton that were it not for the efforts of women's and workers' organizations and the sympathetic interest of a number of members of Parliament in both the Upper and Lower Houses, it is unlikely that women would have gained the vote when they did in 1893.

One of the first moves towards wowen's suffrage was made in 1878 but the majority of the House was opposed to the concept and the matter was dropped. However, when the Electoral Bill was introduced later in the same year, Dr. Wallis, a long-time supporter of women's suffrage, moved the deletion of "male" and succeeded in getting 26 votes with 36 against. Similar moves were made in 1879, 1880 and 1881 but met the same fate.

In 1887, a Female Franchise Bill was introduced and passed its second reading 41 to 22 but was defeated in the Committee of the Whole 21 to 19. In the period 1888—1890 further move were made but met with no success although support ebbed and flowed.

In 1891, a petition to Parliament gain 10,000 signatures and yet again, a Female Suffrage Bill was introduced with the support of a majority of the Lower House. In moving the second reading, Sir J. Hall said:

> "....The chief, the unanswered, the unanswerable argument appears to me to be that this claim is based upon the principle on which our political edifice is built up—that is, that every man in the colony who is bound by its laws, and has his liberty restricted by those laws, has a right to a voice in the making of those laws."[4]

After stating that some men did not possess the franchise for obvious reasons, *e.g.*, "criminals" and "lunatics", Sir. J. Hall continued:

> "You say, once a criminal not always a criminal; but you insist that once a women always disinfranchised...."[5]

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[3] *Robson, New Zealand, the British Commonwealth, The Development of its Laws and Constitution*, P.45

[4] (1891) 73 *Parliamentary Debates* (HR)497

[5] *Ibid*, 497.

Mr. Fish, an implicable opponent of women's suffrage moved an amendment in Committee which would have given women the right to be elected to the House of Representatives. The House took the bait, voted for amendment and thereby incurred the displeasure of the Upper House which threw out the Bill by two votes.

Further petitions were presented in 1892 and 1893. In the latter year, the Government introduced an Electoral Bill which included women's suffrage. It would not be putting it too strongly to suggest that Premier Seddon did not support the measure. The Bill passed the Lower House in the hope that it would be thrown out once more in the Legislative Council. However, concentrated lobbying by the Bill's supporters won the day and the Bill passed by 2 votes. On September 19, 1893, the Governor assented to the Bill and women, on a 1 person 1 vote basis, became entitled to vote.

As a footnote, women became entitled to be elected to the Lower House in 1919 but it was not until 1941, 9 years before its abolition, that they became eligible to be appointed to the Upper House. In August, 1933, Elizabeth McCombs became the first woman to be elected to the House of Representatives, and in 1947, Miss Mabel Howard became the first woman Minister of the Crown. The present Parliament has four women members, one of whom is both a Maori and a Minister.

August 4, 1975.

Sierra Leone Parliament : A Decade of Change

PERCY R. DAVIES

Over the past fourteen years the image of the Legislature in Sierra Leone has grown immensely and like living organisms the metamorphic rate has been fastest during the decade between independence and republicanism—the decade of change. New phases of government were embarked upon during the decade of change (1961—1971). It is this decade of change which forms the basis of this paper.

It would I hope not be considered out of place to give a brief background of the history of Sierra Leone for the benefit of those to whom the name does not ring a bell loud enough.

Sierra Leone was founded by a group of philanthropists in 1788 following Lord Mansfield's judgement abolishing the slave trade. It was founded as a settlement for freed slaves who would have created a huge social problem for Britain. Shortly after the founding of the settlement, Crown Colony status was granted and like other colonies she was administered directly from Britain but with time and acquisition of knowledge by the settlers the situation changed. The settlers were allowed to participate in the government of the Colony. During the period outside the scope of this paper, changes took place as far as participation in government was concerned, but they were neither rapid nor very significant. Britain still controlled the affairs of state.

It, however, became evident that the road to self-determination was approached steadily unlike some of the neighbouring sister colonies. Physical confrontations and fierce squabbles which characterised the political scenes of a number of countries were significantly absent in the case of Sierra Leone. Constitutional historians remarked that Sierra Leone's constitutional story is one of peaceful

evolution towards independence by democratic methods; they could not have expressed themselves more succintly.

Sierra Leoneans started to play important roles in the government at a very early period in the history of the colony, but the most significant roles started with the introduction of the Ministerial system in 1953 when for the first time six African Ministers were appointed to take charge of departments. Ministries were not yet created. A year later the Leader of the majority party in the Legislative Council was accorded the title of Chief Minister. It was from that period that the history of the Legislature gained momentum in Sierra Leone. The brakes were released and the accelerator started to perform its function. The Legislative Council was redesignated as the House of Representatives in 1956 and in the same year the number of elected and appointed members of the House increased following an extension of the franchise.

The 1957 General Elections brought about the complete disappearance of the official members from the House of Representatives. Sierra Leone was then on the road to full representative government.

The title of Chief Minister was also changed to Premier and the number of Ministers increased from six to nine. It was during this period that the wind of change started to blow over Africa—various African colonies clamoured and negotiated for independence. Ghana, then the Gold Coast, blazed the trail in Africa. Bankole Bright and Wallace Johnson, both of Sierra Leone, nevertheless, played very significant roles in Pan Africanist movements which formed the vanguard of independence movements in West Africa.

It was agreed that Sierra Leone must not be left out of the race for freedom from colonial domination. In 1960, the various political parties in the country agreed to present a united front in search of independence. Various shades of opinion were expressed as in all major issues as to whether there should be an election before independence or not. As must be expected in any democratic country there were dissenters who according to their own conviction, gave cogent reasons why elections should be held before independence. But the majority agreed to hold the elections after independence. The accepted United Front was placed under the Leadership of the Premier, Dr. M. A. S. Margai, of blessed memory. Representatives of the various political parties met in London in April/May 1960 to discuss further constitutional changes which would affect the status of the colony.

During the period of the Legislative Council in Sierra Leone there was no Speaker; the presiding officer was the Chairman. The formation of a House of Representatives created the necessity for a Speaker of the House. The first Speaker was appointed in 1958. After much deliberations (which went on smoothly as reported by participants) it was agreed that Sierra Leone should be granted independence on the 27th April, 1961 and that she would apply for membership of the British Commonwealth of Nations. As per agreement Sierra Leone became independent on the 27th of April, 1961 and a representative of Her Majesty the Queen delivered a special address to Parliament. Independence for an individual or a country does imply a change in status and added responsibility. The executive, was therefore, increased from nine to fifteen Ministers excluding the Premier. The addition was made to cope with the increased responsibility. The title of Premier was also changed to that of Prime Minister in line with his colleagues of other independent countries. These Ministers were all members of the Cabinet. The composition of the Cabinet at that time reflected the various political parties which formed the National Government. There was no official Opposition in the Legislature during the period of National Government. Politicians were prepared to sacrifice their "sovereignty" for the good of the nation—at least that was what they led themselves to believe. The *de facto* One Party System which existed continued until a couple of months before the dissolution of Parliament and the 1962 General Elections. Parties were reconstituted in time for the elections. The Sierra Leone Peoples Party (S.L.P.P.) which won a majority formed the Government and the United Progressive Peoples Party formed the official Opposition. Some successful candidates crossed the carpet in Parliament; this affected the strength of the Parties, but it was more to the advantage of the ruling Party because more candidates opted for that party than for the Opposition Party. Nevertheless, there was effective Opposition. The seating arrangement within the Chamber reflected the various political party affiliations. The government members sat on the right of Mr. Speaker facing the Opposition Members who sat on the left. The pattern has always been the same. After the elections, Ministers were increased from fifteen to twenty-three and Deputy Ministers were also appointed to assist in the running of the Ministries. Apart from Ministers, Deputy Ministers and the Leader of the Opposition, an official Government Whip was appointed. The pattern of Parliamentary practice was and is still based on the Westminster type. The Opposition in many instances effectively opposed certain measures introduced by the Government.

1967 marked a watershed not only in the political history of Sierra Leone but also in Africa when an Opposition Party defeated the ruling S.L.P.P. at the polls during the General Election. The remarkable point about the whole circumstance lies in the nature of the defeat—it was power of the ballot box and not violence which decided the issue. Most unfortunately the reversal of role was not accepted with equanimity in all quarters; the army stepped in, the constitution was suspended, martial law declared and the Governor-General placed under House arrest. A military regime under the newly formed National Reformation Council was proclaimed. During this period a number of arrests were made and some prominent politicians were detained. Parliamentary democracy was raped by soldiers who were later on tried and convicted when the situation returned to normal. It was a counter-coup which brought about the reinstatement of Parliamentary Government in 1968 under the leadership of Dr. (then Mr.) Siaka Stevens whose Party, the All Peoples Congress, had won the election. An official Leader of the Opposition was recognised by the Government. The Opposition in Parliament was merely a handful at that time but from available records they did perform their duty effectively. The number of Ministers was increased. The Official Whip was replaced by a Cabinet Minister—the Leader of the House.

The tide in the events of the political history of Sierra Leone moved so swiftly in 1971 that certain rapid changes were brought about. The Constitution was further amended to make provision for the introduction of the republican constitution and a Constitutional Review Committee was set up to test the nation's reaction to the idea of republicanism. Whilst the report was being studied by the Government, dissident soldiers made two futile attempts to assassinate the Prime Minister. Parliament took a quick decision to introduce republicanism in Sierra Leone under a Ceremonial President. The required two-thirds majority votes of members gave sanction to the introduction of the new Constitution which was signed by the Ceremonial President proclaiming Sierra Leone a Republic on the 19th of April, 1971. A couple of days after a further amendment to the Constitution made it possible for an Executive President to replace the Ceremonial President. This new development was rather significant because it meant that the Queen was no longer Head of State of Sierra Leone. The Prime Minister was appointed Executive President for five years and is eligible for re-election for another term of five years. His new appointment deprived him of his seat in Parliament and his Constituency. As President he visits

Parliament only on rare occasions such as State Opening of Parliament and State visits to Parliament of visiting Heads of State. In place of the Speech from the Throne which was usually delivered on behalf of Her Majesty the Queen, a Presidential Address is now being delivered by His Excellency the President. The Vice-President and Prime Minister who is appointed by the President takes over leadership of the Party in the Chamber.

Parliament was dissolved in 1973 and a General Election was arranged. Before the dissolution of Parliament certain amendments to the Constitution were made to prevent members crossing over from one party to another after using the Party's ticket at the election. There were seventy-eight members before the dissolution and it was agreed that the electoral boundaries be delimited so that members would represent constituencies more effectively. As a result nineteen new Constituencies were created increasing the membership to ninety-seven.

The 1973 election was one of the most momentous, if not the most momentous, in the political history of Sierra Leone. It was conducted on a basis of selection by consultation. The constituents selected their candidates and presented them to the President—this method was adopted by the All Peoples Congress with very rich dividends. With the exception of a few constituencies where elections were held, majority of the All Peoples Congress candidates were returned unopposed. The significance of this election lies in the fact that not a single Opposition candidate won the election. Parliament after the election has, therefore, become a *de facto* one-Party Parliament.

It is, nevertheless, important to point out that there has been effective opposition from the backbenchers. Some people were rather apprehensive that the end of Opposition was in sight. The Ministers have on many occasions been put under fire by their party colleagues—the backbenchers. The seating plan has now been altered in the semi-circular chamber. Ministers and Deputy Ministers and ordinary Members occupy both sides of the Chamber because at present there is no official Opposition Party within Parliament. But members are allocated seats, which, if they wish to speak, they must occupy.

This paper is concerned with the period 1961—1971 but the catalogue of changes would be incomplete without mentioning the most important—the inclusion of representatives of various sectors of the community. The Constitution was further amended to enable the President to appoint three members representing important

sectors of the Community. At present the Force Commander Brigadier J. S. Momoh and the Commissioner of Police, Mr. P. C. Kaetu-Smith, have not only been appointed Members of Parliament but they have also been appointed Ministers of State and Members of the Cabinet. The composition of Parliament has, therefore, grown from ninety-seven to ninety-nine and perhaps before the publication of this paper the hundred mark would have been reached.

It stands to reason that the increase in Members of Parliament and the different ramifications of Government has necessitated the increase in the Executive. Within a space of over twenty years when the Ministerial system was introduced the number of Ministers has now been increased from the original six to twenty-nine Cabinet Ministers, sixteen Deputy Ministers and one Deputy Speaker (of Deputy Minister rank).

The administrative machinery of Parliament is similar to that of other Parliaments in its essentials. Administration of Parliament, however, differs from the administration of other Ministries and Departments because of their various concerns. The Clerk of Parliament is the Head of the Administration, the Chief Accounting Officer of the Legislature and as a Civil Servant his appointment is public and permanent. In some other countries the situation differs, the Clerk is appointed by the members of the Legislature. In Sierra Leone, the Clerk and his assistants could be transferred to any Ministry or Department at any time but the exception is more common than the rule for obvious reasons. The Clerk and his assistants develop a certain amount of expertise over the years which could not be readily utilised in other Ministries and Departments. The Deputy Clerk, the Clerk of Committees, the Assistant Clerk and the Editor of Debates form the senior cadre of the administration of Parliament although strictly speaking the last named is more of a professional than an administrator.

The Clerk of Parliament is the custodian of the Votes and Proceedings of Parliament and all journals and other records belonging to the House.

The Hansard section is under the direct supervision of the Editor of Debates who is in turn answerable to the Clerk of Parliament. The Editor of Debates is responsible for the team of Verbatim Reporters who take down notes of proceedings in the Chamber.

Apart from meetings in the Chamber there are certain specific areas which are directly dealt with by Sessional Committees. The

Clerk of Committees serves as Secretary of all the Committees and he in turn reports to the Clerk for instructions before summoning meetings. There are seven Sessional Committees. But in spite of the existence of such Committees, whenever the need arises certain *ad hoc* Committees are formed to look into matters which fall outside the scope of the Sessional Committees.

Parliament in Sierra Leone has indeed grown over the years and one cannot tell how much growth there is in store or whether like a human being it has reached the period in its life when it can no longer grow.

July 3, 1975.

Singapore--from Dependency to Sovereignty

YEOH GHIM SENG

Prior to February 15, 1942, Singapore was governed as part of the Straits Settlements, a British Crown Colony comprising Singapore, Malacca and Penag. As a Crown Colony, the Straits Settlements were ruled by a Governor who was appointed by the Colonial Office in London and who was assisted by an Executive Council composed of senior officials. The Governor also presided over a Legislative Council consisting of thirteen official and thirteen unofficial members, all nominated by the Governor, the unofficial members selected to represent communal and commercial interests.

Singapore fell to the Japanese on February 15, 1942 and remained under Japanese occupation until September 5, 1945, when the Island was recovered from the Japanese by the forces of the Southeast Asian Command under Lord Louis Mountbatten, after the overall surrender of Japanese Government which followed the bombing of Hiroshima. The administration of Singapore was taken over by the British Military Administration which treated Singapore as a separate unit in anticipation of the future separation of the Island from peninsular Malaya, in accordance with proposals drawn up in British Colonial Office for reconstructing Malaya.

In January, 1946, the British Government made known its policy for Singapore in a White Paper which set out the policy for a Malayan Union in peninsular Malaya. Singapore was to become a separate Colony, but it was added that it was "no part of the policy of His Majesty's Government to preclude or prejudice in any way the fusion of Singapore and the Malayan Union in a wider union at a later date should it be considered that such a course were desireable."[1]

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[1]*Malayan Union and Singapore*, 1946.

Civil government was resorted in Singapore on April 1, 1946. On that date the Straits Settlements ceased to exist by the Straits Settlements (Repeal) Act, 1946, and all constitutional powers in Singapore lay with the Governor. However, the Singapore Colony Order in Council, 1946, which established Singapore as a separate Colony, provided for a provisional Advisory Council pending the establishment of an Executive and a Legislative Council with a membership which would "ensure full and effective representation of the various sections of the community". At the first meeting of the Advisory Council held on April 11, 1946, the Council set up a committee to recommend the form of the Legislative Council. The committee submitted its report on August 8, 1946, recommending that three of the nine elected members of the Legislative Council should be elected severally by the three Chambers of Commerce and the remaining six by popular election from two two-member constituencies in the municipal area and two one-member constituencies in the rural area. The committee decided against communal electorates, because "the whole aim of the new constitutional proposals is to build a sense of common political responsibility among the citizens of Singapore".

Eventually, the Legislative Council consisted of the Governor as President, four *ex-officio* members (the Colonial Secretary, the Financial Secretary, the Attorney-General and the President of the Municipal Commissioners), five nominated officials, nine elected members and four nominated unofficial members. Citizens of the United Kingdom and the Colonies over 21 years of age and of one year's residence in Singapore were eligible to vote, and registration for voting was voluntary.

Singapore held its first election on March 20, 1948, to fill the six territorial seats in the Legislative Council, and 13,458 of the 22,395 registered electors went to the polls. The Legislative Council, the first with an elected element in Singapore, was inaugurated on April 1, 1948. At the request of the Council, the number of the popularly elected members was increased from six to nine by the Order in Council of December 21, 1950 for the next election to be held in 1951. The residential requirement for electors was increased from one year to three years in November, 1948. Registration for voting continued to be voluntary and the number of registered electors reached 48,155 by the next election.

The second election took place in March 1951, and 22 candidates contested the nine seats. 25,056 voters or about 52 per cent of the electorate cast their votes. Six seats went to the Progressive Party,

two seats to the Labour Party and the remaining seat to an Independent.

Even with the increase in the number of elected members, the *ex-officio* and nominated members of the Legislative Council were still in the majority. However, if there were to be a further increase in the number of elected members in the Council, the official government could not be sure of the essential legislation and finance of government. It became necessary, therefore, to introduce responsible cabinet government if progress towards self-government were to continue. In 1953, a Commission under the chairmanship of Sir George Rendel was set up to make recommendations for a new constitution. The Commission set out to work out a "complete political and constitutional structure designed to enable Singapore to develop as a self-contained and autonomous unit in any larger organisation with which it may ultimately become associated" and submitted its report to the Secretary of State for the Colonies in February, 1954. The outcome of the Commission's report was the Singapore Colony Order in Council, 1955 which provided for a Legislative Assembly with an elected majority and a ministerial system of government.

Under the new Constitution, commonly known as the Rendel Constitution, the Legislative Council consisted of a Speaker, three *ex-officio* members (the Chief Secretary, the Financial Secretary and the Attorney-General), twenty-five elected members and four nominated unofficial members. Appointed by the Governor, the Speaker had neither an original nor a casting vote. Each of the 25 constituencies into which the Island was divided would return one of the 25 elected members. The basic electoral qualification continued to be citizenship of the United Kingdom and the Colonies. However, as only about 25 per cent of the persons eligible to vote had taken the initiative to register, qualified electors were automatically registered from the data included in the counterfoils for identity cards. This brought the total electorate from 75,000 to 300,292 and increased the women's vote from eight to 50 per cent. The old Supreme Court Building, which dates back to 1827 and which is Singapore's oldest state building, was reconstructed as the Assembly House (now Parliament House) and was formally opened on July 7, 1954.

Responsible to the Legislative Assembly was the Council of Ministers consisting of the Governor as President, the three *ex-officio* members of the Legislative Council and six unofficial members of the Council one of whom was to be appointed as Chief Minister by the Governor.

The general election under the Rendel Constitution was held on April 2, 1955. 79 candidates, including two women, contested the 25 seats. Of the 79 candidates, 69 belonged to six political parties, while 10 were Independents. 53 per cent of the electorate went to the polls. No single party obtained absolute majority. The Labour Front won ten seats, the Progressive Party four seats, the United Malays Nationalist Organisation-Malayan Chinese Association—Singapore Malay Union Alliance three seats, the People's Action Party three seats, the Democratic Party two seats and Independents three seats. The Labour Front led by Mr. David Marshall, as the largest single party in the Legislative Assembly, was asked to form a government. It did so in coalition with the three UMNO-MCA-SMU Alliance members and with the addition of two Labour Front members nominated by the Governor. With the three *ex-officio* members constitutionally required to support the Government, the Government had 18 votes in the Assembly of 32 members. Singapore's first ministers, with Mr. David Marshall as Chief Minister, were sworn in on April 7, 1955. Sir George Oehlers was appointed as the first Speaker of the Legislative Assembly, which was inauguratd on April 22, 1955.

In August 1955 the Legislative Assembly voted for an immediate advance to self-government, and when the Secretary of State for the Colonies visited Singapore in September 1955, in the course of a tour of South-East Asia, he agreed that an All-Party Mission should go, ahead of the anticipated time-table, to London in April 1956 after one year's experience of the working of the Constitution to consider amendments to allow further substantial progress towards self-government. On April 5, 1956, the Legislative Assembly defined the brief of the All-Party Mission to London as "to seek forthwith for Singapore the status of an Independent Territory within the Commonwealth and to offer an agreement between the United Kingdom Government and the Singapore Government whereby the United Kingdom would exercise control over external defence and give guidance in foreign affairs other than trade and commerce...." The All-Party Mission, which consisted of 13 Members of the Assembly, representative of all parties of the Assembly, took part in discussions in London from April 23 to May 15, 1956. There was a large area of agreement, but full agreement was not reached. The point on which the negotiation broke down was the power of the United Kingdom Government to intervene unilaterally by Order in Council where it would be unable otherwise to carry out its responsibilities for external defence and external affairs.

On his return to Singapore from the talks, Mr. David Marshall resigned his office as Chief Minister on June 6, 1956 and was succeeded by Mr. Lim Yew Hock on June 8. Preparations began in February 1957 for a renewed approach to the Colonial Office, and on March 5, 1957, the Legislative Assembly resolved that the All-Party Mission "secure from Her Majesty's Government for the people of Singapore the status of a self-governing state with all the powers, rights and privileges thereto appurtenant in all internal affairs and the control of trade, commerce and cultural relations in external affairs". The general election which was to be held in 1957 was postponed to allow the introduction of Singapore Citizenship and the widening of the electoral register. After the talks, which lasted from March 11 to April 11, 1957, agreement was reached with the Colonial Office, with the proposal of an Internal Security Council with three representatives each appointed by the Singapore Government and the United Kingdom Government and one, the deciding one, appointed by the Government of the Federation of Malaya, resolving the disagreement over internal security. One discordant note remained in the unilateral insistence of the Secretary of State for the Colonies that those who had been detained under the Preservation of Public Security Ordinance should not be eligible for membership of the first Legislative Assembly under the new Constitution, a provision "noted with regret" by the Singapore delegation.

The Citizenship Bill, which was passed on October 16, 1957, established the new Singapore citizenship not only for those born in Singapore but also for the citizens of the United Kingdom and the colonies of 2 years' residence and others of 8 years' residence. Registration of citizens was carried out from November 1, 1957 to January 31, 1958, during which period 325,000 new citizens were created bringing for the first time the majority of the resident adults on to the register of citizens and later of electors. A new Public Service Commission with executive powers was set up in January 1957 and it appointed Malayans to replace the expatriates as Permanent Secretaries to all Ministries. In April, 1958 the All-Party Mission with the same membership as in 1957 went to London and signed the final agreement on May 28, 1958. The general pattern of the Constitution, including the Internal Security Council, was finally adopted, the Federation of Malaya Government having confirmed their readiness to participate. It was spelt out in the Preamble to the Constitution that "it shall be the responsibility of the Government of Singapore constantly to care for the interests of racial and religious minorities in Singapore, and in particular that it shall be the deliberate and

conscious policy of the Government of Singapore at all times to recognise the special position of the Malays... (and) to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language".

Under the new Constitution, Singapore would bear the title "The State of Singapore" and was to have internal self-government under a Yang di-Pertuan Negara or Head of State. Defence and external affairs would still be the responsibility of the United Kingdom Government and internal security was to be under an Internal Security Council.

The Yang di-Pertuan Negara was to be appointed by the Queen from among persons born in Malaya which included Singapore and the Federation of Malaya initially for four years at the Queen's pleasure. During the transitional period, however, the person holding office of the United Kingdom Commissioner in Singapore would hold office as Yang di-Pertuan Negara for a period of six months from the appointed day of the Order in Council.

The Yang di-Pertuan Negara, acting in his discretion, was to appoint as Prime Minister a Member of the Assembly who had the command of the confidence of the majority of the Members of the Assembly. The Prime Minister, with the Ministers chosen by him, was to form a Cabinet, collectively responsible to the Assembly.

Provision was made in the Constitution for a fully-elected Legislative Assembly of 51 members elected from 51 single-member constituencies. The Speaker was to be elected by the Assembly from among its own members who were neither Ministers nor Parliamentary Secretaries or from among persons who were not Members but who were qualified to be elected as members. A Speaker elected from among persons who were not members had no vote. Under transitional provisions, the person who held office of Speaker in the previous Legislative Assembly would hold the office of Speaker for the period of one year from the coming into operation of the new Constitution.

Four languages, namely, Malay, Mandarin, Tamil and English could be used in debates in the new Assembly. Previously the official language was English.

With the passing of the Citizenship Bill and the new powers of citizenship under the new Constitution the ground was set for a major experiment of the fusion of races and cultures. The boundaries of

the 51 constituencies were drawn up and gazetted; the new electoral registers were prepared, and the elections law was strengthened. Voting was for the first time made compulsory on March 18, 1959.

The sitting Legislative Assembly was dissolved on March 31, 1959. Nomination Day for the General Election under the new Constitution was April 25, 1959, and 194 candidates were nominated for the 51 constituencies, 160 from 10 different parties and 34 Independents.

Campaigning for the election was vigorous but orderly, and went off without serious incidents. In many ways it was a model campaign. There were no incidents involving police action and the tighter legislation to prevent secret society or other intimidation worked out well.

Election Day was May, 1959, and 90 per cent of the electorate went to the polls. The People's Action Party, which fielded 51 candidates, won 43 seats; the Singapore People's Alliance won four of the 39 seats it contested and the United Malays Nationalist Organisation-Malayan Chinese Association Alliance won 3 of the 13 seats it contested. The remaining seat went to an Independent.

During their campaign the PAP had declared that they would not take office until eight of their former colleagues, detained under the Preservation of Public Security Ordinance, had been released. When Mr. Lee Kuan Yew, Secretary-General of the PAP, as leader of the majority party, was asked by the Governor, Sir William Goode, on June 1, 1959 to form a Government, the request for the release of the detainees was formally made. On June 2, 1959, the Governor announced that "in the changed political situation" and "in order to achieve a swift and smooth introduction of the new Constitution" the detainees would be released on June 4, 1959, and Mr. Lee then agreed to form a government.

The new Constitution was brought into force on June 3, 1959, and Sir William Goode took his oath of office as Yang di-Pertuan Negara or Head of State of the new State of Singapore. Ministers of the new Cabinet, with Mr. Lee Kuan Yew as Prime Minister, were sworn in on June 4, 1959. The Legislative Assembly met for the first time on July 1, 1959, with Sir George Oehlers as the first Speaker. On December 3, 1959, Encik Yusuf bin Ishak was installed as the first Malayan-born Yang di-Pertuan Negara.

While the constitutional developments were being considered, there was constantly in mind also the importance of leaving the way

open to full association with the Federation of Malaya. This was publicly expressed in the congratulatory message from the Legislative Assembly on August 21, 1957 to the Government of the Federation of Malaya on the nation's achievement of Independence. It spoke of the "prime interests of both peoples to merge into a single political unit within which, as one people with one outlook and purpose, all may share the joy and fruits of that happy state of Merdeka" and concluded "we of Singapore look forward to that day when our strength will be added to your strength and our separation will be ended; and we can proudly go forward together to make our joint contribution in human welfare, economic prosperity and political strength to the great and distinctive service of Asia to the modern world".

Close and constant relations were maintained with the Federation of Malaya and every initiative was taken by the government of the new State of Singapore to promote co-operation in matters of joint interest for the two territories in policy, legislation and administration. The prospects for merger with the Federation were remote, but its ultimate inevitability and necessity formed the basis of government's policy and action.

The political uncertainty created by two by-elections in 1961 and the opportunities they gave for the assertion of pro-Communist policies in Singapore constituted a threat to the Federation of Malaya. So much so that at a luncheon speech to the Foreign Correspondents Association of South-East Asia on May 27, 1961, Tunku Abdul Rahman, the Prime Minister of the Federation of Malaya made the proposal for the building of a new state of Malaysia out of the Federation of Malaya, Singapore, Sarawak, North Borneo (or Sabah) and Brunei, a suggestion which was welcomed by the Singapore Government, but not without opposition from a group within the ruling Party. In a crucial debate on a vote of confidence in the Legislative Assembly on July 20, 1961, the government held its position by 27 votes to 8 with 13 PAP members (including 5 Parliamentary Secretaries) abstaining, while still sitting on the Government benches. The following day three dissident Political Secretaries and a Parliamentary Secretary were dismissed from the PAP, five other Parlimentary Secretaries were relieved of their offices and 14 PAP Branch officials were suspended. An invitation was soon after issued to Mr. Lee Kuan Yew, the Prime Minister of Singapore, by the Prime Minister of the Federation to begin discussions on the relationship of the two territories.

At a Conference of the South-East Asian Branches of the Commonwealth Parliamentary Association held in July, 1961 after the Assembly meeting the merger proposals were prominent on the agenda. The Conference communique agreed on the "necessity and inevitability" of a "United States of Malaysia". It was not its desirability but its final shapes and form that required further discussion. A Malaysian Solidarity Committee was set up to "ensure that the impetus given to Malaysia is not slowed down". By the end of 1961, the White Paper proposals for Malaysia had been agreed on. The pattern of merger negotiated between the two governments was that Singapore would be " a State within the Federation but on special conditions and with a larger measure of local autonomy than the other States forming the Federation. Defence, External Affairs and Security will be the responsibility of the Federation Government; Education and Labour that of the Singapore Government". The present machinery of Government would retain the State affairs. Singapore's entrepot interests would be protected and the Civil Service would remain a State Civil Service. With regard to the controversial citizenship issue, "All Singapore citizens will keep their citizenship and automatically become nationals of the larger Federation. Nationals of the larger Federation, whether Singapore citizens or Federation citizens, fill as nationals have equal rights, carry the same passport, enjoy the same protection and be subject to the equal duties and responsibilities under the Constitution of the larger Federation. Singapore citizens will continue to enjoy their State rights and privileges within Singapore. Singapore citizens will vote in Singapore for their representatives to the new Federation Parliament". Singapore would have 15 representatives in the new House of Representatives and two in the new Senate.

The National Referendum Bill to provide powers for the holding of a referendum on any issues connected with merger was introduced in the Legislative Assembly on November 27, 1961. On March 16, 1962, after 3 days debate, it was given a Second Reading and referred to a Select Committee. Lengthy debates in the Legislative Assembly on the Bill took place before the Bill was finally passed in July, 1962. In short, the Bill invited the people of Singapore to make democratic choice of one of the three alternatives:—

(a) the constitutional arrangements set out in Command Paper 33 of 1961 giving Singapore autonomy in education and labour; or

(b) a complete and unconditional merger as a state on an equal basis with the other 11 states in accordance with the constitutional documents of the Federation of Malaysia; or

(c) to enter Malaysia on terms no less favourable than the terms for the Borneo territories.

Apart from the diversion caused by the appeal of the Council of Joint Action for UN supervision of the referendum, only the referendum itself remained as a constitutional means of frustrating the coming of Malaysia. The referendum campaign with all the verve and vitality of a general election campaign was the climax to 15 months of sustained and incisive debate since the idea of merger was first mooted in May, 1961. By the referendum the people of Singapore decisively, peacefully and autonomously voted against continued constitutional isolation and endorsed the proposals for merger. Of the 624,000 electors, 561,599 or 90 per cent voted under the system of compulsory voting. Of those voting 397,626 or 71 per cent voted for Alternative (a) the Government's proposals which allowed Malaysian citizenship to all Singapore citizens and reserved autonomy to Singapore on matters of education and labour. No public opinion could have been clearer or more decisive. Alternative (a) received not only a majority but also a clear majority exceeding the two-thirds which is the constitutional minimum required. On July 9, 1963, the leaders of all the proposed states of the Federation of Malaysia, except Brunei, signed the Malaysia Agreement in London to establish the new nation. The Singapore Legislative Assembly approved the Malaysia Agreement on August 2, 1963 and this was followed by the approvals of the Legislatures of Sabah, Malaya and Sarawak in the same month. After its passage through the Federation Parliament, the Malaysia Bill received the Royal Assent on August 26, 1963 and on August 29, a Royal Proclamation fixed September 16, 1963, as Malaysia Day in order to allow the UN representatives to complete the referendum in the Borneo states. In Singapore, Prime Minister Lee Kuan Yew, declared *de-facto* independence for Singapore on August 31, 1963.

Constitutional provisions in respect of Singapore were contained in the Constitution of Malaysia (the Federal Constitution) and in the Constitution of the State of Singapore set out in Schedule 3 to the Sabah, Sarawak and Singapore (State Constitutions) Order in Council, 1963. Under the Federal Constitution, Singapore was to be a state within the Federation with defence, external affairs and

security in the hands of the Federal Government and education and labour in the hands of the Singapore Government. In the State Constitution Singapore was to retain her own executive government and the Legislative Assembly of 51 elected members. The Yang di-Pertuan Negara (Head of State) was to be appointed by the Yang di-Pertuan Agung (Supreme Head of the Federation) acting in his discretion but after consultation with the Prime Minister of Singapore.

General elections were held in Singapore on September 21, 1963, 5 days after the formation of Malaysia. The PAP gained 37 seats, the Barisan Socialist 13 seats and the remaining seat went to the United People's Party. At its first meeting held on October 22, 1963, the Legislative Assembly elected Mr. E. W. Barker, an elected Member as its Speaker. Singapore's 15 Members to the Federal House of Representatives and two Senators to the Federal Senate were also elected at that meeting. Subsequently, Mr. E. W. Barker resigned his office as Speaker on October 31, 1964 to be a Cabinet Minister and on November 2, 1964 the Assembly elected Mr. A. P. Rajah, who was not an elected Member of the Assembly, to the Speaker.

Singapore was part of Malaysia for less than two years. Relations between Malaysia and Singapore were disrupted by political differences and deteriorated. Attempts at reconciliation were fruitless and on August 6, 1965, Singapore Ministers, including the Prime Minister who had come to the Federal Capital, were told of the Central Government's decision to separate Singapore from Malaysia. Only when the Singapore Ministers were convinced that the Central Government would not change its mind, did they accept the unilateral decision of the Central Government.

On August 9, 1965, it was announced simultaneously in Singapore and Kuala Lumpur that Singapore was now a sovereign, democratic and independent nation. Singapore was accepted as a Member of the United Nations on September 21, 1965, and admitted as the Twenty-second Member of the Commonwealth on October 16, 1965.

Constitutional changes made necessary by Singapore's independent status were discussed by the first Parliament, which met on December 8, 1965, and on December 22, 1965, by a two-thirds majority, Parliament passed the Constitution (Amendment) Bill and the Republic of Singapore Independence Bill. The Constitution remained basically the same. Provision was made in the Constitution

(Amendment) Act, 1965, for the change of the titles of Yang di-Pertuan Negara to President, the Legislative Assembly to Parliament and the State of Singapore to the Republic of Singapore, and for the election of the President by Parliament. The Republic of Singapore Independence Act, 1965, enabled the Singapore Government and Legislature to take over the executive and legislative powers respectively in Singapore. The Act also provided for the continuance in force of certain provisions of the Constitution of Malaysia and for the exercise of powers under those provisions. Malay, Chinese, Tamil and English continued to be official languages in Singapore with Malay as the national language.

For Singapore, 1965 was a year of dramatic and unexpected change. In that year the nation embarked on yet another phase of its eventful history with a calm conviction, as that expressed by Prime Minister Lee Khan Yew, that "....with independence comes independence of action and opportunities which create conditions for the eventual success of what we want; survival in South-East Asia as a separate, distinct people".

July 20, 1975.

The House of Lords and the EEC

ELWYN-JONES

Introduction: In Westminster terms one of the most important constitutional and parliamentary events of the twentieth century has been the accession of the United Kingdom to the European Economic Communities (E.E.C.). Until recently, it has been discussed largely in terms of the claimed loss of national sovereignty on the part of the United Kingdom, and the effect which an increased commitment to Europe might have on the United Kingdom's relationship with the Commonwealth. The object of this article is to describe how these problems have been dealt with by the House of Lords, as one of the constituent parts of the British Parliament, and the steps which have been taken to preserve the Commonwealth's traditional links with the United Kingdom.

The Problem: Defining the relationship between legislature and executive is a problem familiar to parliamentarians. Membership of the EEC adds a further dimension to that problem by obliging national Parliaments in Member States of the Communities to define their relationship to a supranational structure. Attempts by the British Parliament to examine and resolve this problem characterise the history of our Parliament in terms of procedure during the two and a-half years of British membership of the EEC.

The fundamental law of the EEC (the Treaties) defines the role of national governments but not of national Parliaments in Community affairs. The distinctive features of law-making in the European Communities as contemplated by the Treaties are that the initiating and drafting functions belong to the Commission, that the role of the European Parliament is to be consulted before enactment, and that enactment, with or without amendment, is the function of the Council of Ministers. National Parliaments, which traditionally have been the place where laws are made and which

have an active role in national law-making, are thus allocated no part in the Community legislative process. There is, however, nothing in the Treaties to prevent national Parliaments from taking steps to restore the balance and to establish for themselves a role in Community law-making. Certain Community Parliaments have made no such effort. But both the House of Commons and the House of Lords have attempted to enter the Community legislative process. And they have done this through seeking to control and influence the way in which the British Government through its representatives on the Council of Ministers partakes in Community law-making. It is upon the Council of Ministers—through UK representatives there—that Parliament aims to make its influence felt in order that its views on proposed Community law should be taken into account.

This follows naturally from one principle of British constitutional theory that Ministers, collectively and individually, are accountable to Parliament for their official actions and that Parliament has the power to dismiss a Minister in whom it no longer has confidence. In this way Parliament brings its influence to bear on European legislation and the stage at which that influence is exercised is after draft proposals for Community law have been submitted by the Commission to the Council of Ministers for their approval.

The Machinery—Maybray-King Committee: The House of Lords might have been content to rely on traditional methods of influencing the Government in order to carry out its participation in Community affairs. Indeed, such methods have been used. For example during the first year of British membership of the EEC, 7 per cent of all Questions asked in the House related to European affairs. During the 1974 Session they amounted to 10 per cent of the total, although the figure for the current session has fallen back to 7 per cent. Motions and debates have also been used to draw the House's attention on European questions. During the 1974 session, there were four such debates. During the present session there have been ten. In addition, the House has been kept informed of proceedings in the Council by Ministerial statements and by explanations from Ministers where subordinate legislation resulting from EEC membership comes before the House for affirmative resolution.

In addition to these established methods, a scrutiny committee on the European Communities has been operating since May 1974.

This Committee was the principal recommendation of the Maybray-King Committee which had been set up under a former Speaker of the House of Commons to review the problems posed for Parliament by British accession to EEC. A Commons Committee under Sir John Foster was set up about the same time with a similar purpose. Although the formal task of the Maybray-King Committee was simply to consider procedures for scrutiny of proposals for European Community law, the Committee necessarily addressed itself to certain broader questions: Should the UK Parliament attempt to establish a relationship with the Commission so as to be informed of, and to attempt to influence the shape of, proposals for Community law at the avant project stage (i.e. during preparation in the Commission and before publication)? Was there anything to be learnt by it from the experience and procedures of the Parliaments of the six original Member Countries? Could or should it exercise influence or control on its own Government before decisions (many legislative in character) were taken in the Council of Ministers, bearing in mind the secret and negotiatory nature of Council decision-taking and the prospect at some future date of majority decisions there?

The second major Report from the Maybray-King Committee was published in July 1973. It provided first of all a detailed description of how the European Community institutions work. It traced the various stages in the evolution of a Community proposal. It described the various informal procedures which lie outside the legal structure imposed by the Treaties and indicated possible ways in which Community institutions might evolve. It also noticed the proposals for strengthening the powers of the European Parliament. It reviewed the various procedures for Parliamentary scrutiny carried out in the national Parliaments of other Member States, concentrating on those of the Federal Republic of Germany, the Netherlands and Denmark, whose Parliaments the Committee had visited to take evidence at first hand. This comprehensive Report represented an attempt by the House of Lords to increase the degree of "European" awareness in the United Kingdom and to remove doubts and misunderstandings about the nature of the EEC.

When the Committee turned from description to prescription, it provided the basis on which the subsequent procedures for scrutiny developed in the Lords have been established. The Report recommended the creation of a Select Committee, large enough to include several Sub-Committees with the power to co-opt members.

A Law Sub-Committee should be set up to report on the legal effects of the proposed Community law on the existing U.K. law. Other Sub-Committees would report on the substance of Commission proposals and through Reports to the House and debates on the Reports, the views of the House would be made clear to the Government. A few of the many recommendations of the Maybray-King Committee were rejected by the Government as impracticable, *e.g.* that the House of Lords should have at Brussels its own Observer similar to the German Observer from the Lander Governments.

The Report had also pointed out how Community law-making was largely carried out in secret in the Council and recommended that the Government should explain its practice concerning the disclosures of information to Parliament about Council proceedings. To this the Government explained that necessary elements in the Community legislative process were of a negotiating or Treaty-making nature and therefore might be carried out by the executive in private as is customary in the case of other Treaties.

Nevertheless, the majority and all the essential recommendations of Maybray-King were accepted. The Scrutiny Committee was appointed on 7th May, 1974 under the Chairmanship of Lord Diamond, a former Labour Cabinet Minister who was later succeeded as Chairman by Lady Tweedsmuir of Belhelvie, a former Conservative Foreign Office Minister.

The Machinery—The European Communities Committee: It is therefore, principally through the European Communities Committee that the House of Lords participates in Community affairs. The Commitee's terms of reference are "to consider Community proposals, whether in draft or otherwise, to obtain all necessary information about them, and to make reports on those which, in the opinion of the Committee, raise important questions of policy or principle, and on other questions to which the Committee consider that the special attention of the House should be drawn".

It may be appropriate here to describe briefly how the Committee works.

(a) *Sifting.*—The Chairman 'sifts' or classifies E.E.C. proposals by distinguishing between those which are of minor importance and, therefore, do not require the attentions of the House (A proposals) and those proposals to which the attention of the House

might need to be drawn (B proposals). The Maybray-King Report, in recommending sifting as a method of word, estimated that 'B' type proposals might amount to 5 per cent of the total. During the first three months the results of sifting disclosed a much higher figure of about 30 per cent and during the past year the proportion of 'A' proposals to 'B' proposals has been 2 to 1 (66.1 per cent to 39.9 per cent). However, Sub-Committees in practice act as a second sieve, and reclassify as A a further half of those proposals remitted to them. In effect, considered Reports are made on about 12 per cent of all E.E.C. proposals.

(b) *Sub-Committee.* Sub-Committees were established to examine in detail 'B' type proposals and when necessary take evidence on them from the Government and interested bodies. Five Sub-Committees were initially created but the number is now six, as follows:

Sub-Committee A—Finance, Economics and Regional Policy
Sub-Committee B—Trade and External Treaties
Sub-Committee C—Health, Employment, Education and Social Affairs
Sub-Committee D—Agriculture and Consumer Affairs
Sub-Committee E—Law
Sub-Committee F—Energy, Environment, Transport and Research.

The main Committee generally meets once a fortnight. Sub Committees meet, on average, weekly. Sub-Committees may, with the approval of the main Committee, co-opt any Lord as a member of the Sub-Committee. At present some 43 Lords are co-opted to Sub-Committees. This means that some 61 members of the House are actively involved in work on European questions.

Sub-Committees are assisted by part-time specialist advisers who help in some of the studies of major E.E.C. proposals. The appointment of such specialists on an *ad hoc* basis enables Sub-Committees to have access to expert technical advice in addition to that provided by Government Departments and by outside bodies.

Sub-Committees advise the main Committee on what action (if any) should be recommended and reported to the House on proposals for Community law. Commission proposals may be drawn to the attention of the House for debate or for information only. It is through the Reports of the Committee that the House is primarily

made aware of the developments in Community law-making. In this way the House is able to express its views on draft Community instruments and to make them known to the Government which, in the Council of Ministers, has the last word on proposed Community law.

The European Parliament: Under Article 138(2) of the EEC Treaty the UK is entitled to send 36 delegates to the Community Parliament. At present this delegation is composed of 11 Lords and 25 Members of Parliament nominated after consultation through the "usual channels" and appointed for an indefinite period by a Motion in either House. In the European Parliament national delegates, however, do not operate only as national representatives but operate in supra-national political groups. The role of the European Parliament under the Treaty is consultative and supervisory and essentially it performs a task similar to that of the Scrutiny Committees, *i.e.*, to examine and report on Community proposals. It enjoys a special relationship with the Commission and its Specialist Committees are taken into the confidence of the Commission at the *avant project* stage of European legislation. For these reasons Lords members of the European Parliament are in a position to contribute usefully to the work of the Select Committee. From the beginning all Lords members of the European Parliament have been invited to attend the European Communities Committee as often as they are able, so as to benefit from the "dual Mandate" (*i.e.* combined membership of the Westminster and European Parliament). In practice Lords members of the European Parliament can only attend Committee meetings infrequently since increasingly much of their time is spent abroad. But there has been an exchange of papers including Committee Reports, prepared in both Parliaments. The chairman and members of the Committee have been to the European Parliament and informal links have been established with its Specialist Committees and at an official level.

Community Membership and U.K. Law: consequential legislation of domestic law resulting from E.E.C. Proposals: It has often been claimed that the implementation of the EEC secondary legislation would result in widespread alteration of U.K. domestic law, without direct reference to the National Parliament. In order to test that assertion, the Law Sub-Committee of the European Communities Committee in March 1975 carried out a sample survey based on the scrutiny of 240 EEC proposals, to examine how far consequential legislation would be necessary in the United Kingdom to implement the EEC proposals in question. Of these, 95 were draft Regulations of which none were capable of conflicting

with a United Kingdom Act of Parliament, and none called for the repeal of any part of such Acts. Some eighteen of the 95 draft Regulations called for subordinate United Kingdom legislation are as shown in the following table:—

Subject	*Total Number*	*Number requiring Subordinate Legislation*
1	2	3
Agriculture	41	7
Customs & External Trade	39	10
Transport	8	1
Statistics	1	..
Competition	1	..
Energy	1	..
Time Limits for Community Penalty proceedings	1	..
Community Staff	3	..
	95	18

Of the same sample, there were fifty Directives of which 32 would require United Kingdom legislation. In three, or possibly, four cases it was thought that such legislation should be by Act of Parliament; in the others subordinate legislation would be sufficient, as shown in the following table:—

Subject	*Total*	*Legislation Act*	*Needed Subordinate*
Harmonisation	15	..	13
Agriculture & Food	13	..	11
Freedom of Establishment	10	..	..
Customs	4	1	1
Excise	1	1	..
Free movement of capital	2	1	..
Pollution	2	..	2
Transport	1	..	..
Statistics	1	..	1
Company Law	1	1	..
	50	4	28

As I said in a debate in the House on 15th April, 1975, this sample study "provided evidence of a most valuable kind to dispel fears, which I confess many of us felt and which are still being expressed in certain quarters, about Community legislation inundating the country in a flood or overwhelming the law to which we are accustomed. In the statistics there is evidence of a practical kind...which indicates that the total impact on our Statute Book has been very small".[1] This provides a useful example of the work of the Committee carried out on its own initiative to which I think that those of us who govern, as well as outside, are grateful.

Government and Parliament: It will be noted from this account of the Scrutiny Committee that in establishing for itself a role in Community law-making, the House of Lords has at the same time redefined its relationship with the executive at home. For, the House has necessarily looked at the Government for assistance in its work of scrutiny. It need not be supposed that Government and Parliament are always, or even usually, at loggerheads. Indeed, in relation to the EEC, a very large measure of consensus has prevailed between legislative and executive on what objectives the Government should espouse in Community politics. On many important issues (Energy policy, the Stocktaking of the CAP and language tests for doctors, for example), a national concept of British interest has emerged. Minor issues (such as safety glass in windscreens of motor cars or evisceration of poultry) have often proved more contentious. Finally, it should be added that the civil service seem aware of the value of a Scrutiny Committee report as a technical weapon in the negotiation of Community legislation.

Moreover, the real effectiveness of the Scrutiny Committees in both Houses of Parliament is based on the undertaking of the Government not to agree in the Council of Ministers on any proposal on which the Committees have recommended a debate by their respective Houses until this debate has taken place. Great efforts are made to ensure that the Committees are able to report on proposals within the necessary time-scale. The views of the Committees are, therefore, as a general rule, available to the Government before final binding decisions are made by the Council.

In addition, Government departments provide explanatory memoranda on Commission proposals for Community law within two weeks of receipt of the proposals by Parliament. Ministers and civil servants also attend Sub-Committees to give evidence. A

[1] *Official Report, 15 April, 1975, Col.* 335-6.

real working partnership between Government and Parliament has thus been established.

It must be admitted on the other hand that the demands of Government and Parliament do not always coincide. The need of the Government to find parliamentary time in which to push forward its legislative programme contrasts with the desire of the Parliamentary Committees to have time for debates on their reports. So far our experience has been that Committee reports often do not need to be debated during peak parliamentary time and can be relegated to a late place in the Order Paper at the end of the day's business. On other occasions a full day's debate has been necessary and the time required has been found. The dilemma posed by pressure of time on the floor of the House is one with which both Governments and Parliaments here and abroad are only too familiar.

Government and Parliament have also differed on the methods whereby United Kingdom members of the two Houses are designated as members of the European Parliament. At present nominations to the delegation are drawn up by the 'usual channels' and appointment is for an indefinite period. This method has led in the Lords to protest and debate on several occasions. The Government have, however, undertaken to consider whether a Select Committee might investigate possible methods for designating the Lords members of the delegation. A private member's Bill providing for the direct election of the British delegation proposed that the United Kingdom delegates should be elected by universal suffrage as members of the European Parliament and should be also considered as members of the House of Commons, but without the right to vote in that House. The Bill envisaged that if enacted it would have taken effect notwithstanding that a Community system for direct elections to the European Parliament had not been adopted for all Member States. The Bill was debated on Second Reading on 25th June, 1974, and received considerable support and an unopposed Second Reading. But no further progress was made. This whole matter is connected with studies now to be made of the possibility of introducing some system of direct elections to the European Parliament.

Conclusion: Parliament has been attempting to find its role in the Community legislative process. In the Lords the principal means of doing so has been through the European Communities Committee. It is primarily through the Reports of this Committee that the House is made aware of developments in Community law-

making. In this way the House is able to express its views on draft Community instruments and to make them known to the Government which, in Council, has the final decision on proposed Community law. We have gone a long way to ensure that the interests of the United Kingdom are properly represented in the discussions on Community legislative proposals. Indeed more than one-fifth of the regular attenders in the House of Lords are involved in the work which I have described above.

As the Minister generally responsible for the state of the law in the United Kingdom, where as yet we have in our Parliament no formalised pre-legislative stage in law-making, I call your attention to the fact that both Houses of Parliament at Westminster are now able to influence Community proposals at the pre-legislative stage. The character of the Community legislative process has caused us to make appropriate adoptions to our parliamentary procedures.

August 20, 1975.

The Constitutional and Political Implications of the Referendum : In Retrospect*

JOHN P. MACKINTOSH

Before the referendum took place, the actual device was the subject of considerable political and constitutional controversy. Part of the problem was the origins of the idea. It had been adopted by the Labour Shadow Cabinet in 1972 because that body could not agree on its approach to British membership of the Common Market. To have come down either in favour or against British membership would have caused a serious devision and might have imperilled the position of the leader, Mr. Harold Wilson.

So it seemed to be astute to adopt the device, saying "we are neither for nor against;—we will let the people decide." This was done despite deep misgivings on all sides in the Labour Party and the resignation of three right Wing members (Mr. Roy Jenkins, Mr. George Thomson and Mr. Harold Beven). There would have been objections on the Left but for the conviction that holding a referendum was the only way of preventing British membership of the Community. Those opposed realised that whatever party was in power and whatever the balance of domestic political forces, there was likely to be a majority in favour in the House of Commons while the polls seemed to indicate that a majority of the voters was opposed.

But though the device was adopted for these reasons, that this could happen was evidence of deeper problems. The inability of the Labour Party to come to a conclusion on its attitude to Europe by the use of its normal decision-making processes was a sign that

*Acknowledgements are due to the *Three Banks Review* where this article appeared earlier, in September, 1975.

the party system, and particularly the Labour Party, was composed of too divergent groups; that its philosophy was not sufficiently harmonious and its machinery not sufficiently effective to permit the resolution of this dispute within the party. By passing the buck to "the people"; without any clear idea (despite the antis' hopes) as to the result, the Labour Party admitted that it was not as effective as a party should be and that it did not have a coherent view of the needs of the country.

Apart from this evidence of malaise in the party system, the resort to a referendum and the discussions that had preceded it showed a further weakness in the parliamentary system. Mr. Edward Heath, who had taken Britain into the European Community on the 1st of January, 1973, had said that he recognised that such a major step required "the full-hearted consent of the British people". The context of his words showed that he meant "full-hearted consent as expressed in Parliament." But this had been obtained. In October, 1971, the House of Commons had assented, in principle, to British membership by the large majority of 112. Also, the Labour whips had been on to force Labour members to vote against (the Conservative Government had a free vote), yet 69 Labour M.Ps. voted against the whip and a further 20 abstained. So if ever there was a free vote in the sense of a real expression of the convictions of M.Ps., this was it. Yet somehow it was not felt that this majority of 112 was a conclusive or even a definite indication of the "full-hearted consent of the British people."

It became clear, on reflection, that British democracy had moved so far along the plebiscitary path, that so much emphasis was placed on public opinion and on the views of powerful organisations such as industry and the unions, that the mere recording of a majority in the Commons' division lobbies (particularly when the polls still showed a split or hostile public opinion) was not conclusive. In this sense, the refusal to accept the 112 majority for the Community as final, was part of the growing willingness to reject laws (on industrial relations or on local authority rents) which had been passed by the Houses of Parliament but which were unacceptable to vocal sections of British society.

Those who were disturbed by these tendencies and by the general decline in the power and standing of Parliament made a series of specific objections to the introduction of a referendum into British political and constitutional practice. Broadly speaking, there were three lines of objections.

The first was that a referendum on this issue emphasised and intensified the feeling that Parliamentary majorities are not adequate indications that a measure is in the interests of the British public and ought to be accepted. This problem did not arise in the case of countries that set aside certain constitutional issues to be decided by referenda. Nor did it arise in Britain on the occasions when special social issues (such as Sunday opening of public houses) or geographical questions (such as the boundaries of Northern Ireland) were set aside for solution by this method. The central criticism of the referendum on the EEC was that it took an issue which had been settled by Parliament (the 112 majority of 1971 had been improved on by a 226 majority in early 1975) and invited the public to confirm or reject what Parliament had decided. Whatever the outcome, the need to hold such a direct consultation with the people was a clear-cut declaration that by itself, approval by Parliament was not enough.

Other subsidiary worries stemmed from this. One was that this might be the precedent for referenda on other subjects such as Welsh or Scottish Home Rule, proportional representation or capital punishment, all of which would reduce the status of Parliament even further. A second was that any controversial laws which had not been the subject of this process of validation and where the polls showed a hostile majority, might be easier to disregard or disobey.

The second major line of objection to referenda was the element of chance it introduced into the process of government. Those in both major parties who had been responsible for the conduct of British affairs had come round to the view that Britain should join the Community. Four successive governments accepted this case between 1961 and 1975. Yet public opinion fluctuated. It was strongly in favour upto the autumn of 1971 and then opposed till early 1975, when the tide turned in favour of continued membership once again. All the evidence suggests that these swings in public attitude had more to do with subjective factors such as domestic inflation levels and the popularity or unpopularity of the government of the day or of the people recommending membership than with the actual merits of membership. Those conducting British foreign policy found that the uncertainty caused by the prospect of the referendum was seriously damaging to British influence and to Britain's bargaining position abroad and even cast some doubt on this country's capacity to adhere to other treaties such as the N.A.T.O. Alliance. A "No" answer would have forced Britain to

unilateral breaking of a treaty accepted on behalf of this country and ratified by Parliament; an act which British spokesmen in the past had never contemplated and which they had regarded as evidence of a total breakdown of international morality when comitted by other states.

The third line of objection was the effect of the referendum on the concept of political responsibility. This objection was made before it was appreciated that the Prime Minister would break the convention of collective responsibility and allow members of the Cabinet to campaign on different sides. The point of the original doubt was that in the British political system, governments are held responsible by the electorate and are expected to say what they mean. There is no difficulty if a referendum is held on Sabbath observance or a special category of constitutional problems. It arises when the referendum is on a central policy issue affecting the whole conduct of government and the Cabinet recommends "A" while the public, through a referendum gives a majority for "B". What, then, does the Government do? If the Cabinet takes its own previous recommendation seriously and declares to be responsible for a policy which it had argued was contrary to the national interest, it should resign. But there is no ground for supposing that the forces recommending the opposite course of action would be capable of forming a government. Presumably the Cabinet, which has had its advice rejected on this one point, still has a majority in the Parliament. The result of a resignation by the Government might therefore be a period of serious political instability.

On the other hand, if the Government accepts the popular verdict (as Mr. Wilson said he would do), then it is placed in the curious position of executing and advocating a policy in which it has said it has no confidence. And if the results turned out to be unfortunate, the public could not blame the government or hold it responsible at the next election as the unsatisfactory outcome was the electors fault, not the government's. Mr. Wilson added to this problem of responsibility, when he allowed his Cabinet to disagree in public and to take different sides in the referendum campaign. This makes continued co-existence of the two sides in the same Cabinet harder and added an element of internal party conflict to the other issues involved in the referendum campaign.

When the referendum was over and had produced a resounding victory for the moderate pro-European centre in British politics, a

few commentators said that these fears had all been discounted. Mrs. Thatcher and Mr. Christopher Tugendhat, M.Ps., both argued that there might be certain categories of issues which Parliament could not settle and where a referendum might be the best way out. However, it is worth considering each of the lines of objection in the light of the experience of the campaign and of the result.

On the first objection, the threat to and evidence of a decline in parliament's powers, the point was established. There can be no doubt that though the majority of two to one in favour of British membership among the electors almost exactly repeated the two to one majority in the Commons, it was decisive and final in a way in which the House of Commons vote could not rival. The public's decision was so uniform, the turnout was so high (62 per cent) and with every region recording a "Yes" vote except the Shetlands and the Outer Isles, the issue was settled. Yet there was a considerable feeling evident during the campaign that the whole thing (at a public cost of £9 million) was unnecessary and many speakers were asked "What is the point of electing M.Ps., if they have to come back to us in order to have such decisions taken?" Moreover, there is little evidence that the public appetite for direct power of this kind has been whetted and few politicians have thought it worth demanding that the experiment be repeated on other issues or be made part of the British System of Government.

This response is partly due to the much more definite confirmation of the second objection, the element of chance in the whole proceeding. The anti-Marketeers both on the left of the Labour Party and on the right of the Conservative Party were convinced that the public would reject British membership of the EEC and did not accept that the tide was running so strongly against them till the last days of the campaign. Even then, the size and uniformity of the majority came as a tremendous shock to them and it is very unlikely that either of these groups, and particularly Mr. Benn and the left of the Labour Party, will see referenda as a useful way of by-passing Parliament and of winning support for their views in the future. But the same is true of many of the victorious side, for though some have argued that the referendum allowed the under-represented moderate centre in British politics to assert itself, there are other far more reliable ways (such as proportional representation) of buttressing these forces. In fact, many of the pro-Europeans realise that they owed a large part of their victory not so much to the merits of the European case as to public distaste for those urging a "No" vote. An

analysis of voters' reactions showed that distrust of Mr. Benn, Mr. Foot, Mr. Shore and Mr. Mikardo's views were a major factor in bringing out the "Yes" vote and it is clear that it would not be possible to guarantee such a combination against every sensible proposition that might be put to the electors. As a result, it does seem very unlikely that there will be another referendum on a national issue of this kind in the foreseeable future.

On the responsibility problem, the main difficulty did not arise in view of the acceptance of the recommendation of the majority of the Cabinet. However, the possibility of a "No" answer and the problem, for all those involved in the conduct of British policy, of an about-turn did bite deep into their consciousness. As it was, only the minority of seven anti-market members of the Cabinet had to face this question. Even given the decline in the willingness of British politicians to resign on issues or principle, it was astounding that all seven of the dissentients were only too ready to remain at their posts despite the dire warning of disaster and total lack of confidence in the policy which they had revealed during the referendum campaign. While this political division may be glossed over (or it may be absolved in a deeper subsequent division over incomes policy), it is unlikely that any British Prime Minister will be as ready as Mr. Wilson was to allow public disagreement on a major issue; it was too clearly disruptive in its effect and too obvious an indication of the shakiness of the coalition of forces that make up the Labour Party.

Turning from the reactions to the use of the referendum as a constitutional device to its effects on British politics, the repercussions are more complicated. Within the Labour Party, the result was a major humiliation for the left. For years, the left had talked as if it was the soul, the core of the Party and it assumed that it had the support of rank and file Labour voters. The moderates or right of the Party, many of whom lacked a "genuine" working-class background, had crept into the Party, but were essentially a luxury, a concession to "breadth" which only weakened the purity and the political appeal of the party. To talk, as Mr. Benn did, of populism was to assume that the more the voters were consulted, the more they would come down on the side of the left.

The result totally destroyed these ideas. A writer in *The Tribune* tried to demonstrate that a majority of Labour voters must have voted "No" but failed to carry much weight. It was evident that

a mass of trade unionists and labour voters had disregarded the appeals of the left and had voted for Europe. But, what was worse, it seemed clear from the campaign that if the left of the Labour Party fought on its own and identified itself with an issue, this was to condemn that point of view in the eyes of many of the public. The result underlined the fact that not only was the great bulk of the British electorate moderate and middle-of-the-road in political terms, but that it was this broader appeal that constituted the electoral strength of the Labour Party; if anything, it was the left that was the luxury and it was they who were carried into a totally disproportionate position of strength on the coat tails of the moderates in the Party. While the left were stunned and set back, the result was a great tonic for moderates or social democrats in the Party who at last felt capable of winning back control of the party.

Among the Conservatives, the campaign was a personal triumph for Mr. Heath. He had refused (or had not been offered) a shadow post in Mrs. Thatcher's front-bench team and chose to campaign on his own for Europe. This was a subject on which he had wide knowledge and real conviction so that his speaking tour was a great success. While Mrs. Thatcher was precise and effective in her commitment to the Community, she was on a subject in which she had taken little interest before becoming the party leader and she was markedly less compelling than Mr. Heath so that the campaign did much to retain and deepen the division between her supporters and the Heath men.

For the smaller parties, the effects varied. The liberals played an active part in a campaign on a subject where they had consistently taken a pro-European line. They benefited from the agreement that a Liberal should, if possible, appear on all the joint platforms. The two nationalist parties were the only parties to commit themselves against Europe (apart from the Communists) and did so despite some quarter or more of their voters indicating that they would vote "Yes". They did so in part because the nationalists in both Scotland and Wales represent the small-town, rural elements whose opposition to cosmopolitan or European trends is very genuine. In parts, their motives were a hope that the vote in Scotland and Wales might be along different lines in that there could be an English majority in favour of the Community, while Wales and Scotland might have an anti-majority. If this happened the nationalist parties thought that they could claim to speak for these countries and could argue that their people were being dragged into Europe by English votes.

In the event, the Welsh vote was as strongly pro-Europe as that in England, while the Scottish "Yes" majority, though narrower, stood at a substantial 18 per cent. When this result was known, some in England took the outcome as a setback for the nationalists. This was, in a sense, true for they had lost, and the whole of the U.K. had voted on the issue in much the same terms. But it was probably wrong to assume that on purely Scottish or Welsh issues, the nationalists had lost ground. It was simply that the vote had been on a different question and was answered by the voters in much the same spirit throughout the U.K.

The main subject of speculation, however, was not the impact on the individual parties but whether the victory for the moderate men of the centre, the combination of the right wing Labour, Liberal and left-wing Conservatives, all of whom had worked easily and well together during the campaign, would lead to any realignment in British politics. The pro-European campaign did have a coherence which the antis lacked, because there was an evident common philosophy. All those calling for a "Yes" vote believed that Britain should remain a mixed economy, have an active parliamentary democracy and play a positive part in a Europe based on the same two principles. They found, during the campaign, that differences over the role of the public sector or the degree of egalitarianism were quite minor compared with their much deeper objections to the isolationist extreme socialism of the Labour left. The question was whether this new grouping of "Europals", as the press called them, could have any lasting effect on British politics.

Writing only a month after the referendum, it is hard to essay an answer. Moreover, this division in the Labour Party (and in the Conservative Party) is now drifting into a similar and possibly even deeper division on economic policy. The same forces in each of the parties are united in the need for an incomes policy though there are more "monetarists" in the Conservative Party than there were opponents of the EEC. On the other hand, while the same people in the Labour Party oppose an incomes policy as opposed Europe, they are weaker and fewer though probably much more determined that this is a gut issue on which they must fight to a finish.

There is great institutional inertia in British politics. The possession of the party label is so important in gathering votes and positions in the party hierarchies are so hard to gain, that they constitute a tremendous vested interest. No one can forecast whether the signs of the realignment evident during the referendum cam-

paign and now being repeated over incomes policy will have any permanent effect or whether habit, institutional loyalties and interests will prevail. But it is certainly true that the holding of the referendum was evidence of the inadequacy both of Parliament and of the present party structure; an inadequacy in solving the dilemmas facing the country. If this weakness leads to a realignment of parties or to an attempt to build up the strength of the moderate centre by such devices as proportional representation, then the campaign will have played a notable part in bringing about these developments.

One thing, however, can be said with more confidence. If there is any realignment or any attempt to restore the authority of Parliament, it is unlikely that either will involve an increasing resort to referenda as a method of decision-taking in Britain.

July 7, 1975.

Growth and Working of Parliamentary Institutions in Zambia

R. M. NABULYATO

This brief article aims to give a synoptic chronological account of the growth and working of parliamentary institutions in Zambia from the end of the First Zambian Republic in December, 1972 to date.

His Excellency the President had made a statement at a Press Conference on the 25th February, 1972 at State House, Lusaka, in which he informed the nation that the Government had decided that Zambia would become a One-Party Participatory Democracy and that practical steps would be taken to implement the decision. This decision came about as a result of the constant demands of the people throughout the country for the establishment of a One-Party State in Zambia as a means of ending inter-party strifes which were only retarding development throughout the country. Furthermore, it was quite evident from resolutions passed at various meetings, seminars and conferences of the Ruling Party that the demand for One-Party State was the wish of the majority of all Zambians. Besides that, contributions to debates in the House on various matters by Members from all political parties that existed before December 13, 1972, various Party Constitutions and Election Manifestos all aimed at one main thing and that is development of Zambia. There were differences of approach but the ultimate goal was the same.

By statutory instrument No. 46 of 1972, dated the 1st March, 1972, His Excellency the President of the Republic of Zambia under the Inquiries Act, Cap. 181 of the Laws of Zambia, appointed a twenty-member Commission to consider changes in the Constitution, the practices and procedures of the Government of the Republic of Zambia and in the constitution of the ruling United National Inde-

pendence Party necessary to bring about and establish a One-Party Participatory Democracy in Zambia.

The report of the Commission was submitted to His Excellency the President on the 15th October, 1972. Government carefully studied the Report and recommendations of the Commission and issued a White Paper (Government Paper No. 1 of 1972) on the 14th November, 1972 which contained a summary of the Commission's recommendations accepted by the Government.

Act No. 29 of 1972 assented to by His Excellency the President in front of the High Court on the 13th December, 1972, gave legislative effect to the One-Party State.

On the 25th August, 1973, Act No. 27 of 1973—The Constitution of Zambia Act—was assented to by His Excellency the President of Zambia and Article 4 of the Constitution stipulated that there should be only one political party or organisation in Zambia, namely, the United National Independence Party.

It is against this background of important constitutional changes that the growth and efficiency of parliamentary institutions must be reviewed.

In a speech delivered to Members of Parliament at a dinner given at the National Assembly on the 16th February, 1973, His Excellency the President stated that parliamentary committees would be introduced as part of the programme of parliamentary reform under a One-Party Participatory Democracy and that leaders would have to be on their toes and ready to attend meetings of Parliamentary committees at short notice. Members were encouraged to voice their legitimate criticisms. His Excellency stated:

> "We have destroyed the myth that a One-Party Parliament is a rubberstamp of the Cabinet or the Central Committee."

On the 12th January, 1974, the Speaker of the National Assembly addressed the Law Association of the University of Zambia and stated that:

> "In addition to the existing parliamentary committees, more parliamentary sessional and select committees will be introduced as part of the programme of parliamentary reform under the One-Party Participatory Democracy."

Furthermore, the Committee on Parliamentary Procedure, Customs and Traditions recommended in its Report laid on the Table on the 10th December, 1970 that "In addition to the existing select and sessional committees, a few more similar committees on important subjects should be established and this matter should be taken to Cabinet for consideration."

It was expected that these committees would serve not only to provide an effective close scrutiny of the Executive—particularly the Committee on Delegated Legislation and the Public Accounts Committee—but committee members resident in their constituencies would also be able to feed back to the public service the effects of planning and implementation at the local level.

Depending on the efficiency of the committees, Members of Parliament would be better informed when discussing matters in the House on which they had a good background knowledge gained by serving on the relevant committee. This background knowledge would also enable an overall picture of the problems involved in national planning to be put into perspective.

It is envisaged that as the problems of the country increase at national and grassroots levels, more committees wil be appointed to cover the economic, legal and cultural aspects of our society.

It was not until the 20th February, 1974, however, that in the Report of the Standing Orders Committee on the appointment of new sessional committees and standing orders amending sessional committees that positive steps were made to appoint new sessional committees.

The new sessional committees are the Committee on Parliamentary Procedure, Customs and Traditions, the Committee on Absence of Members from Sittings of the House and the Committee on Delegated Legislation. The report stated in its introduction 'in view of the introduction of the One-Party Participatory Democracy and the increased membership of the House, parliamentary committees have a vital role to play in the future active participation of Members of Parliament in the parliamentary life of the House.'

All committees were vested with the power to send for persons, papers and records.

The duties of the Committee on Parliamentary Procedure, Customs and Traditions are to assist Mr. Speaker with matters

pertaining to the amendment of standing orders, variations to parliamentary procedure, customs and traditions and connected matters.

The National Assembly of Zambia has developed from the Westminster pattern in outward appearance and ceremonial. In the Report of the Committee on Parliamentary Procedure, Customs and Traditions laid on the Table on the 11th December 1970, recommendations were made to Zambianise parliamentary externals to accord with the Zambian colours and design of the Chamber itself. The Speaker's and Clerk's ceremonial dress was redesigned to incorporate orange chevron panels to match the traditional African art form of the bushhammered walls and decor of the Chamber. Zambia's National Anthem was also to be played at the beginning of the day's business and, on the resolution of the Standing Orders Committee, the National Anthem was to be sung in the House as from July, 1974.

The fanfare of trumpets which had heralded the arrival and departure from the Chamber of His Excellency's Procession at the State Opening of Parliament was to be replaced in future by the beating of traditional drums. Two elephant tusks were placed in front of the Table in addition to those which frame the President's Ceremonial Chair which is used at State Openings. In January, 1975, the full mounted trophies of a lion and a leopard were donated to the National Assembly to mark Zambia's Tenth Independence Anniversary on the 24th October, 1974 and are effectively positioned next to the elephant tusks.

The Committee on Absence of Members from Sittings of the House considers all applications from Members for leave of absence from sittings of the House and examines every case where a Member has been absent for a period of fourteen days or more from the sittings of the House.

The Committee on Delegated Legislation is empowered to scrutinise subsidiary legislation which must be, (i) in accord with the Constitution or statute under which it is made; (ii) not trespass unduly on personal rights and liberties; (iii) not make the rights and liberties of citizens depend upon administrative decisions; (iv) be concerned only with administrative detail and not amount to substantive legislation which is a matter for parliamentary enactments; and (v) not be contrary to the philosophy of Humanism. It is anticipated that the activities of this committee will serve to heighten Members' awareness of the consequential implications of their law-making powers and ensure close scrutiny of Bills in the House.

The Standing Orders Committee's powers have been further increased by including within the committee's terms of reference the consideration of salaries and allowances in addition to pensions and gratuities—to officers and Members of the National Assembly and their dependants.

The number of members on the Library Committee and the House Committee has been increased from four to seven.

The work of these committees has increased since they were appointed and a great deal of interest has been displayed in their activities. The growth of these old and new parliamentary institutions in Zambia has been concurrent with that of the emergence of the One-Party Participatory Democracy.

Another essential parliamentary institution is the Parliamentary Information and Research Library. The Library Vote has been more than doubled in this year's (1975) recurrent estimates. The appointment of an Assistant Librarian and an Assistant Library Research Officer will ensure the supply of information and background material to Members of Parliament.

The Zambia Branch of the Commonwealth Parliamentary Association, which could strictly not be termed a Parliamentary institution but in Zambia is indivisibly a facet of parliamentary administration with no separate office accommodation or personnel to date, has been revitalised of late with Members of Parliament, who are automatically members of the Association, taking a keen interest in its activities.

It is confidently expected that this interest will continue to grow. It is also important to point out that the operation of the National Assembly since the establishment of One-Party Participatory Democracy has been very successful in all respects contrary to the predictions of some people inside and outside Zambia. In other words, Parliamentary under the One-Party Participatory Democracy has not been a rubber stamp in any way.

July 18, 1975.

ANNEXURE I

CONSTITUTION AND COMPOSITION OF COMMONWEALTH PARLIAMENTS*

AUSTRALIA

The Federal Parliament consists of the Queen and two Houses—the Senate and the House of Representatives. Under the terms of the Constitution of Australia there must be a session of Parliament at least once a year.

The Senate is composed of 60 Senators—ten from each State directly chosen by the people of the State voting as one electorate on the basis of adult suffrage and by proportional representation. The Senators are chosen for a term of 6 years and retire by rotation, half from each State on 30th June of each third year. While, in general, the Senate is renewed to the extent of one-half every 3 years, in case of prolonged disagreement with the House of Representatives, it, together with the House of Representatives, may be dissolved, and an entirely new Senate elected.

The House of Representatives is at present composed of 125 Members, and although the number of Members may be increased or decreased by Parliament, such changes must comply with the requirement that the total number of Members of the House shall, as nearly as practicable, be double that of the Senate. Unlike the Senate, which has equal representation for each State, the number of Members of the House of Representatives chosen in the respective States is required to be in proportion to their population, subject to certain guaranteed number of Members from original States. Members of the House of Representatives are elected by their respective electoral division by adult suffrage on a preferential voting system. Every House of Representatives continues for three years from the first meeting of the House, but may be sooner dissolved by the Governor-General.

To qualify for election as a member of the Senate or House of Representatives a person must be a British subject of 21 years of age or over, who has resided in Australia for at least 3 years and

*The brief notes on the structure and organisation of the Parliaments of the Commonwealth are based on the published sources indicated at the end.

who is qualified to vote at the election of members of the House of Representatives.

The Senate is presided over by the President and the House of Representatives by the Speaker. Both the Presiding Officers are chosen by their respective House from among its own Members.

Bahamas

Bahamas became independent and the thirty-third Member of the Commonwealth on 10th July, 1973. Under the Independence Constitution, Bahamas has a bicameral Parliament consisting of the Queen, represented by the Governor-General, a nominated Senate and an elected House of Assembly. The Senate is composed of 16 Members appointed by the Governor-General—nine on the advice of the Prime Minister, four on the advice of the Leader of the Opposition, and three on the advice of the Prime Minister after consultation with the Leader of the Opposition. The House of Assembly consists of 38 Members who are elected on the basis of universal adult suffrage. The House normally has a 5-year term, but it may be dissolved earlier by the Governor-General on the advice of the Prime Minister.

Bangladesh

The Bangladesh Parliament, known as *Jatiyo Sangsad*, comprises a unicameral legislature of 315 seats, fifteen of which are reserved for women. Members of Parliament are elected for a five-year term on the basis of universal suffrage exercised by those aged 18 and over. After experimenting for two years with the Westminster type of parliamentary democracy, Bangladesh opted in January, 1975 for a Presidential form of government and one-party rule. Under the Constitution, as amended, on January 25, 1975, the President is the Head of the State as well as the Executive Chief. He is to be directly elected by the people.

Barbados

Barbados has a bicameral legislature consisting of the Governor-General, a Senate and a House of Assembly. The Senate consists of 21 Senators appointed by the Governor-General, 12 on the advice of the Prime Minister, 2 on the advice of the Leader of the Opposition and 7 by the Governor-General acting in his own discretion. The House of Assembly consists of 24 Members—two from each of the twelve electoral districts—who are elected by universal adult suffrage for a five-year term. Since 1963 the voting age has been 18.

The President and Deputy President of the Senate and Speaker and Deputy Speaker of the House of Assembly are elected, respectively by the Senate and the House of Assembly from within their own membership.

Botswana

The Botswana Parliament consists of the President and the National Assembly. The Assembly is made up of 32 Members elected by universal suffrage, 4 specially elected Members, the Speaker and the Attorney-General (*ex-officio*), who does not have a vote in the Assembly. The President of the Republic is also an *ex-officio* member of the Assembly. The normal life of the Assembly is 5 years. However, the President can dissolve the Assembly at any time.

Botswana has also a House of Chiefs. It consists of 8 *ex-officio* members who are the Chiefs of the 8 principal tribes of Botswana, 4 elected members and 3 specially elected members. The House of the Chiefs considers draft bills which are referred to it by the National Assembly and which, if enacted would alter any of the provisions of the Constitution or affect a defined range of subjects relating to tribal matters. The House of Chiefs is also entitled to discuss any matters affecting the tribes and tribal organisations and may make representations to the President, and through him to the Cabinet, and may send messages to the National Assembly.

Canada

Canada has a bicameral Parliament consisting of the Queen, represented by the Governor-General, a Senate and a House of Commons. The Senate now consists of 104 Members representing the various Provinces. Senators are appointed by the Governor-General in Council, that is, in effect, on the advice of the Prime Minister, and hold their position till reaching 75 years of age. In each of the four main divisions of Canada, except Quebec, Senators represent the whole of the Province for which they are appointed; in Quebec, one Senator is appointed for each of the 24 electoral divisions of what was formerly Lower Canada. Qualifications for a Senator include the possession of property worth $ 4,000, age not less than 30 years and residence within the province for which, he is appointed.

The House of Commons now consists of 264 members, who are elected by universal adult suffrage. Representation in the House is reviewed after each decennial census. Members require no property qualification but they must be of the age of 21.

A Parliament lasts 5 years, if not sooner dissolved, and it must meet at least once a year.

The Senate is presided over by a Speaker appointed by the Governor-General in Council (in effect by the Government). The Speaker of the House of Commons is chosen by the House.

Fiji

Fiji became independent in October, 1970. The Independence Constitution provides for a bicameral Parliament consisting of a Senate and a House of Representatives. The Senate has 22 Members of which 8 are nominated by the Council of Chiefs, 7 by the Prime Minister, 6 by the Leader of the Opposition and 1 by the Council of the Island of Rotuma. The Senators are appointed for a six-year term, except that, of the 22 nominated after Independence, 11 were appointed for a term of only three years. The President and Vice-President of the Senate are elected from Members who are neither Ministers nor Assistant Ministers.

The House of Representatives consists of 52 Members who are directly elected. Elections to the House are held under a system designed to return 22 Fijian, 22 Indian and 8 representatives of other races. The House elects a Speaker and a Deputy Speaker from among its non-ministerial Members. Under the Constitution, the Governor-General is required to appoint as Leader of the Opposition in the House of Representatives either the leader of the largest Opposition party or, if there is no such party, the person whose appointment would be most acceptable to the leaders in the House of the opposition parties.

The Gambia

Parliament consists of the House of Representatives. The House is made up of the Speaker, 32 'elected Members' who are elected from single-member constituencies on the basis of universal adult suffrage, 4 Members who are elected by the Head Chiefs from among their own number, the Attorney-General and 3 Members nominated by the President. The 3 nominated Members do not have a vote. To be eligible for becoming a Member of the House, a person must have attained the age of 21 years, and be able to speak English well enough to take part in the proceedings of the House, which are conducted in that language. Further, all except the nominated Members must be citizens of Gambia.

The normal term of Parliament is five years, but it can be dissolved at any time by the President.

The Speaker of the House of Representatives is elected from among the Members of the House or from persons who are qualified

to be elected as Members; and when elected from among the former, the Speaker must vacate his seat in the House. The Speaker has neither an original nor a casting vote.

GRENADA

Grenada became an independent nation within the Commonwealth in February, 1974. Parliament comprises a Senate and a House of Representatives.

The Senate has 13 members, all nominated—7 on the advice of the Prime Minister, 3 on the advice of the Leader of the Opposition and 3 on the advice of the Prime Minister after he has consulted the interests which he considers Senators should be selected to represent. The Senate elects a President from among those of its members who are not Ministers or Parliamentary Secretaries.

The House of Representatives consists of 15 members who are elected in single-member constituencies on the basis of universal adult suffrage. The Speaker is elected by the House.

GUYANA

The Republic of Guyana has a unicameral Parliament which is referred to in the Constitution as the National Assembly. The Assembly consists of 53 Members elected by universal adult suffrage on the party list system of proportional representation; with the whole of the country forming one electoral area and each voter casting his vote for a party list of candidates. The normal life of Assembly is five years.

There is an office of Leader of Opposition to which appointments are made by the President.

The Assembly is presided over by the Speaker who may or may not be its Member.

INDIA

The Parliament of India comprises the President, the Rajya Sabha and the Lok Sabha. The Rajya Sabha is the Upper House of Parliament consisting of not more than 250 Members—12 nominated by the President from among persons who have earned distinction in the fields of literature, art, science and social welfare, and the rest elected by the members of the State Assemblies to represent their respective States. The allocation of seats in the

Rajya Sabha to the various States is laid down in the Constitution and is broadly on population basis. The minimum age for membership of the Rajya Sabha is 30 years.

The Rajya Sabha is not subject to dissolution. Its Members hold office for six years, one-third retiring every two years. There are at present 244 Members in the Rajya Sabha.

Members of the Lok Sabha are elected directly on the basis of universal adult franchise from territorial constituencies. The normal term of the Lok Sabha is 5 years. The minimum age for membership of the House is 25 years. Its present strength is 524.

The Speaker and the Deputy Speaker of the Lok Sabha are elected by the House from among its own Members. The Vice-President of India is the *ex-officio* Chairman of the Rajya Sabha. He is elected by the Members of both the Houses of Parliament assembled at a joint meeting. The Rajya Sabha also elects one of its Members to be the Deputy Chairman.

JAMAICA

Jamaica has a bicameral Legislature comprising a Senate and a House of Representatives. The Senate consists of 21 Senators appointed by the Governor-General—13 on the advice of the Prime Minister and 8 on the advice of the Leader of the Opposition. The House of Representatives consists of 53 elected Members, but provision as been made for an increase in its strength up to 60 Members. The House is elected by universal adult suffrage for a five-year period.

To be eligible for appointment to the Senate or for election to the House of Representatives a person should be a citizen of Jamaica or another Commonwealth country, of the age of 21 or more and should have been ordinarily resident in Jamaica for the immediately preceding twelve months.

The President and the Deputy President of the Senate and the Speaker and the Deputy Speaker of the House of Representatives are elected, respectively, by the Senate and the House of Representatives from among their own Members.

KENYA

Kenya now has a unicameral National Assembly with 158 elected Members, 12 Members nominated by the President and two *ex-officio* members—the Speaker, elected by the Assembly, and the Attorney-General. Kenya became a *de facto* one party state in

1969. Candidates for the National Assembly elections are selected at party preliminary elections at which any registered voter who declares himself to be a member or supporter of the party may vote. There is universal adult suffrage, the voting age being 18 years.

Parliament has a normal term of five years, but may be dissolved sooner by the President.

Lesotho

Lesotho is a constitutional monarchy with a hereditary King as Head of State. The Constitution granted to Lesotho on Independence (1966) was suspended in January, 1970. An interim National Assembly consisting of 93 nominated members was set up in April, 1973. The 93 members include 22 Principal Chiefs and Ward Chiefs; 60 persons nominated by the King acting on the advice of the Prime Minister, the latter being required to tender such advice after consulting the representatives of the various shades of political opinion in Lesotho; and 11 persons nominated by the King acting on the advice of the Prime Minister, the nominees being persons who have either rendered distinguished service to Lesotho or have knowledge matters affecting the various interests of the inhabitants of Lesotho.

The Speaker and the Deputy Speaker of the National Assembly are elected by the Assembly either from among its members or from among other persons.

Malawi

Malawi has a unicameral Parliament consisting of the President and a National Assembly. The National Assembly has 75 Members of whom 60 are elected in general-roll constituencies and 15 nominated by the President.

Parliament has a normal term of five years. All Members must belong to the Malawi Congress Party. Adult suffrage is at 21 years.

The Speaker of the Assembly is elected from among its elected members.

Malaysia

The Malaysian Parliament (*Majlis*) consists of the Head of the State (*Yang Dipertuan Agong*) and two Houses, namely the Senate (*Dewan Negara*) and the House of Representatives (*Dewan Ra'ayat*). The Senate has 58 Members of whom 26 are elected—two by the

Legislative Assembly of each of the 13 States of the Federation, and 32 are nominated by the Head of the State from among citizens who in his opinion "have rendered distinguished public service or have achieved distinction in the professions, commerce, industry, agriculture, cultural activities or social services or are representatives of racial minorities or are capable of representing the interests of aborigines".

Age qualification for becoming a member of the Senate is 30 years. Each Senator holds office for six years, and the life of the Senate is not affected by the dissolution of the other House.

The House of Representatives consists of 154 elected Members. Elections to the House are held every five years on the basis of adult suffrage, each constituency returning one member. The qualifying age for membership of the House is 21 years and above. The House has a maximum life of five years, but it can be dissolved earlier by the Head of the State on the advice of the Prime Minister.

The President and the Deputy President of the Senate are elected by its members from among themselves. Similarly the Speaker and the Deputy Speaker of the House of Representatives are elected by the members of that House. But there is special provision in the Constitution for the Speaker to be elected from outside the membership of the House of Representatives. The person so elected is regarded as a member of the House in addition to the 154 elected members.

MALTA

According to the Constitutional reforms passed by the House of Representatives on December 13, 1974, Malta became a republic, replacing the monarchy, with a Maltese President appointed by a resolution of the House of Representatives as the Head of State.

The House of Representatives would consist of 'an odd number' of Members (the previous House consisted of 55 members) in equal proportion from the electoral divisions, each division returning not less than five and not more than seven Members.

The House of Representatives elects its own Speaker and Deputy Speaker from among its Members or from among persons who are qualified to be Members. If the Speaker is not a Member of the House, he would become one by virtue of being elected as Speaker by the House; but would have no vote to support a Bill altering the Constitution.

Under the Constitution as amended, which retains the existing electoral system based on proportional representation, the voting age is 18 years.

Mauritius

The Legislative Assembly of Mauritius consists of a Speaker and 62 elected Members. Further, in order to ensure fair and adequate representation of each community within the Assembly, the Constitution provides for 8 additional seats which are allocated on the basis of parties and communities by the Electoral Supervisory Commission to persons who had stood as candidates for election as Member at the General Elections, but had failed to get returned. General Elections to the Assembly are held every five years on the basis of universal adult suffrage.

Under the Constitution the Speaker of the Legislative Assembly is to be elected by the Assembly from amongst its Members.

Nauru

The Parliament of Nauru, elected on 15th December, 1973, consists of 18 members including the Cabinet. The Cabinet is composed of five members including the President who presides. The President of the Republic is elected by Parliament from among its members.

Voting at an election to Parliament is compulsory for those over 20 years of age, except in certain specified instances.

New Zealand

Parliament consists of the Queen represented by the Governor-General and the House of Representatives. The number of members constituting the House of Representatives is eighty-seven—83 Europeans and 4 Maoris. General Elections are held at three-yearly intervals. The four Maori electoral districts cover the whole country and adult Maoris of half-blood or more are the electors. A half-cast Maori is entitled to register either for a European or a Maori electoral district. Every person of twenty-years of age or over has a right to exercise his vote in the election. To be registered as an elector, a person must be a British subject or an Irish citizen, having resided continuously in New Zealand for at least one year. He should have resided continuously for a period of three months or more in the electoral district for which he claims to vote.

Sierra Leone

Sierra Leone became a Republic on 19th April, 1971.

The House of Representatives of Sierra Leone consists of 85 members, elected by direct universal suffrage and 12 Parliament Chiefs who do not stand for office under party auspices. In addition, the President may appoint 3 members to represent important sectors of the community.

Singapore

The legislature of Singapore consists of the President of the Republic and Parliament. Parliament consists of 65 members, elected by secret baliot from single-member constituencies. It continues for 5 years from the date of its first sitting, unless it is dissolved sooner. A general election follows within 3 months after a dissolution. The commencement of sessions, prorogation and dissolution of Parliament and the holding of a general election are ordered by the President.

Every citizen of Singapore of 21 years and over may be elected as a Member of Parliament subject to certain qualifications: if his name appears in a current register of electors; if he is resident in Singapore at the date of his nomination for election; if he is able, with a degree of proficiency sufficient to enable him to take an active part in the proceedings of Parliament, to speak and, unless incapacitated by blindness or other physical cause, to read and write at least one of the following languages, namely, Malay, Mandarin, Tamil and English.

Any citizen of Singapore of 21 years or over is entitled to have his name entered or retained in a register of electors. Voting at an election is compulsory.

Parliament is presided over by the Speaker, who is elected by Parliament either from among the Members of Parliament who are neither Ministers nor Parliamentary Secretaries, or from among persons who are not Members but who are qualified for election as Members. A Speaker who is elected from among Members has an original, but no casting vote. If he is elected from among persons who are not Members, he has no right to vote.

Sri Lanka

After the general election of 1970, the newly elected House of Representatives functioned as a Constituent Assembly with the aim of adopting a new Constitution. The new Constitution of Sri Lanka, was finally approved in May, 1972, and vested sovereignty in the new unicameral National State Assembly of 157 representatives. The National State Assembly is elected for a six-year term.

Out of the 157 members of the National State Assembly, 151 are to be elected by universal suffrage and 6 are to be nominated. From 1977 all Members of the Assembly will be elected.

Every citizen of the age of 18 years and over, unless otherwise disqualified, is qualified to be an elector. Every person who is qualified to be an elector is qualified to be elected as a member of the Assembly unless he is otherwise disqualified.

Tanzania

In 1964 Tanganyika, Zanzibar and Pemba combined to form the United Republic of Tanganyika, later named Tanzania.

The legislative organ is the unicameral National Assembly. It is composed of 120 elected Members from the mainland, 10 Members appointed from both Tanganyika and Zanzibar, 15 National Members (elected by the National Assembly after nomination by various national institutions), 20 Regional Commissioners, up to 32 Members of the Zanzibar Revolutionary Council and up to 20 other Zanzibar Members appointed by the President of the Republic of Tanzania in agreement with the President of Zanzibar.

Members of Parliament are elected for five years unless the President dissolves Parliament at an earlier date. Appointed members of Parliament hold their seats until dissolution unless their appointments are revoked by the President.

Tonga

The present Constitution of the Kingdom of Tonga is almost identical with that granted in 1875 by King George Tupou I. It provides for a government consisting of the Sovereign, a Privy Council and Cabinet, a Legislative Assembly and a Judiciary.

The Legislative Assembly of Tonga is composed of 7 nobles elected by their peers, 7 elected representatives of the people and the Privy Councillors (numbering 8). The King appoints one of the 7 nobles to be the Speaker. The Assembly must meet at least once every year.

The Legislative Assembly has a 3-year term. Franchise is open to all male literate Tongans of 21 and over who pay taxes, and all female literate Tongans aged 21 and over.

Trinidad and Tobago

The Constitution of Trinidad and Tobago provides for a Parliament consisting of Her Majesty the Queen, a Senate and a House of Representatives. The Senate consists of 24 members appointed by

the Governor-General; 13 of whom on the advice of the Prime Minister, 4 on the advice of the Leader of the Opposition and 7 from religious, economic and social bodies which the Prime Minister considers should be represented.

The House of Representatives consists of 36 members elected by universal adult suffrage. The duration of a Parliament is five years.

United Kingdom

The Supreme legislative authority in the United Kingdom is the Queen in Parliament, that is to say, the Queen and the two Houses of Parliament—the House of Commons and the House of Lords. Under the Parliament Act of 1911 the maximum life of a Parliament was fixed at five years (although it may be dissolved and a general election held before the expiry of the legal term).

The House of Commons is a representative assembly elected by almost universal adult suffrage and consists of men and women from all sections of the community. There are 635 seats in the House of Commons. The Chief Officer of the House of Commons is the Speaker, who is elected by the members to preside over the House. Election to the House of Commons is decided by secret ballot in which British subjects (except members of the House of Lords) and citizens of the Irish Republic are entitled to vote provided that they are 18 years old or over, and are not subject to any legal incapacity to vote. The plurality system of voting is used; candidates are elected if they have a majority vote over the next candidate. Anyone who is a British subject aged 21 or over, and is not otherwise disqualified may stand as a candidate in any constituency at a parliamentary election.

The House of Lords consists of the Lords Temporal and the Lords Spiritual. The Lords Temporal may be sub-divided into (i) all hereditary peers and peeresses of England, Scotland, Great Britain and the United Kingdom who have not disclaimed their peerages under the Peerages Act, 1963, (2) all life peers and peeresses created by the Crown under the Life Peerages Act, 1958 and (3) Lords of Appeal in Ordinary who are appointed under the terms of the Appellate Jurisdiction Act, 1876 to assist the House in the performance of its judicial duties and who remain members of the House after their retirement. The Lords Spiritual are the Archbishops of Canterbury and York, the Bishops of London, Durham and Winchester, and 21 other bishops of the Church of England, according to their seniority as diocesan bishops. There are about 900 peers who have the right to a seat in the House of Lords. The House of Lords is presided over by the Lord Chancellor, who takes his place on the woolsack as *ex-officio* Speaker of the House.

Western Samoa

The Parliament of Western Samoa comprises the Head of State and the Legislative Assembly. The Legislative Assembly has 45 members elected from territorial constituencies on a franchise confined to *matais* (Elected family leaders) and 2 members elected on universal adult suffrage from the individual voters' roll, which has replaced the old European roll. It has a three-year term. The Speaker is elected from among the members.

There are no formally established political parties and as a consequence parliamentary candidates generally campaign as individual candidates.

Zambia

Northern Rhodesia, under the name of the Republic of Zambia, became independent on 24th October, 1964. The 1964 Constitution was amended in December 1972 to provide for the introduction of a one party State and a new Constitution was adopted in August, 1973. The new Constitution stipulated that there should be only one political party or organisation in Zambia, namely, the United National Independence Party (UNIP).

Under the new Constitution, Parliament of Zambia consists of the President and a National Assembly. The National Assembly is unicameral and has 125 elected members. In addition, the President may nominate up to ten special members to the Assembly. The National Assembly is presided over by an elected Speaker. The normal life of Parliament is five years. There must be a parliamentary session at least once a year, and since independence the Assembly has divided each of its sessions into three or four meetings.

Sources

1. *Britain*, 1975, *An Official Handbook.*
2. *The Constitution of Sri Lanka*, 1972.
3. *The Europa Year Book*, 1974, Vols. I and II.
4. *The New Zealand Official Year-Book*, 1974.
5. William Tordoff (*ed.*) *Politics in Zambia*, Manchester, Manchester University Press, 1974.
6. *The Statesman's Year Book*, 1974-75.
7. John Paxton, *World Legislatures*, London, the Macmillan Press, 1974.
8. *A Year-Book of the Commonwealth*, 1973 *and* 1974.
9. *The Parliamentarian*, July 1975.

ANNEXURE

STATEMENT SHOWING SALARY, ALLOWANCES AND OTHER MAIN PARLIAMENTS IN VARIOUS

Name of the Country	Officers/Members of Parliament	Salary	Special allowances	Daily allowances
1. Australia	*House of Representatives* :	($Australian Dollar)		
	Speaker	$10,500 p.a. (plus salary & allowances payable as Member except daily allowance)	$4250 p.a.	
	Chairman of Committees	$4,000 p.a. (do.)		
	Leader of the Opposition	$10,500 p.a.(do.)	$4875 p.a.	
	Members]	$14,500 p.a. (as basic Parliamentary allowance)	$4,100 (as electorate allowance)	$22 per day (as living away from home allowance; $15 for those residing in Canberra and $25 for attending Parliamentary Committee meetings outside Canberra).
	Senate :			
	President			
	Chairman of Committees Senators	Salary and allowances are same as that of the Speaker, Chairman of Committees and Members above.		
2. Bahamas.	*House of Assembly*: ($Bahamian dollars)			
	Speaker	$20,813 p.a.		

II

FACILITIES AVAILABLE TO OFFICERS AND MEMBERS OF COMMONWEALTH COUNTRIES

Travel allowances/ facilities	Other Allowances	Pension	Other main facilities fo Members
			(1) Each Member is provided with an office in Parl. House, Canberra & in his electorate with telephone service provided therein for unrestricted use (except overseas calls); 50% of local calls in a Member's private residence are also free.
(1) $22 per day for travel to Canberra & back not exceeding 2 days each journey to attend Parliamentary Sittings. (2) Travel warrants issued for travel by air, rail or motor coach within Australia; facilities also given for travel to external territories/overseas.	*Stamp Allowance*: Members representing city electorates—$240 p.a., and those representing country electorates—$300 p.a.	A Parliamentary retiring allowance is given; Members have to contribute 11¼% of their Parliamentary allowance: benefits depend on whether retirement is voluntary or involuntary, age & period served—it being 50% of Parliamentary allowance after completing 8 years of service, increased by 2% for each additional year upto 19 years and going upto 75% for 20 years of service or more.	(2) Each Member may engage a Secretary/ typist for his electorate office at Government expense; steno assistance is also provided in Parliament House, Canberra. (3) Reference and research facilities of Parliament Library are made available. (4) Free issue of all parliamentary papers/ Govt. publications and embossed Parliamentary stationery upto 20 reams per year. (5) Food in refreshment rooms in Parliament House, Canberra is available at subsidised rates. No housing assistance nor any medical facilities are provided.
Travelling & Transport allowance of $1140 as representing constituency in Family Islands.	(i) Housing allowance of 5% of salary. (ii) Non-pensionable allowance of 5% of salary.		1. Salaries and allowance of Members are not taxable. 2. Members are entitled to use telephone and postal facilities within the House.

Name of the Country	Officers/Members of Parliament	Salary	Special allowances	Daily allowances
	Deputy Speaker	$12,825 p.a.		
	Leader of the Opposition	$12,825 p.a.		A subsistence allowance paid if representing Family Islands & living there to attend Sittings.
	Members	$9,775 p.a.	5% of salary as special allowance	
	Senate:			
	President		$7,000 p.a. (as honoraria)	
	Vice-President		$6,000 p.a. (do)	
	Members		$4,643 p.a. (do).	
3. Barbados	*House of Assembly*	($East Caribbean dollars)		
	Speaker	$13,200 p.a.		Duty all. $4,800 p.a.
	Dy. Speaker	$8,400 p.a.		Do.
	Members	$7,200 p.a.		Do.
	Senate:			Duty all.
	President			$3,000 p.a.
	Members			Do.
4. Bangladesh		(T=Taka)		
	Speaker	T. 2200 p.m.		
	Deputy Speaker	T. 2000 p.m.		
	Members	T.1500 p.m.		T.50 +T15 as conveyance allowance per day.

Travel allowances/ facilities	Other allowances	Pension	Other main facilities Members
Travelling and Transport allowance of $570 as rep. constituency in New Providence.	As (i) and (ii) above		
		No pension.	
Travelling and Transport allowance of $570 or $1140 depending on constituency.			
	Entertainment allowance $1800 p.a.	No pension	Duty allowance is tax-free.
	Entertainment allowance $1800 p.a.		
	Sumptuary allowance T. 1000 p.m.		
	Sumptuary allowance T. 750 p.m.		
(i) Journey on Parliamentary business—by rail/air/ steamer—1½ fare of highest class; by road-mileage allowance @T.I. per mile.		No Pension	(i) Salary is free of income-tax. (ii) Medical facilities are same as provided to a gazetted officer (Cl.I); also entitled to a meidcal allowance of T. 200 p.m.

Name of the Country	Officers/Members of Parliament	Salary	Special allowances	Daily allowances
5. Botswana	*National Assembly*: (R—South African Rand) -			
	Speaker	R 2,000 p. a.		as for Members
	Leader of the Opposition:	R 2,000 p. a.		Do.
	Members	R 1,500 p. a.		R 6 per day; Members in Gaborone also receive an all. to cover total expenses.
6. Canada	*House of Commons*: ($—Canadian dollars)			
	Speaker	$9,000 p.a. (in addition indemnity expense all. as a Member)		
	Dy. Speaker	$6000 p.a. (do)		
	Dy./Asstt. Dy. Chairman of Committees.	$4000 p.a. (do)		
	Leader of the Opposition	$15,000 p.a. (do)		
	Members	Sessional indemnity 18,000 p.a.		Nil

Travel allowances/ facilities	Other allowances	Pension	Other main facilities for Members
(ii) Vouchers also provided to each Member for travel by air/rail/ steamer within Bangladesh at any time provided total value does not exceed T. 3000 in a year.			(iii) Entitled to a telephone at residence on Govt. expense; charges payable by Govt. not to exceed T. 3600 per annum.
			(i) Tax relief on allowances.
			(ii) Assistance by Secretariat staff when asked for.
First class rail ticket or 12 cents per mile if using own car (as transport allowance); air travel also paid by Govt.	Constituency all. varying from R. 100 to 200 a year depending on size of constituency.	No pension	No office accommodation, telephone or postal facilities are provided.
	(i) Motor-car all. $ 1000 p.a.		1. Expense allowance is not subject to income-tax.
	(ii) Residence all. $ 3000 p.a.		
	Residence all. $ 1500 p.a.		2. Members are allowed free telephone calls (including long distance calls when these originate in Ottawa).
	Motor-car all. $ 2000 p.a.		3. Mail sent by or addressed to a Member of House of Commons may be transmitted to or from any point in Canada free of postage.
			4. Each Member of the House of Commons provided with one Private Secretary, who is on the establishment of the House.
(i) Expenses incurred on travelling between place of residence/constituency and Ottawa by common carrier/ motor vehicle are paid (not in excess of air economy fares), subject to certain conditions.	Expenses all. : $ 8000 to $ 9650 (depending on electorate)	An annual retiring allowance is paid subject to certain contribution from Member's sessional indemnity and other conditions.	5. Each Member is assigned an office which he shares with his Secretary. 6. Besides the reference service of Parliament Library, Research facilities are also made available to Members, Committees of the House and Parliamentary Delegations through the Re-

Name of the Country	Officers/Members of Parliament	Salary	Special allowances	Daily allowances
	Senate :			
	Speaker	$ 9000 p.a. (in addition to indemnity & expense all. as a Senator)		
	Leader of the Opposition	$ 6,000 p.a. (do)		
	Senator	Sessional indemnity $ 18,000 p.a.		
7. Fiji	*House of Representatives* :	($=Fijian dollars)		
	Speaker	$ 6,500 p.a.	$ 750 (as Expense Allowance)	
	Leader of the Opposition	$ 6,250 p.a.	Do.	
	Members	$ 4,000 p.a.		*Accommodation and Travelling Allowance* $ 15 per day or actual cost of hotel accommodation & meals to Members living 25 miles away from Suva/outside Vili Levu and who stay in Suva for attending meetings.
	Senate :			
	President	$ 1750 p.a.		*Daily attendance allowance.* $12·50 per day
	Vice-President	$ 1500 p.a.		Do.
	Senator	$ 1250 p.a.		Do.

Travel allowances/ facilities	Other allowances	Pension	Other main facilities for Members
(ii) Free rail travel on any train in Canada allowed.	(i) Motor-car all. $1000 p.a. (ii) Residence all. $3000 p.a.		search Branch of the Library. This Branch is responsible for the preparation of documented reports and background papers on subjects of interest to Members and in accordance with their requests.
	Expense all. $4000 p.a.	Do.	No housing facilities are provided.
Do.			
	Constituency allowance as for Members.		1. The Constituency and expense allowances are not taxable. 2. Full rental of private telephone plus 75% of all calls (50% of Senate Members) are reimbursed by Govt.
Actual cost of travelling from home to Suva and back paid; if uses own car mileage allowance paid.	1. *Constituency Allowance* $300 to 1800 paid per annum depending on grading of constituency. 2. *Postage stamp allowance* 120 stamps per month (ordinary letter rate of 2c.)		

Name of the Country	Officers/Members of Parliament	Salary	Special allowances	Daily allowances
8. Gambia	*House of Representatives*	(D-Dalasi)		
	Speaker	D 5,000 p.a.		
	Dy. Speaker .	D 3,900 p.a.		
	Leader of the Opposition .	D 4,200 p.a.		
	Members .	D 3,600 p.a.		Subsistence Allowance of D 10 (for those living outside Banjul) and D5 (for those in Banjul) each day.
9. Grenada	*House of Representatives*	($ East Caribbean dollars)		
	Speaker .	$ 9,600 p.a.		
	Dy. Speaker .	$ 7,200 p.a.		
	Leader of the Opposition	$ 4,800 p.a.		
	Members .	$ 3,000 p.a.		
	Senate :			
	President .	$ 3,600 p.a.		
	Members .	$ 1,200 p.a.		
10. Guyana	*National Assembly*	($-Guyana dollars)		
	Speaker .	$ 500 p.m.		Duty all. $ 400 p.m.
	Dy. Speaker .	$ 350 p.m.		Duty all. $ 100 p. m. also Subsistence all. $ 4·80 per day or actual expenses.
	Members .	$ 250 p.m.		Do.

Travel allowances/ facilities	Other allowances	Pension	Other main facilities for Members
	Transport allowance of D 2400 p. a. to maintain private car.		1. Members are allowed 50% tax relief on allowances. 2. Free local calls from telephones in the House allowed. No postal or accommodation facilities are provided.
Allowed free travel to and from meetings of Parliament/ Committees & for these trips an allowance of D 90, D 60 or D30 paid, depending on distance of constituency.		No pension	
Travel All. $ 600 p.a.	Entertainment All. $ 2400 p.a.+1200 house allowance.		
Do.	Ent. All. $ 2400 p. a.		
$ 780 p.a.	Ent. All. $ 1200 p.a.		
$ 600 p.a.	..		
$ 480 p. a.	Ent. All. $ 1200 p.a.+1200 house All.		
Travel All. $ 130 p.m.	(i) Ent. All. $ 100 p.m. (ii) House All. $ 80 p.m. (iii) Chauffeur All. $ 139 p.m.		
Free First Class travel; mileage All. 30 cents per mile or actual expenses.	Telephone All. $ 20 p.m.		Franking of certain postal matters allowed.
Do.	Do.		

Name of the Country	Officer/Members of Parliament	Salary	Special allowances	Daily allowances
	Leader of the Opposition	$ 500 p.m.		$ 300 p.m., also Sub. All. as above.
11. India	*Lok Sabha* .	(Rs. Indian rupees).		
	Speaker .	Rs. 2250 p.m.		
	Dy. Speaker .	Rs. 2250 p.m.		
	Members .	Rs. 500 p.m.		Daily allowance Rs. 51 per day for attending sessions & sittings/ tours of Committees.
	Rajya Sabha			
	Chairman .	Rs. 2250 p.m.		
	Dy. Chairman .	Rs. 2250 p.m.		
	Members .	Rs. 500 p.m.		Do.

Travel Allowance/ facilities	Other Allowances	Pension	Other main facilities for Members
Do.	Do. Also an All. of $ 1,000 p.m. for upkeep of office.		
			1. The daily allowance and travelling allowance are exempt from income tax.
	Sumptuary all. Rs. 500 p.m.		2. A Member is entitled to have two free telephones, one at residence/ office in Delhi and the other at the usual place of residence. 7,500 local calls in a year are free on each telephone.
	Sumptuary all. Rs. 250 p.m.		
1. T.A. for attending sittings of House/ Committees & back.		No pension.	3. Housing provided to all Members and rent is 25% less than the monthly rent of that residence.
(a) by air 1-1/4 air fare.			
(b) by rail—one first class & one third class fare (one first class) for intermediate journey.			4. Members and their families are entitled to free medical consultation/treatment at Delhi and certain other metropolitan cities. For treatment outside these cities, reimbursement of medical expenses is made.
(c) by road Re. 1 per km.			
2. One free first class rail pass given to travel at any time by any railway in India.			5. Food and beverages are provided in Refreshment Room in Parliament House at approved rates.
	Sumptuary allowance Rs. 500 p.m.		
	Sumptuary allowance Rs. 250 p.m.		6. Office accommodation is made available to major political parties and groups (not to individual Members) in Parliament House.
Do.		Do.	7. Members are also entitled, from September 1, 1975, to certain additional facilities of housing, postal, water, electricity, constituency and secretarial facilities as are not covered by other rules or to re-

Name of the Country	Officers/Members of Parliament	Salary	Special allowances	Daily allowance
12. Jamaica	*House of Representatives*	($-Jamaica dollars)		
	Speaker	$ 12,000 p.a.		
	Dy. Speaker	$ 8,500 p.a.		
	Members	$ 7,500 p.a.		Commuted subsistence all. $1320 p. a. plus $ 15 per night if House sits in excess of 22 weeks in a year (for those only who represent outside constituencies).

Travel Allowance/ facilities	Other Allowances	Pension	Other main facilities for Members
			ceive an amount of Rs. 500 per mensem in lieu thereof. 8. There is a Library, Reference, Research, Documentation and Information Service. Apart from library, reference and documentation services, research facilities are also made available to Members, Committees of the House and Parliamentary delegations. The Research Wing is responsible for the preparation of Information Bulletins, Background Notes, Briefs, etc. on subjects of interest to Members and in accordance with their requests.
	(i) Ent. all. $ 2000 p.a. (ii) Constituency all. $ 6000 p.a. (iii) Motor car depreciation all. $ 1000 p.a. plus a Chauffeur all. $ 50 per week. (iv) House all. $ 350 per month.		1. Entertainment and travelling allowances and office expenses are tax-free. 2. Free postage and telegrams are allowed throughout the Island. 3. Free stationery is provided at Parliament House.
Travel all. (i) $ 1300 p.a. for travelling within constituencies. (ii) Free rail passes. (iii) Mileage all. to & from Parliament 22 return journeys each year on certain conditions.	(as for Members) (i) Ent. all. $ 1000 p.a. plus a chauffeur all. $ 40 per week. (ii) Motor car dep. all. $ 1000 p.a. (iii) Constituency all. $ 4500 p.a.	A retiring all. is payable to a legislator for life equal to his total contribution made at 6% of basic salary under certain conditions.	

Name of The Country	Officers/Members of Parliaments	Salary	Special allowances	Daily allowances
	Leader of the Opposition	$ 11,000 p.a.		
	Senate :			
	President . .	$ 3,000 p.a.		
	Members . .			As above or a Senetorial all. $ 30 each day of sitting.
13. Kenya	*National Assembly* (K£—*Kenya Pounds*)			
	Speaker	K£ 1200 p.a.	K£ 1850 p.a. (as Responsibility all.)	
	Dy. Speaker	Do.	K£ 663 p.a. (,,)	
	Members	Do.		
14. Lesotho	(Information not available).			
15. Malawi	*National Assembly* (K—Kwachas)			
	Speaker	K 6,000 p.a.		
	Dy. Speaker	K. 1400 p.a. (in addition to salary & allowance as Member)		

Travel Allowance/ facilities	Other allowances	Pension	Other main facilities for Members
Travel all. $ 1000 p.a.	(i) Ent. all. $ 2000 p.a. (ii) Secretarial all. $ 1000 p.a. (iii) Constituency & Motor car all. as for Speaker.		dayl
(i) Free rail passes. (ii) Mileage all. 16.2 cents. per mile.	Ent. all. $ 1500 p.a.		1. Allowances are exempt from income-tax.
A trav. all. paid plus mileage all. K£ 240 per annum.	(i) Sitting all. K£ 1200 p.a. (ii) House All. K£ 1200 p.a. (when no house provided).		2. Free stationery is supplied on request. 3. Facilities and services of Parliamentary Library are made available.
Do.	(i) as (i) above. (ii) as (ii) above. (iii) Constituency all. K£ 270 p.a.		No special telephone, postal, Secretarial or office accommodation facilities are provided.
First class return rail or air ticket given to attend sittings; a transport all. if travel by road.	(i) and (iii) as above Const. all. (to elected Members only).	Pension or ex-gratia-amounts are granted.	
			1. All allowances are tax-free. 2. Franking privilege on all correspondence allowed. 3. Free supply of Hansards, Bills, Gazettes and all Govt. Publications.

Name of country	Officers/Members of Parliaments	Salary	Special allowances	Daily allowances
	Members	K. 1400 p.a.		Attendance all. K 6 per day
16. Malaysia	*House of Representatives* :	($—Malaysian dollars)		
	Speaker	$. 2250 p.m. + $ 1000 p.m. (as monthly allowance as a Member)		
	Leader of Opposition	$ 1000 p.m. (as allowance) plus monthly allowance as a member.		
	Members	$ 1000 p.m. (as a monthly allowance)	..	Subsistance allowance $ 50 for every 24 hrs. or part thereof for attending meetings (for those residing above 20 miles ; for others actual expense)
	Senate			
	President	$2000 p.m. + $750 (as monthly allowance as a Member)		
	Members	$750 p.m. (as a monthly allowance)		Do.
17. Malta	*House of Representatives* :	(£ M—Maltese pounds)		
	Speaker	£ M 1500 p.a. (as honorarium)		
	Dy. Speaker	£ M 1200 p.a. (")		

Travel Allowance/ facilities	Other Allowances	Pension	Other main facilities for Members
(i) Mileage allowance 8 't per mile for use of own car. (ii) Free travel to & from meetings of Parliament/Committees. (iii) Accommodation allowance K. 4·50 per night while travelling to & from meetings of Parliament.	Duty Constituency allowance K 80 p.m.	Under a Parliamentary superannuation scheme. Members pay 5% of their salaries and Govt. pays 10% to National Insurance Company. Benefits after death or retirement.	1. Members are exempted from Income-tax in respect of monthly allowance. 2. Members are entitled to a rent-free telephone in their private houses and free medical attention in Govt. Hospitals.
(i) Travelling allowance $150 p.m. (ii) A complementary railway pass given to travel any where in Malaysia; refund of air or sea expenses allowed for attending meetings.		Pension at 1/540th of annual salary for each completed month of reckonable service, subject to certain conditions; a gratuity also payable.	
Do.		Do.	
			1. Members are allowed free postage on internal mail. 2. Free telephone service at residence or office.

Name of Country	Officers/Members of Parliament	Salary	Special allowances	Daily allowances
	Leader of the Opposition	£M 1400 p.a. (as honorarium)		
	Members	£ M 1080 p.a. (")		
18. Mauritius	*Legislative Assembly*	(R=Mauritius rupees)		
	Speaker	Rs. 48,000 p.a		
	Dy. Speaker	Rs. 32,000 p.a. (as an allowance)		
	Dy. Chairman of Committees	Rs. 26,000 p.a. (Do.)		
	Leader of Opposition	Rs. 40,000 p.a. (Do.)		
	Members	Rs. 24,000 p.a. (Do.)		
19. Nauru	*Parliament of Nauru* :	($=Australian dollar)		
	Speaker	$ 1500 p.a.+ 1750 as Member's allowance		
	Dy. Speaker	$ 750 p.a.+ $1750 as Member's allowance		
	Members	$ 1750 p.a. (as an allowance)		
20. New Zealand	*House of Representatives*	($=New Zealand dollars)		
	Speaker	$ 16,500 p.a.		Sessional allowance $ 4 per sitting.

Travel Allowance/ facilities	Other Allowances	Pension	Other main facilities for Members
	£ M 480 (for sectt.assistance)		3. Free stationery and copies of Govt. publications.
£M 2 per sitting (for those residing in Gozo)		A contribution of L M 24 p.a. is deducted from Honorarium and on retirement a Member is paid a retiring allowance subject to certain conditions.	
	(i) En.all. Rs. 12,000 p.a. (ii) House all. Rs. 6,000 p.a. (iii) Chauffeur all. Rs. 3600 p.a.		1. Parliamentary allowances are exempt from any tax leviable on income. 2. Members are entitled to free postage, rent-free telephone and local free calls and free Stationery.
	Entertainment Allowance $ 300 p.a.		
	Entertainment Allowance $ 100 p.a.		
	Entertainment Allowance $ 100 p.a.		1. Allowances are not taxable.
T.A.$ 14 per day.	Expense allowance $ 1500 p.a. + normal allowance (as member.)		2. Full rental of a Members' telephone and 75% of cost of all toll calls within New zealand are met by the State.

Name of country	Officers/Members of Parliament	Salary	Special allowances	Daily allowances
	Chairman of Committees	$ 14,000 p.a.		Sessional Allowance $ 4 per sitting.
	Leader of Opposition	$ 18,000 p.a.		
	Members	$ 11,000 p.a.		Sessional Allowance $ 4 per sitting ($ 10 per night for those from outside Wellington).
21. Sierra Leone	*House of Representatives.*	(Le=Leone)		
	Speaker	Le.5,700 p.a.		
	Leader of Opposition	Le. 3,300 p.a.		
	Members	Le. 2040 p.a.		Le. 4 per night for attending meetings.

Travel Allowance/ facilities	Other Allowances	Pension	Other main facilities for Members
	Expense allowances $ 900 p.a. (plus normal allowances as Member).		3. Each party has the assistance of a research unit, comprising of a Research Officer and supporting staff of five. 4. Free stationery is supplied to Members, as required.
T.A. $ 1275 p.a. plus day and night allowance as for Member	(i) Expense allowance $ 2000 p.a. (ii) Residence allowance $ 600 p.a.		
Free air, rail, road or steamer travel	1. Basic expense and electorate allowance $ 2350 p.a. plus addl. allowance ranging from $ 110 to $138 depending on electorates. 2. An allowance of $ 23 p.m. for postal, telephone & telegraphic use ; also free franking service. 3. Setting-up allowance $ 100 after first election.	Pension 1/32nd of basic salary for each year of service under certain conditions ; annual contribution by a Member is 11% of salary.	
	(i) Entertainment allowance Le. 480 p.a. (ii) Rent Allowance Le. 600 p.a. if no free house.		
	(i) Entertainment Allowance Le. 240 p.a. (i) Rent Allowance Le. 300 p.a.		
Transport Allowance 15 cents per mile if travel by own car	(i) Constituency allowance Le. 720 p.a. (ii) Rent Allowance Le. 300 p.a.	No Pension.	

Name of Country	Officers/Members of Parliament	Salary	Special allowances	Daily allowances
22. Singapore	*Legislature* :	($=Singapore dollars)		
	Speaker	$. 78,000 p.a.	$. 12,000	
	Dy. Speaker	$ 6,000 p.a. (as allowance)	Do.	
	Members		Do.	
23. Sri Lanka	*National State Assembly*:	(Rs.=Sri Lanka Rupees)		
	Speaker	Rs. 18,000 p.a.		
	Dy. Speaker/Chairman of Committees (one office)	Rs. 12,000 p.a.		
	Dy. Chairman of Committees	Rs. 12,000 p.a.		
	Leader of Opposition	Rs. 18,000 P.a.		
	Members	Rs. 12,000 p.a. (as total annual allowance).		

Travel Allowance/ Facilities	Other Allowances	Pension	Other main facilities for Members
	Entertainment allowance $4,800 p.a.		1. Members are allowed free franking on official correspondence; also supplied free envelopes. 2. Local telephone calls from Parliament House are free.
		Pension payable after completing 9 years service under certain conditions.	There are no travel concessions, no special office accommodation or Secretarial assistance.
	(i) Entertainment Allowance Rs. 10,000 p.a. (ii) For staff of official residence Rs. 4320 p.a. (iii) For maintenance of official conveyance Rs. 10,000 p.a.		1. Members enjoy free postage, telegraph and telephone facilities for State business. 2. Members are provided with a clerk paid by Government (Rs. 3864 p.a.) to attend to secretarial work in constituencies. 3. Stationery is provided free of charge.
(i) Free air travel to attend meetings; a free all-Island railway ticket (I class) also issued. (ii) Allowance of Rs. 400 given to meet travel and subsistance expenses.		No pension.	

Name of Country	Officers/Members of Parliament	Salary	Special Allowances	Daily Allowances
24. Tanzania	*National Assembly*:	(Sh.=Tanzanian shilling)		
	Speaker	Sh. 43,200 p.a.		
	Dy. Speaker	Sh. 10,000 p.a. plus salary and allowance as a Member		
	Members	Sh. 14,000 p.a.		Subsistance allowance Sh. 75 per night for those living outside Dar-es-Salaam and Sh. 30 for those in Dar-es-Salaam per sitting.
25. Tonga	*Legislative Assembly*:	(T $=Pa'-anga)		
	Speaker	T $1100 p.a.		
	Members	T $650 p.a.		T $ 5.50 per day of attendance.
26. Trinidad & Tobago	*House of Representatives* :	($=Trinidad & Tobago dollars)		
	Speaker	$1500 p.m.		
	Deputy Speaker	$800 p.m.		
	Leader of Opposition	$1800 p.m.		
	Members	$750 p.m.		

Travel Allowance/ Facilities	Other Allowances	Pension	Other main facilities for Members
			1. All allowances are tax-free.
	Entertainment allowance, Sh. 6,000 p.a.		2. Free air travel insurance (for sum of Sh. 100,000) is provided for travelling on parliamentary duties.
			3. Free Office accommodation is provided at each district Hqr. of the party.
Free first class rail or air fare paid for attending meetings.	(i) Constituency allowance Sh. 750 p.m.	No pension.	
	(ii) Postage allowance Sh. 41/70 p.m.		
Commuted T.A. $200 p.m.	(i) Entertainment allowance $120 p.m.		
	(ii) Chauffeur allowance $245 p.m.		
	(iii) House allowance $250 p.m.		
Commuted T.A. $250 p.m.			
Commuted T.A. $450 p.m.	Chauffeur allowance $150 p.m.		There is a contributory pension system. Members have to contribute 6% of salary and a retiring allowance is payable to them under certain conditions.
(i) Commuted T.A. $250 p.m. (25% more for those residing in Tobago).			
(ii) Mileage allowance 20 cents per mile (who live 5 miles away from city)			

Name of Country	Officers/Members of Parliament	Salary	Special Allowances	Daily Allowances
	Senate :			
	President	$1,200 p.m.		
	Vice-President	$850 p.m.		
	Members	$600 p.m.		
27. United Kingdom	*House of Commons*:	(£=Pounds Sterling)		
	Speaker	£13,000 p.a. +£ 3,000 p.a. (as reduced parl. salary)		
	Leader of the Opposition	£9,500 p.a. +£3,000 p.a.(,,)		
	Members	£ 5,750 p.a.		No D.A.
	House of Lords :			
	Lord Chairman of Committees	£6,750 p.a.		
	Opposition Leader	£3,500 p.a.		
	Members			Entitled to recover expenses incurred for attending sittings of House/Committees.

Travel Allowance/ Facilities	Other Allowances	Pension	Other main facilities for Members
Commuted T.A. $200 p.m.	(*i*) Entertainment allowance $ 120 p.m. (*ii*) Chauffeur allowance $ 245 p.m. (*iii*) House allowance $ 250 p.m.		
Commuted T.A. $150 p.m.			
Do.			
	London Supplement £340 p.a. (except when official residence provided)		1. Telephone calls from House of Commons and postage on Parliamentary business within U.K free.
	Do.		2. House of Commons stationery is provided free of charge.
			3. A large number of rooms are available inside and outside precincts providing writing places to Members.
Members provided with first class vouchers for journeys by rail, sea, or air between London, home and constituency on Parl. business; for journey by private car an allowance of 10.2 p. per mile is paid.	(*i*) as above to London Members. Other Members entitled for higher all. for stay away from main residence. (*ii*) Secretariat all. £3200 p.a. (tax-free). (*iii*) Add. costs all. £ 1350 p.a.	Pension payable at age of 65 years, provided a Member has served 4 yrs. or more at rate of 1/60th of salary for each year of reckonable service; Members required to pay 5% of salary into pension fund; provision also for reduced pension from age of 60.	No housing or medical facilities are provided.
	London Supplement £ 340 p.a. (except when official residence provided)		
	Do.		
Travel expenses for attending House reimbursed; an all. of 10.2 per mile for journey by car.			

Name of Country	Officers/Members of Parliament	Salary	Special Allowances	Daily Allowances
28. Western Samoa	*Legislative Assembly* : ($=Western Samoan dollars)			
	Speaker	$ 3,500 p.a.		
	Dy. Speaker	$ 2,000 p.a.		
	Members	$ 1,500 p.a.		Sitting allowance $ 1.00 per hour when attending meetings of Committees.
29. Zambia	*National Assembly* : (K=Kwacha)			
	Speaker	K 7,000 p.a.	K 3,100 p.a.	
	Dy. Speaker	K 6,000 p.a.	K 2,000 p.a.	
	Members	K 3,900 p.a.	K. 1,200 p.a.	(*i*) Subsistence allowance K 144 p.a. to those living within 40 Km. from Lusaka and K. 480 p.a. to those living beyond 40 km. (*ii*) An allowance of K. 6.30 per day paid to attend meetings of committees on a day which is not a sitting day of Assembly.

Sources 1. General Council of the Commonwealth Parliamentary Association Parliamentary Information and eference Centre : *Monograph on Salaries and Allowances of Commonwealth Parliamentarians*, 1973.

2. The Society of (Clerks-at the Table) in Commonwealth Parliaments ; *The Table*, 1974, pp. 150-152.

3. Lok Sabha Secretariat—Joint Committee on Salaries and Allowances of Members of Parliament (Fifth Lok Sabha) ; *Brochure on Salaries, allowances and amenities enjoyed by Members of certain Foreign Parliaments*, May, 1974.

4. *Ibid.*, May, 1975.

Travel Allowance/ Facilities	Other Allowances	Pension	Other main facilities for Members
	Expense allowance $ 500 p.a.		
	Do.		
	Do.		A payment of 10% of each Member's basic salary is made by Govt. to a Parliamentary Retirement Fund. No contribution is required from Members. The fund provides for a lump sum payment on Members' retirement.
	Housing Allowance K. 960 p.a.		1. All allowances and gratuity are tax-free. 2. Each Member is covered by a personal accident insurance policy upto an amount of K. 12,000 the premium for which paid by Government.
	Do.		
Free air or rail travel to attend meetings of Assembly / Committees; also a transport allowance of K.2.10 per day spent away from home, a Lusaka transport allowance of K.2 per day for using own car, etc. given.	(*i*) Constituency allowance K 500-800 p.a., depending on size of constituency (K. 400 to nominated Members). (*ii*) Postal allowance K. 100 p.a.	Gratuity of 12½% of salary is paid to a Member who has continuously served for 3 years.	

5. General Council of the Commonwealth Parliamentary Association, Houses of Parliament, London : *The Parliamentarian*, April, 1974, pp. 101-102.

6. *Ibid.*, January, 1975, pp. 28-30.

7. *The Times*, London, July, 17, 1975.

ANNEXURE III

THE WHO'S WHO IN COMMONWEALTH PARLIAMENTS

A. Commonwealth Parliamentary Association

Officers of the Association

President

HON. DR. G. S. DHILLON, MP (*Speaker of the Lok Sabha,* India)

Vice-President

HON. R. GUJADHUR, CMG, MLA (*Deputy Speaker of the Legislative Assembly,* Mauritius)

Hon. Treasurer

RT HON. A. BOTTOMLEY, OBE, MP (United Kingdom)

Members of the Exective Committee

Chairman

HON. G. A. REGAN, QC, MLA (*Premier,* Nova Scotia)

Ex-officio Vice-Chairman

The President

Ex-officio Members

The Vice-President

The Immediate Past President

MR. S. TILLEKERATNE, MP (*Speaker of the National State Assembly,* Sri Lanka)

The Hon. Treasurer

Regional Councillors

AFRICA

HON. SHERIFF M. DIBBA, MP (*Minister for Economic Planning and Development,* The Gambia)

HON. M. P. K. NWAKO, MP (*Minister of Health,* Botswana)

ASIA

MR. M. M. R. CHOWDHURY, MP (Bangladesh)

DR. HENRY AUSTIN, MP (India)

AUSTRALIA

MR. VAOVASAMANAIA R. P. PHILLIPS, MP (Western Samoa)

MR. R. H. SHERRY, MP (Commonwealth of Australia)

CANADA

SENATOR THE HON. ALLISTER GROSART (Canada)

HON. F. A. DEWHURST, MLA (*Speaker of the Legislative Assembly,* Saskatchewan)

SOUTH-EAST ASIA

HON. DR. MAHATHIR BIN MOHAMAD, MP (*Minister of Education,* Malaysia)

MR. SIA KAH HUI, MP (*Minister of State for Labour and Government Whip,* Singapore)

UNITED KINGDOM AND MEDITERRANEAN

SENATOR C. S. DUPRE, MC (*President of the Tourism Committee,* Jersey)

SIR BERNARD BRAINE, MP (United Kingdom)

WEST INDIES, CENTRAL AND SOUTH AMERICAN MAINLAND

MR. J. M. G. M. ADAMS, MP (*Leader of the Opposition,* Barbados)
MR. J. R. FORD, MP (Bahamas)

B. The Commonwealth Parliaments

AUSTRALIA

SENATOR THE HON. JUSTIN H. O'BYRNE

President of the Senate.

HON. GORDON G. D. SCHOLES, MP

Speaker of the House of Representatives.

MR. JAMES R. ODGERS, CBE

Clerk of the Senate.

MR. N. J. PARKES, OBE

Clerk of the House of Representatives.

BAHAMAS

SENATOR THE HON. DR. DORIS L. JOHNSON

President of Senate.

HON. A. G. BUTLER, MP

Speaker of the House of Assembly.

MR. P. O. SAUNDERS

Clerk to the Legislature.

BANGLADESH

HON. ABDUL MALEK UKIL, MP

Speaker of Parliament.

MR. S. M. RAHMAN

Secretary of Parliament.

BARBADOS

SENATOR THE HON. SIR THEODORE BRANCKER, QC

President of Senate.

HON. NEVILLE G. A. MAXWELL, MP

Speaker of the House of Assembly.

MR. G. BRANCKER

Clerk of the Senate.

MR. CHEZLEY R. BOYCE

Clerk of the House of Representatives.

BOTSWANA

REV. THE HON. A. A. F. LOCK, CBE, MP

Speaker of National Assembly.

MR. ISSAC P. GONTSE

Clerk of National Assembly.

CANADA

SENATOR THE HON. RENAUDE LAPOINTE

Speaker of the Senate.

HON. JAMES A. JEROME, MP

Speaker of House of Commons.

MR. ROBERT FORTIER, QC
Clerk of the Senate.

DR. ALISTAIR FRASER
Clerk of the House of Commons.

FIJI

SENATOR THE HON. R. L. MUNRO, CBE
President of the Senate.

HON. R. D. PATEL, MP
Speaker of the House of Representatives.

MRS. LAVINIA AH KOY, OBE
Clerk of Parliament.

GAMBIA

HON. DR. SAMUEL H. O. JONES, CBE, MP
Speaker of the House of Representatives.

MR. SAIHOU A. R. N'JAI
Clerk of the House of Representatives.

GRENADA

SENATOR THE HON. GREAVES B. JAMES, OBE, JP
President of the Senate.

HON. R. C. P. MOORE, OBE, JP, MP
Speaker of the House of Representatives.

MR. C. B. STRACHAN
Clerk of Parliament.

GUYANA

HON. SASE NARAIN, JP, MP
Speaker of the National Assembly.

MR. F. A. NARAIN
Clerk of the National Assembly.

INDIA

HON. SHRI B. D. JATTI
Vice-President of India and ex-officio Chairman of the Rajya Sabha.

HON. DR. G. S. DHILLON, MP

Speaker of the Lok Sabha.

SHRI B. N. BANERJEE,

Secretary-General of the Rajya Sabha.

SHRI S. L. SHAKDHER

Secretary-General of the Lok Sabha and President of the Association of Secretaries-General of Parliaments.

JAMAICA

SENATOR THE HON. A. G. R. BYFIELD

President of the Senate.

HON R. S. MACPHERSON, MP

Speaker of the House of Representatives.

MR. H. D. CARBERRY

Clerk of the Legislature.

KENYA

HON. F. M. G. MATI, MP

Speaker of the National Assembly.

MR. L. J. NGUGI

Clerk of the National Assembly.

LESOTHO

HON. J. T. KOLANE

Speaker of the National Assembly.

MR. B. A. TLELASE

Clerk of the National Assembly

MALAWI

HON. NELSON KHONJE, MP

Speaker of the Parliament.

MR. L. M. KHOFI

Clerk of the Parliament

MALAYSIA

Y. B. SENATOR TAN SRI DATUK OMAR YOKE LIN ONG, PMN, SPMS, DPMS

President of the Senate.

HON. TAN SRI DATUK NIK AHMED KAMIL, DK, PMN, SPMK, SJMK, MP

Speaker of the House of Representatives.

MR. LIM JOO KENG

Clerk of the Senate.

DATUK AZIZUL RAHMAN BIN ABDUL AZIZ

Clerk to the House of Representatives.

MALTA

HON. E. ATTARD BEZZINA, MP

Speaker of the House of Representatives.

MR. LEO ABELA

Acting Clerk of the House of Representatives.

MAURITIUS

HON. SIR HARILAL R. VAGHJEE

Speaker of the Legislative Assembly.

MR. G. T. D'ESPAIGNET

Clerk of the Legislative Assembly.

NAURU

HON. KENAS AROL, MP

Speaker of the Parliament.

MR. PATRICK D. COOK

Clerk of the Parliament.

NEW ZEALAND

HON. S. A. WHITEHEAD, MP

Speaker of the House of Representatives.

MR. E. A. ROUSSELL

Clerk of the House of Representatives.

SIERRA LEONE

HON. MR. JUSTICE P. R. DAVIES, MBE

Speaker of the Parliament.

MR. M. MUNU

Acting Clerk of the Parliament.

SINGAPORE

DR. YEOH GHIM SENG, BBM, JP, MP
Speaker of the Parliament.

MR. A. LOPEZ
Clerk to the Parliament.

SRI LANKA

MR. STANLEY TILLEKERATNE, MP
Speaker of the National State Assembly.

MR. S. S. WIJESINHA
Clerk of the National State Assembly.

TANZANIA

HON. CHIEF E. A. M. MANG'ENYA
Speaker of the National Assembly.

MR. W. J. MAINA
Clerk of the National Assembly.

TONGA

HON. MA'AFU
Speaker of the Legislative Assembly.

MR. WILLIAM SALAKIELU
Clerk of the Legislative Assembly.

TRINIDAD AND TOBAGO

SENATOR THE HON. DR. WAHID ALI
President of the Senate.

HON. C. A. THOMASOS, MP
Speaker of the House of Representatives.

MR. I. CARTER
Clerk of the Senate.

MR. G. R. LATOUR
Clerk of the House of Representatives.

UNITED KINGDOM

RT. HON. LORD ELWYN JONES
Lord Chancellor and Speaker of the House of Lords.

RT. HON. SELWYN LLOYD, CH, CBE, TD, QC, MP
Speaker of the House of Commons.

MR. P. G. HENDERSON
Clerk of the Parliaments.

SIR DAVID W. S. LIDDERDALE, KCB
Clerk of the House of Commons.

WESTERN SAMOA

HON. TOLEAFOA TALITUMU, MP
Speaker of the Legislative Assembly.

MR. G. A. FEPULEA'I
Clerk of the Legislative Assembly.

ZAMBIA

HON. R. M. NABULYATO
Speaker of the National Assembly.

MR. N. M. CHIBESAKUNDA
Clerk of the National Assembly.

INDEX TO VOLUME XXI (1975)

GMGIPND—LS II—1393 LS—29-11-75—500.